

**FINDINGS OF THE LOHN
INDEPENDENT SCHOOL DISTRICT BOARD
OF TRUSTEES
UNDER THE
TEXAS ECONOMIC DEVELOPMENT ACT
ON THE
APPLICATION SUBMITTED
BY
HEART OF TEXAS WIND LLC (#1129)**



November 21, 2016

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STATE OF TEXAS §

COUNTY OF MCCULLOCH §

On the 21st day of November, 2016, a public meeting of the Board of Trustees of the Lohn Independent School District (“District”) was held. The meeting was duly posted in accordance with the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code. At the meeting, the Board of Trustees took up and considered the application of Heart of Texas Wind LLC (“Applicant”) for an Appraised Value Limitation on Qualified Property, pursuant to Chapter 313 of the Texas Tax Code. The Board of Trustees solicited input into its deliberations on the Application from interested parties within the District. The Board of Trustees has considered the economic impact analysis and the project certification issued by the Texas Comptroller of Public Accounts. After hearing presentations from the District’s administrative staff, and from consultants retained by the District to advise the Board in this matter, and after considering the relevant documentary evidence, the Board of Trustees makes the following findings with respect to application from Applicant, and the economic impact of that application:

On March 28, 2016, the Superintendent of the District, acting as agent of the Board of Trustees, and the Texas Comptroller of Public Accounts (“Comptroller”) received an Application from Applicant for an Appraised Value Limitation on Qualified Property, pursuant to Chapter 313 of the Texas Tax Code. A copy of the Application is attached as **Attachment A**.

The Applicant, (Texas Taxpayer Id. 32054775853), is an entity subject to Chapter 171, Texas Tax Code, and is certified to be an active franchise taxpayer by the Comptroller. See **Attachment B**.

The Board of Trustees acknowledged receipt of the Application, along with the requisite application fee, established pursuant to Texas Tax Code § 313.025(a)(1) and Local District Policy.

The Application was delivered to the Comptroller for review pursuant to Texas Tax Code § 313.025(d). A copy of the Application was delivered to the McCulloch Appraisal District for review pursuant to 34 Tex. Admin. Code § 9.1054. On May 18, 2016, the Comptroller determined the Application to be complete.

The Application was reviewed by the Comptroller pursuant to Texas Tax Code §313.026, and a Comptroller Certificate was issued on July 12, 2016, in which the Comptroller has determined, inter alia, that: 1) Application is subject to the provisions of Chapter 171, Texas Tax Code; 2) the property meets the requirements of Section 313.024 for eligibility for a limitation on appraised values; 3) the proposed project is reasonably likely to generate tax revenue in an amount sufficient to offset the school district maintenance and operations ad valorem tax revenue lost as a result of the agreement before the 25th anniversary of the beginning of the limitation period; and, 4) the limitation on appraised value is a determining factor in the applicant's decision to invest capital and construct the project in this state. A copy of the Certificate is attached to the findings as **Attachment C**.

The Board of Trustees has previously directed that a specific financial analysis be conducted concerning the impact of the proposed value limitation on the finances of District. A copy of the report prepared by Moak, Casey & Associates, Inc. is attached to these findings as **Attachment D**.

The Board of Trustees has confirmed that the taxable value of property in the District for the preceding tax year, as determined under Subchapter M, Chapter 403, Government Code, is as stated in **Attachment E**.

The Texas Education Agency has evaluated the impact of the project on the District's facilities. TEA's determination is attached to these findings as **Attachment F**.

The Board has adopted the Texas Economic Development Agreement (Form 50-826) as promulgated by the Comptroller's Office. Form 50-826 has been altered only in accordance only the provisions of the template that the Comptroller permitted. The proposed Agreement is attached to these findings as **Attachment G**.

After review of the Comptroller's Certificate and economic analysis, and in consideration of its own studies the Board finds:

Board Finding Number 1.

The Board finds that the property described in the Application meets the requirements of Tex. Tax Code §313.024 for eligibility for a limitation on appraised value.

In support of Finding 1, the Application indicates that:

The Heart of Texas Wind Project ("Heart of Texas" or the "Project") is a proposed wind energy generation project located in McCulloch County Texas. The project is anticipated to generate 150MW. 135MW of power will be generated using 54 which will be located in Lohn ISD.

Property used for renewable energy electric generation is eligible for a limitation under §313.024(b)(5).

Board Finding Number 2.

The project proposed by the applicant is reasonably likely to generate, before the 25th anniversary of the beginning of the limitation period, tax revenue, including state tax revenue, school district maintenance and operations ad valorem tax revenue attributable to the project, and any other tax revenue attributable to the effect of the project on the economy of the state, in an amount sufficient to offset the school district maintenance and operations ad valorem tax revenue lost as a result of the agreement.

In support of Finding 2, the Comptroller's Economic Impact Evaluation and Certification, Attachment C, states:

This represents the Comptroller's determination that Heart of Texas Wind, LLC (project) is reasonably likely to generate, before the 25th anniversary of the beginning of the limitation period, tax revenue in an amount sufficient to offset the school district maintenance and operations ad valorem tax revenue lost as a result of the agreement. This evaluation is based on an analysis of the estimated M&O portion of the school district property tax levy and direct, indirect and induced tax effects from project employment and investment directly related to this project, using estimated taxable values provided in the application.

	Tax Year	Estimated ISD M&O Tax Levy Generated (Annual)	Estimated ISD M&O Tax Levy Generated (Cumulative)	Estimated ISD M&O Tax Levy Loss as Result of Agreement (Annual)	Estimated ISD M&O Tax Levy Loss as Result of Agreement (Cumulative)
Limitation Pre-Years	2015	\$0	\$0	\$0	\$0
	2016	\$0	\$0	\$0	\$0
	2017	\$0	\$0	\$0	\$0
Limitation Period (10 Years)	2018	\$175,500	\$175,500	\$1,914,179	\$1,914,179
	2019	\$175,500	\$351,000	\$1,767,905	\$3,682,084
	2020	\$175,500	\$526,500	\$1,631,869	\$5,313,953
	2021	\$175,500	\$702,000	\$1,505,357	\$6,819,310
	2022	\$175,500	\$877,500	\$1,387,702	\$8,207,012
	2023	\$175,500	\$1,053,000	\$1,278,284	\$9,485,295
	2024	\$175,500	\$1,228,500	\$1,176,517	\$10,661,812
	2025	\$175,500	\$1,404,000	\$1,081,876	\$11,743,688
	2026	\$175,500	\$1,579,500	\$993,857	\$12,737,544
	2027	\$175,500	\$1,755,000	\$912,003	\$13,649,548
Maintain Viable Presence (5 Years)	2028	\$1,033,133	\$2,788,133	\$0	\$13,649,548
	2029	\$981,478	\$3,769,611	\$0	\$13,649,548
	2030	\$932,408	\$4,702,019	\$0	\$13,649,548
	2031	\$885,784	\$5,587,803	\$0	\$13,649,548
	2032	\$841,499	\$6,429,302	\$0	\$13,649,548
Additional Years as Required by 313.026(c)(1) (10 Years)	2033	\$799,426	\$7,228,728	\$0	\$13,649,548
	2034	\$759,459	\$7,988,187	\$0	\$13,649,548
	2035	\$721,481	\$8,709,667	\$0	\$13,649,548
	2036	\$685,409	\$9,395,077	\$0	\$13,649,548
	2037	\$651,140	\$10,046,217	\$0	\$13,649,548
	2038	\$618,579	\$10,664,796	\$0	\$13,649,548
	2039	\$587,656	\$11,252,452	\$0	\$13,649,548
	2040	\$558,277	\$11,810,729	\$0	\$13,649,548
	2041	\$533,081	\$12,343,810	\$0	\$13,649,548
	2042	\$533,081	\$12,876,891	\$0	\$13,649,548

\$12,876,891

is less than

\$13,649,548

Analysis Summary

Is the project reasonably likely to generate tax revenue in an amount sufficient to offset the M&O levy loss as a result of the limitation agreement?

No

Source: CPA, Heart of Texas Wind, LLC

Year	Employment			Personal Income			Revenue & Expenditure		
	Direct	Indirect + Induced	Total	Direct	Indirect + Induced	Total	Revenue	Expenditure	Net Tax Effect
2016	0	0	0	\$0	\$0	\$0	0	0	\$0
2017	200	235	434.57	\$8,600,000	\$23,750,000	\$32,350,000	1632690	-785828	\$2,418,518
2018	4	23	27	\$171,100	\$3,858,900	\$4,030,000	183105	282288	-\$99,183
2019	4	12	16	\$171,100	\$2,638,900	\$2,810,000	175476	297546	-\$122,070
2020	4	4	8	\$171,100	\$2,148,900	\$2,320,000	152588	274658	-\$122,070
2021	4	6	10	\$171,100	\$1,778,900	\$1,950,000	152588	221252	-\$68,664
2022	4	6	10	\$171,100	\$1,538,900	\$1,710,000	122070	190735	-\$68,665
2023	4	4	8	\$171,100	\$1,288,900	\$1,460,000	114441	152588	-\$38,147
2024	4	4	8	\$171,100	\$1,288,900	\$1,460,000	137329	114441	\$22,888
2025	4	10	14	\$171,100	\$1,288,900	\$1,460,000	91553	91553	\$0
2026	4	6	10	\$171,100	\$1,168,900	\$1,340,000	99182	68665	\$30,517
2027	4	6	10	\$171,100	\$1,538,900	\$1,710,000	68665	15259	\$53,406
2028	4	6	10	\$171,100	\$1,048,900	\$1,220,000	53406	-30518	\$83,924
2029	4	2	6	\$171,100	\$808,900	\$980,000	38147	-45776	\$83,923
2030	4	2	6	\$171,100	\$808,900	\$980,000	-7629	-76294	\$68,665
2031	4	(4)	0	\$171,100	\$318,900	\$490,000	-53406	-106812	\$53,406
2032	4	(0)	4	\$171,100	\$68,900	\$240,000	-61035	-129700	\$68,665
2033	4	(2)	2	\$171,100	-\$171,100	\$0	-91553	-190735	\$99,182
2034	4	(6)	-2	\$171,100	-\$411,100	-\$240,000	-144958	-251770	\$106,812
2035	4	(10)	-6	\$171,100	-\$901,100	-\$730,000	-175476	-282288	\$106,812
2036	4	(8)	-4	\$171,100	-\$661,100	-\$490,000	-190735	-366211	\$175,476
2037	4	(10)	-6	\$171,100	-\$1,631,100	-\$1,460,000	-251770	-419617	\$167,847
2038	4	(10)	-6	\$171,100	-\$1,631,100	-\$1,460,000	-228882	-442505	\$213,623
2039	4	(10)	-6	\$171,100	-\$1,391,100	-\$1,220,000	-228882	-526428	\$297,546
2040	4	(10)	-6	\$171,100	-\$2,121,100	-\$1,950,000	-274658	-595093	\$320,435
2041	4	(12)	-8	\$171,100	-\$2,121,100	-\$1,950,000	-289917	-633240	\$343,323
2042	4	(12)	-8	\$171,100	-\$2,371,100	-\$2,200,000	-335693	-648499	\$312,806
Total							\$686,646	-\$3,822,329	\$4,508,975

\$17,385,866 is greater than **\$13,649,548**

Analysis Summary

Is the project reasonably likely to generate tax revenue in an amount sufficient to offset the M&O levy loss as a result of the limitation agreement?

Yes

Source: CPA, REMI, Heart of Texas Wind, LLC

Disclaimer: This examination is based on information from the application submitted to the school district and forwarded to the comptroller. It is intended to meet the statutory requirement of Chapter 313 of the Tax Code and is not intended for any other purpose.

Board Finding Number 3.

The limitation on appraised value is a determining factor in the applicant's decision to invest capital and construct the project in this state.

The Comptroller has determined that the limitation on appraised value is a determining factor in the Heart of Texas Wind LLC's decision to invest capital and construct the project in this state. This is based on information available,

including information provided by the applicant. Specifically, the comptroller notes the following:

- Per the applicant:
 - (a) RES, the parent company, is a national wind and solar developer with the ability to locate projects of this type in other states.
 - (b) RES also has the ability to locate projects in other parts of the United States as well as regions of Texas with favorable wind characteristics.
 - (c) It is actively assessing and developing other projects that are competing for limited investment funds.
 - (d) Wholesale electricity prices in Texas are below international average.
 - (e) The state of California has subsidies and higher power prices, making it an attractive alternative to Texas.
 - (f) Without Chapter 313 incentives, the return to investors and financiers would be reduced to an unacceptable level and make the project non-financeable.
 - (g) Without the 313 value limitation, the applicant would be forced to walk away from this project.

Board Finding Number 4.

The Board finds that the Application Fee received was reasonable and only in such an amount as was necessary to cover the District's costs of processing the Application under consideration.

In support of Finding 4, the Board reviewed the Application Fee payment included in the Application at Attachment A, the contract with the District's consultants and the internal costs for processing the application, if any.

Board Finding Number 5.

Based upon the Application and in the Comptroller's Economic Impact Evaluation and Certification, Attachment B, the Board finds that that

the number of jobs to be created and the wages to be paid comply with the requirements of statute; and, the Board further finds that the Chapter 313 Tax Limitation Agreement (Attachment G) contains all required provisions and information related to job creation requirements, to wit: the provisions set forth in Subsections 9.1C&D of such Agreement.

In its Application, Applicant has committed to creating four (4) new qualifying jobs. The average salary level of qualifying jobs will be at least \$42,775 per year. The review of the application by the Comptroller's indicated that this amount—based on Texas Workforce Commission data—complies with current Tex. Tax Code §313.021(3) requirement that qualifying jobs must pay 110 percent of the county average manufacturing wage. As defined in Section 313.021 of the Tax Code, "Qualifying Job" means a permanent full-time job that:

- (A) requires at least 1,600 hours of work a year;
- (B) is not transferred from one area in this state to another area in this state;
- (C) is not created to replace a previous employee;
- (D) is covered by a group health benefit plan for which the business offers to pay at least 80 percent of the premiums or other charges assessed for employee-only coverage under the plan, regardless of whether an employee may voluntarily waive the coverage; and
- (E) pays at least 110 percent of the county average weekly wage for manufacturing jobs in the county where the job is located.

Board Finding Number 6.

Based upon the information provided to the District with regard to the industry standard for staffing ratios of similar projects in the State of Texas, the District has determined that if the job creation requirement set forth in Texas Tax Code § 313.021(2)(A)(iv)(b) was applied, for the size and scope of the project described in the Application, the required number of jobs meets or exceeds the industry standard for the number of employees reasonably necessary for the operation of the facility.

Board Finding Number 7.

The Applicant intends to create no non-qualifying jobs.

In its Application, Applicant has indicated that it does not intend to create any non-qualifying jobs. But, for any non-qualifying job which the Applicant may create, the Applicant will be required to pay at least the county average wage for all jobs in the county in accordance with the provisions of Tex. Tax Code §313.024(d).

Board Finding Number 8.

The revenue gains that will be realized by the school district if the Application is approved will be significant in the long-term, with special reference to revenues used for supporting school district debt.

In support of this finding, the analysis prepared by Moak, Casey & Associates projects that the project would initially add \$178.6 million to the tax base for debt service purposes at the peak investment level for the 2018-19 school year. The project remains fully taxable for debt services taxes. While the value of the Project is expected to depreciate over the life of the agreement and beyond, full access to the additional value is expected to increase the District's projected I&S taxable value well above the level available through the state's facility programs. As a result, local taxpayers should benefit from the addition of the Project to the local I&S tax roll.

Board Finding Number 9.

The effect of the applicant's proposal, if approved, on the number or size of needed school district instructional facilities is not expected to increase the District's facility needs, with current trends suggest little underlying enrollment growth based on the impact of the project.

The summary of financial impact prepared by Moak, Casey & Associates, Inc., indicates that there will be little to no impact on school facilities created by the new project. This finding is confirmed by the TEA evaluation of this project's impact on the number and size of school facilities in the District as stated in **Attachment F**.

Board Finding Number 10.

The Board finds that with the adoption of District Policy CCG (Local), implemented in conformance with both Comptroller and Texas Education Agency Rules governing Chapter 313 Agreements, it has

developed a process to verify, either directly or through its consultants, the accuracy and completeness of information in annual eligibility reports and biennial progress reports regarding (1) the reported number of jobs created and (2) the reported amount invested in the property.

Board Finding Number 11.

The Board of Trustees hired consultants to review and verify the information in the Application. Based upon the consultants' review, the Board has determined that the information provided by the Applicant is true and correct.

The Board has developed a written policy CCG (Local) which requires, upon the filing of an Application under Tax Code Chapter 313, the retention of consultants in order to verify: (1) that Applicant's information contained in the Application as to existing facts is true and correct; (2) that Applicant's information contained in the Application with respect to projections of future events are commercially reasonable and within the ability of Applicant to execute; (3) that information related to job creation is commercially reasonable and within the ability of Applicant to execute; (4) that Applicant's representations concerning and economic incentives being offered, if any, and (5) the proposed project meets eligibility requirements.

As a part of its verification process the Board notes that the Chapter 313 Application for which these Findings are being made has been submitted by Applicant under oath. Chapter 313 Applications are governmental records under Tex. Penal Code §37.01(2)(A); as a result, all statements contained therein are representations of fact within the meaning of Tex. Penal Code § 37.01(3). Since Board action upon the adoption of these Findings and the approval of the Chapter 313 Tax Limitation Agreement (**Attachment G**) is an "official proceeding," a false statement on a Chapter 313 application constitutes perjury under Tex. Penal Code § 37.03.

The Board finds that sworn statements are routinely used as an acceptable verification method for reliance by fact finders in each of the three separate branches of government, including trials.

The consultants have prepared signed statements that the consultants have reviewed and verified the contents of the Application and have determined that the current statements of fact contained in the Application are true and correct. (**Attachment H**) The Board finds that reliance by the Board and its consultants upon verified statements of the Applicant, especially as to Applicant's future intentions which cannot be objectively verified is reasonable and within the intent of Chapter 313, Texas Tax Code.

Board Finding Number 12.

The Board of Trustees has determined that the Tax Limitation Amount requested by Applicant is currently Fifteen Million Dollars, which is consistent with the minimum values currently set out by Tax Code, § 313.054(a).

The Board finds that the Chapter 313 Tax Limitation Agreement (**Attachment G**), in accordance with Comptroller's Form 50-826, contains all required provisions and information related to the required investment amount, to wit: the amount set forth in Section 2.5 of said Agreement. According to the Texas Comptroller of Public Accounts' School and Appraisal Districts' Property Value Study 2015 Final Findings made under Subchapter M, Chapter 403, Government Code for the preceding tax year, Attachment F. The total industrial value for the District is \$691,330. The District is categorized as Subchapter C, which applies only to a school district that has territory in a strategic investment area, as defined under Subchapter O, Chapter 171, Tax Code or in a county: (1) that has a population of less than 50,000 and (2) in which, from 1990 to 2000, according to the federal decennial census, the population: (A) remained the same; (B) decreased; or (C) increased, but at a rate of not more than three percent per annum. The District is classified as a "rural" district due to its demographic characteristics. Given that the value of industrial property is more than \$100,000 but less and \$1 million, it is classified as a Category IV district which can offer a minimum value limitation of \$15 million.

Board Finding Number 13.

The Board finds that the Chapter 313 Tax Limitation Agreement (Attachment G) contains all necessary provisions and information

related to establishing the required investment amount, to wit: the amount set forth in Section 2.5 of said Agreement.

The Board relies on the certifications of its consultants and the Comptroller's Approval of the Agreement form to make this Finding. (Attachment I)

Board Finding Number 14.

The Applicant (Taxpayer No. 32054775853) is eligible for the limitation on appraised value of qualified property as an active franchise-tax paying entity.

The Applicant, (Texas Taxpayer No. 32054775853), is an entity subject to Chapter 171, Texas Tax Code, and is certified to be an active franchise tax payer by the Comptroller. See **Attachment B**. The Board also finds that the Chapter 313 Tax Limitation Agreement (**Attachment G**) contains all required provisions necessary for the Board to assess eligibility of any business to which an agreement is transferred.

Board Finding Number 15.

The project will be located within an area that is currently designated as a reinvestment zone, pursuant to Chapter 312 of the Texas Tax Code.

Board Finding Number 16.

The Agreement for an Appraised Value Limitation on Qualified Property, pursuant to Chapter 313 of the Texas Tax Code, attached hereto as Attachment G, includes adequate and appropriate revenue protection provisions for the District, and such provisions comply with the specific terms of Texas Tax Code, Chapter 313.

In support of this finding, the report of Moak, Casey & Associates, Inc. shows that the District will incur a revenue loss in the first and subsequent years that the value limitation is in effect without the proposed Agreement. However, with this Agreement, the negative consequences of granting the value limitation are offset through the revenue protection provisions agreed to by the Applicant and the District. The Agreement contains adequate revenue protection measures for the duration of the Agreement. In support of this Finding, the Board relies upon the recommendation of its consultants. (**Attachment H**)

Board Finding Number 17.

The Board finds that the Chapter 313 Tax Limitation Agreement (Attachment G) contains all required provisions necessary for the Board to assess performance standards and to require periodic deliverables that will enable it to hold businesses accountable for achieving desired results, to wit: the reporting requirements set forth in Article VIII of said Agreement.

Board Finding Number 18.

The Board finds that there are no conflicts of interest at the time of considering the agreement.

The Board finds that with the adoption of District Policies BBFA and BBFB, both (Legal) and (Local), set forth at <http://pol.tasb.org/Home/Index/857>, that it has taken appropriate action to ensure that all District Trustees and the Superintendent, have disclosed any potential conflicts of interest, and that such disclosures will be made if any conflict of interest arises in the future, in compliance with the requirements of Texas Local Gov't Code §171.004.

In addition, at the public hearing, the Board caused the statement set forth in **Attachment J** to be read into the public record and that only Board members audibly responding that no conflict of interest existed either deliberated or voted on the Tax Limitation Agreement, these Findings or any matter relating to the Application upon which these Findings have been premised.

The Board finds that with the adoption of District Policies DBD, DGA, DH, and BBFB, both (Legal) and (Local) that it has taken appropriate action to ensure that all District employees and/or consultants, have disclosed any potential conflicts of interest, and that such disclosures will be made if any conflict of interest arises in the future, in compliance with the requirements of Texas Local Gov't Code §171.004.

The Board finds that that no non-disclosed conflicts of interest exist as to the Application for which these Findings are being made, as of the time of action on these Findings.

Board Finding Number 19.

The Board directs that a link on its Web site to the Comptroller's Office's Web site where appraisal limitation related documents are made available to the public.

Board Finding Number 20.

Considering the purpose and effect of the law and the terms of the Agreement, that it is in the best interest of the District and the State to enter into the attached Agreement for Limitation on Appraised Value of Property for School District Maintenance and Operations Taxes.

It is therefore ORDERED that the Agreement attached hereto as **Attachment G** is approved and hereby authorized to be executed and delivered by and on behalf of the District. It is further ORDERED that these findings and the Attachments referred to herein be attached to the Official Minutes of this meeting, and maintained in the permanent records of the Board of Trustees of the District.

Dated the 21st day of November, 2016.

LOHN INDEPENDENT SCHOOL DISTRICT

By: _____

Robert Swenson, President, Board of Trustees

ATTEST:

By: _____

Quincy Ellis, Secretary, Board of Trustees

JULIE WALKER Papp

Attachment A

Application

Pages 1 through 9 of application.**Application for Appraised Value Limitation on Qualified Property**
(Tax Code, Chapter 313, Subchapter B or C)

INSTRUCTIONS: This application must be completed and filed with the school district. In order for an application to be processed, the governing body (school board) must elect to consider an application, but — by Comptroller rule — the school board may elect to consider the application only after the school district has received a completed application. Texas Tax Code, Section 313.025 requires that any completed application and any supplemental materials received by the school district must be forwarded within seven days to the Comptroller of Public Accounts.

If the school board elects to consider the application, the school district must:

- notify the Comptroller that the school board has elected to consider the application. This notice must include:
 - the date on which the school district received the application;
 - the date the school district determined that the application was complete;
 - the date the school board decided to consider the application; and
 - a request that the Comptroller prepare an economic impact analysis of the application;
- provide a copy of the notice to the appraisal district;
- must complete the sections of the application reserved for the school district and provide information required in the Comptroller's rules located at 34 Texas Administrative Code (TAC) Section 9.1034; and
- forward the original hard copy of the completed application to the Comptroller in a three-ring binder with tabs, as indicated on page 9 of this application, separating each section of the documents, in addition to an electronic copy on CD. See 34 TAC Chapter 9, Subchapter F.

The governing body may, at its discretion, allow the applicant to supplement or amend the application after the filing date, subject to the restrictions in 34 TAC Chapter 9, Subchapter F.

When the Comptroller receives the notice and required information from the school district, the Comptroller will publish all submitted application materials on its website. The Comptroller is authorized to treat some application information as confidential and withhold it from publication on the Internet. To do so, however, the information must be segregated and comply with the other requirements set out in the Comptroller's rules. For more information, see guidelines on Comptroller's website.

The Comptroller will independently determine whether the application has been completed according to the Comptroller's rules (34 TAC Chapter 9, Subchapter F). If the Comptroller finds the application is not complete, the Comptroller will request additional materials from the school district. Pursuant to 9.0253(d) (1)(C), requesters must be provided within 20 days of the date of the request. When the Comptroller determines that the application is complete, it will send the school district notice of completion. The Comptroller will determine the eligibility of the applicant to issue a certificate or a limitation on appraised value to the school board regarding the application and prepare an economic impact evaluation by the 90th day after the Comptroller receives a complete application—as determined by the Comptroller.

The school board must approve or disapprove the application not later than the 150th day after the application review start date (the date the application is finally determined to be complete), unless an extension is granted. The Comptroller and school district are authorized to request additional information from the applicant that is reasonably necessary to issue a certificate, complete the economic impact evaluation or consider the application at any time during the application review period.

Please visit the Comptroller's website to find out more about the program at www.texasahead.org/tax_programs/chapter313/. There are links to the Chapter 313 statute, rules, guidelines and forms. Information about minimum limitation values for particular districts and wage standards may also be found at that site.

SECTION 1: School District Information**1. Authorized School District Representative**

March 28, 2016

Date Application Received by District

Leon

Freeman

Last Name

Superintendent

Title

Lohn Independent School District

School District Name

1112 FM 504

Street Address

P.O. Box 277

Mailing Address

Lohn

City

325-344-5749

Phone Number

Texas

State

325-344-5789

Fax Number

freeman@lohnisd.net

Email Address

Mobile Number (optional)

2. Does the district authorize the consultant to provide and obtain information related to this application?

Yes ☒ No ☐

For more information, visit our website:

www.TexasAhead.org/tax_programs/chapter313/

The Economic Development and Analysis Division at the Texas Comptroller of Public Accounts provides information and resources for taxpayers and local taxing entities.

50-296-A • 05-14/2

Application for Appraised Value Limitation on Qualified Property

SECTION 1: School District Information (continued)

3. Authorized School District Consultant (If Applicable)

First Name Last Name Title
Dan Casey
Partner
Firm Name
Moak Casey & Associates
Firm Name
512-485-7888
Phone Number
512-426-6662
Fax Number
dcasey@moakcasey.com
Email Address
Mobile Number (optional)
March 30, 2016
4. On what date did the district determine this application complete?
5. Has the district determined that the electronic copy and hard copy are identical? ☒ Yes ☐ No

SECTION 2: Applicant Information

1. Authorized Company Representative (Applicant)

First Name Last Name Title
Brian Evans
Chief Development Officer
Firm Name
Renewable Energy Systems America Inc.
Firm Name
11101 West 120th Avenue
Street Address
Broomfield
Mailing Address
Broomfield
City
303-439-4200
Phone Number
Colorado
State
80021
ZIP
Fax Number
Business Email Address
Mobile Number (optional)
2. Will a company official other than the authorized company representative be responsible for responding to future information requests?
2a. If yes, please fill out contact information for that person.

First Name Last Name Title
Danny Splettosser
Project Manager
Firm Name
Renewable Energy Systems America Inc.
Firm Name
11101 West 120th Avenue
Street Address
Broomfield
Mailing Address
Broomfield
City
720-859-8765
Phone Number
970-481-2009
Fax Number
danny.splettosser@resamericas.com
Email Address
Mobile Number (optional)
3. Does the applicant authorize the consultant to provide and obtain information related to this application? ☒ Yes ☐ No

Application for Appraised Value Limitation on Qualified Property

SECTION 2: Applicant Information (continued)

4. Authorized Company Consultant (If Applicable)

First Name Last Name Title
Sam Gregson
Senior Consultant
Firm Name
Cummings Westlake LLC
Firm Name
713-266-4456
Phone Number
sgregson@cwlp.net
Business Email Address
Fax Number

SECTION 3: Fees and Payments

1. Has an application fee been paid to the school district? ☒ Yes ☐ No
The total fee shall be paid at time of the application is submitted to the school district. Any fees not accompanying the original application shall be considered supplemental payments.
1a. If yes, attach in Tab 2 proof of application fee paid to the school district.
For the purpose of questions 2 and 3, "payments to the school district" include any and all payments or transfers of things of value made to the school district or to any person or persons in any form if such payment or transfer of thing of value being provided is in recognition of, anticipation of, or consideration for the agreement for limitation on appraised value.

2. Will any "payments to the school district" that you may make in order to receive a property tax value limitation agreement result in payments that are not in compliance with Tax Code §313.027(i)? ☐ Yes ☒ No ☐ N/A
3. If "payments to the school district" will only be determined by a formula or methodology without a specific amount being specified, could such method result in "payments to the school district" that are not in compliance with Tax Code §313.027(i)? ☐ Yes ☒ No ☐ N/A

SECTION 4: Business Applicant Information

1. What is the legal name of the applicant under which this application is made? Heart of Texas Wind LLC
2. List the Texas Taxpayer I.D. number of entity subject to Tax Code, Chapter 171 (11 digits) 32054775853
3. List the NAICS code 221115
4. Is the applicant a party to any other pending or active Chapter 813 agreements? ☐ Yes ☒ No
4a. If yes, please list application number, name of school district and year of agreement

SECTION 5: Applicant Business Structure

1. Identify Business Organization of Applicant (corporation, limited liability corporation, etc) Limited Liability Corporation
2. Is applicant a combined group, or comprised of members of a combined group, as defined by Tax Code §171.0001(7)? ☒ Yes ☐ No
2a. If yes, attach in Tab 3 a copy of Texas Comptroller Franchise Tax Form No. 05-165, No. 05-166, or any other documentation from the Franchise Tax Division to demonstrate the applicant's combined group membership and contact information.
3. Is the applicant current on all tax payments due to the State of Texas? ☒ Yes ☐ No
4. Are all applicant members of the combined group current on all tax payments due to the State of Texas? ☒ Yes ☐ No
5. If the answer to question 3 or 4 is no, please explain and/or disclose any history of default, delinquencies and/or any material litigation, including litigation involving the State of Texas. (If necessary, attach explanation in Tab 3)

Application for Appraised Value Limitation on Qualified Property

SECTION 6: Eligibility Under Tax Code Chapter 313.024

- Are you an entity subject to the tax under Tax Code, Chapter 171? ☒ Yes ☐ No
- The property will be used for one of the following activities:
 - manufacturing ☐ Yes ☒ No
 - research and development ☐ Yes ☒ No
 - a clean coal project, as defined by Section 5.001, Water Code ☐ Yes ☒ No
 - an advanced clean energy project, as defined by Section 382.003, Health and Safety Code ☐ Yes ☒ No
 - renewable energy electric generation ☐ Yes ☒ No
 - electric power generation using integrated gasification combined cycle technology ☐ Yes ☒ No
 - nuclear electric power generation ☐ Yes ☒ No
 - a computer center that is used as an integral part or as a necessary auxiliary part for the activity conducted by applicant in one or more activities described by Subsections (1) through (7) ☐ Yes ☒ No
 - a Texas Priority Project, as defined by 313.024(e)(7) and TAC 9.1051 ☐ Yes ☒ No
- Are you requesting that any of the land be classified as qualified investment? ☐ Yes ☒ No
- Will any of the proposed qualified investment be leased under a capitalized lease? ☐ Yes ☒ No
- Will any of the proposed qualified investment be leased under an operating lease? ☐ Yes ☒ No
- Are you including property that is owned by a person other than the applicant? ☐ Yes ☒ No
- Will any property be pooled or proposed to be pooled with property owned by the applicant in determining the amount of your qualified investment? ☐ Yes ☒ No

SECTION 7: Project Description

- In Tab 4, attach a detailed description of the scope of the proposed project, including, at a minimum, the type and planned use of real and tangible personal property, the nature of the business, a timeline for property construction or installation, and any other relevant information.

- Check the project characteristics that apply to the proposed project:

☒ Land has no existing improvements
 ☐ Land has existing improvements (complete Section 13)

- Expansion of existing operation on the land (complete Section 13) ☐
- Relocation within Texas ☐

SECTION 8: Limitation as Determining Factor

- Does the applicant currently own the land on which the proposed project will occur? ☐ Yes ☒ No
- Has the applicant entered into any agreements, contracts or letters of intent related to the proposed project? ☐ Yes ☒ No
- Does the applicant have current business activities at the location where the proposed project will occur? ☐ Yes ☒ No
- Has the applicant made public statements in SEC filings or other documents regarding its intentions regarding the proposed project location? ☐ Yes ☒ No
- Has the applicant received any local or state permits for activities on the proposed project site? ☐ Yes ☒ No
- Has the applicant received commitments for state or local incentives for activities at the proposed project site? ☐ Yes ☒ No
- Is the applicant evaluating other locations not in Texas for the proposed project? ☐ Yes ☒ No
- Has the applicant provided capital investment or return on investment information for the proposed project in comparison with other alternative investment opportunities? ☐ Yes ☒ No
- Has the applicant provided information related to the applicant's inputs, transportation and markets for the proposed project? ☐ Yes ☒ No
- Are you submitting information to assist in the determination as to whether the limitation on appraised value is a determining factor in the applicant's decision to invest capital and construct the project in Texas? ☐ Yes ☒ No

Chapter 313.026(e) states "the applicant may submit information to the Comptroller that would provide a basis for an affirmative determination under Subsection (c)(2)." If you answered "yes" to any of the questions in Section 8, attach supporting information in Tab 5.

For more information, visit our website: www.TexasAhead.org/tax_programs/chapter313/

Application for Appraised Value Limitation on Qualified Property

SECTION 9: Projected Timeline

- Application approval by school board ☐ November 2016
 - Commencement of construction ☐ 1Q 2017
 - Beginning of qualifying time period ☐ 2017
 - First year of limitation ☐ 2018
 - Begin hiring new employees ☐ 4Q 2017
 - Commencement of commercial operations ☐ 4Q 2017
 - Do you propose to construct a new building or to erect or alter a new improvement after your application review start date (date your application is finally determined to be complete)? ☒ Yes ☐ No
- Note: Improvements made before that time may not be considered qualified property.
8. When do you anticipate the new buildings or improvements will be placed in service? ☐ 4Q 2017

SECTION 10: The Property

- Identify county or counties in which the proposed project will be located ☐ McCulloch County
- Identify Central Appraisal District (CAD) that will be responsible for appraising the property ☐ McCulloch CAD
- Will this CAD be acting on behalf of another CAD to appraise this property? ☐ Yes ☒ No
- List all taxing entities that have jurisdiction for the property, the portion of project within each entity and tax rates for each entity:

County: ☐ McCulloch; 100%; \$0.48313 City: ☐
 Hospital District: ☐ Heart of Texas HD; 100; \$0.12225 Water District: ☐ Hickory UWCD; 100%; \$0.035
 Other (describe): ☐ See Tab 6 Other (describe): ☐
 (Name, tax rate and percent of project) (Name, tax rate and percent of project) (Name, tax rate and percent of project)

- Is the project located entirely within the ISD listed in Section 1? ☐ Yes ☒ No
- If no, attach in Tab 5 additional information on the project scope and size to assist in the economic analysis. Did you receive a determination from the Texas Economic Development and Tourism Office that this proposed project and at least one other project seeking a limitation agreement constitute a single unified project (SUP), as allowed in §313.024(d-2)? ☐ Yes ☒ No

- If yes, attach in Tab 6 supporting documentation from the Office of the Governor.

SECTION 11: Investment

NOTE: The minimum amount of qualified investment required to qualify for an appraised value limitation and the minimum amount of appraised value limitation vary depending on whether the school district is classified as Subchapter B or Subchapter C, and the taxable value of the property within the school district. For assistance in determining estimates of these minimums, access the Comptroller's website at www.texasahead.org/tax_programs/chapter313/.

- At the time of application, what is the estimated minimum qualified investment required for this school district? ☐ 5,000,000.00
- What is the amount of appraised value limitation for which you are applying? ☐ 15,000,000.00
- Note: The property value limitation amount is based on property values available at the time of application and may change prior to the execution of any final agreement. Does the qualified investment meet the requirements of Tax Code §313.021(1)? ☒ Yes ☐ No
- Attach a description of the qualified investment (See §313.021(1)). The description must include:
 - a specific and detailed description of the qualified investment you propose to make on the property for which you are requesting an appraised value limitation as defined by Tax Code §313.021 (Tab 7);
 - a description of any new buildings, proposed new improvements or personal property which you intend to include as part of your minimum qualified investment (Tab 7); and
 - a detailed map of the qualified investment showing location of tangible personal property to be placed in service during the qualifying time period and buildings to be constructed during the qualifying time period, with vicinity map (Tab 11).
- Do you intend to make at least the minimum qualified investment required by Tax Code §313.023 (or §313.053 for Subchapter C school districts) for the relevant school district category during the qualifying time period? ☒ Yes ☐ No

For more information, visit our website: www.TexasAhead.org/tax_programs/chapter313/

SECTION 12: Qualified Property

1. Attach a detailed description of the qualified property. [See §313.021(2). If qualified investment describes qualified property exactly, you may skip items a, b and c below.] The description must include:

- 1a. a specific and detailed description of the qualified property for which you are requesting an appraised value limitation as defined by Tax Code §313.021 (Tab 8);
- 1b. a description of any new buildings, proposed new improvements or personal property which you intend to include as part of your qualified property (Tab 8); and
- 1c. a map of the qualified property showing location of new buildings or new improvements with vicinity map (Tab 11).

2. Is the land upon which the new buildings or new improvements will be built part of the qualified property described by §313.021(2)(A)?

Yes ☐ No ☒

- 2a. If yes, attach complete documentation including:

- a. legal description of the land (Tab 9);
- b. each existing appraisal parcel number of the land on which the new improvements will be constructed, regardless of whether or not all the land described in the current parcel will become qualified property (Tab 9);

- c. owner (Tab 9);

- d. the current taxable value of the land. Attach estimate if land is part of larger parcel (Tab 9); and

- e. a detailed map showing the location of the land with vicinity map (Tab 11).

3. Is the land on which you propose new construction or new improvements currently located in an area designated as a reinvestment zone under Tax Code Chapter 311 or 312 or as an enterprise zone under Government Code Chapter 2303?

Yes ☒ No ☐

- 3a. If yes, attach the applicable supporting documentation:

- a. evidence that the area qualifies as an enterprise zone as defined by the Governor's Office (Tab 16);

- b. legal description of reinvestment zone (Tab 16);

- c. order, resolution or ordinance establishing the reinvestment zone (Tab 16);

- d. guidelines and criteria for creating the zone (Tab 16); and

- e. a map of the reinvestment zone or enterprise zone boundaries with vicinity map (Tab 11).

- 3b. If no, submit detailed description of proposed reinvestment zone or enterprise zone with a map indicating the boundaries of the zone on which you propose new construction or new improvements to the Comptroller's office within 30 days of the application date. What is the anticipated date on which you will submit final proof of a reinvestment zone or enterprise zone?

SECTION 13: Information on Property Not Eligible to Become Qualified Property

1. In Tab 10, attach a specific and detailed description of all existing property. This includes buildings and improvements existing as of the application review start date (the date the application is determined to be complete by the Comptroller). The description must provide sufficient detail to locate all existing property on the land that will be subject to the agreement and distinguish existing property from future proposed property.

2. In Tab 10, attach a specific and detailed description of all proposed new property that will not become new improvements as defined by TAC §9.1061. This includes proposed property that functionally replaces existing or demolished/removed property, is used to maintain, refurbish, renovate, modify or upgrade existing property, or is added to existing property, or is otherwise indicative to become qualified property. The description must provide sufficient detail to distinguish existing property (question 1) and proposed new property that cannot become qualified property from proposed qualified property that will be subject to the agreement (as described in Section 12 of this application).

3. For the property not eligible to become qualified property listed in response to questions 1 and 2 of this section, provide the following supporting information in Tab 10:

- a. maps and/or detailed site plan;

- b. surveys;

- c. appraisal district values and parcel numbers;

- d. inventory lists;

- e. existing and proposed property lists;

- f. model and serial numbers of existing property; or

- g. other information of sufficient detail and description.

4. Total estimated market value of existing property (that property described in response to question 1): \$ 0.00

5. In Tab 10, include an appraisal value by the CAD of all the buildings and improvements existing as of a date within 15 days of the date the application is received by the school district.

6. Total estimated market value of proposed property not eligible to become qualified property (that property described in response to question 2): \$ 0.00

Note: Investment for the property listed in question 2 may count towards qualified investment in Column C of Schedules A-1 and A-2, if it meets the requirements of §313.021(1). Such property cannot become qualified property on Schedule B.

SECTION 14: Wage and Employment Information

1. What is the estimated number of permanent jobs (more than 1,600 hours a year), with the applicant or a contractor of the applicant, on the proposed qualified property during the last complete quarter before the application review start date (date your application is finally determined to be complete)?

0

2. What is the last complete calendar quarter before application review start date:

First Quarter ☐ Second Quarter ☐ Third Quarter ☐ Fourth Quarter of 2016 (year)

3. What were the number of permanent jobs (more than 1,600 hours a year) this applicant had in Texas during the most recent quarter reported to the Texas Workforce Commission (TWC)?

0

Note: For job definitions see TAC §§ 9.1051 and Tax Code §313.021(3).

4. What is the number of new qualifying jobs you are committing to create?

3

5. What is the number of new non-qualifying jobs you are estimating you will create?

0

6. Do you intend to request that the governing body waive the minimum new qualifying job creation requirement, as provided under Tax Code §313.025(1)?

Yes ☒ No ☐

6a. If yes, attach evidence in Tab 12 documenting that the new qualifying job creation requirement above exceeds the number of employees necessary for the operation, according to industry standards.

7. Attach in Tab 13 the four most recent quarters of data for each wage calculation below, including documentation from the TWC website. The final actual statutory minimum annual wage requirement for the applicant for each qualifying job — which may differ slightly from this estimate — will be based on information from the four quarterly periods for which data were available at the time of the application review start date (date of a completed application). See TAC §§ 1051(21) and (22).

- a. Average weekly wage for all jobs (all industries) in the county is 770.00
- b. 110% of the average weekly wage for manufacturing jobs in the county is 951.00
- c. 110% of the average weekly wage for manufacturing jobs in the region is 823.00

8. Which Tax Code section are you using to estimate the qualifying job wage standard required for this project? ☐ §313.021(5)(A) or ☐ §313.021(5)(B)

42,775.00

9. What is the minimum required annual wage for each qualifying job based on the qualified property?

42,775.00

10. What is the annual wage you are committing to pay for each of the new qualifying jobs you create on the qualified property?

Yes ☒ No ☐

11. Will the qualifying jobs meet all minimum requirements set out in Tax Code §313.021(3)?

Yes ☐ No ☐

12. Do you intend to satisfy the minimum qualifying job requirement through a determination of cumulative economic benefits to the state as provided by §313.021(3)(F)?

- 12a. If yes, attach in Tab 12 supporting documentation from the TWC, pursuant to §313.021(3)(F).

13. Do you intend to rely on the project being part of a single unified project, as allowed in §313.024(d-2), in meeting the qualifying job requirements?

Yes ☐ No ☐

- 13a. If yes, attach in Tab 6 supporting documentation including a list of qualifying jobs in the other school district(s).

SECTION 15: Economic Impact

1. Complete and attach Schedules A-1, A-2, B, C, and D in Tab 14. Note: Excel spreadsheet versions of schedules are available for download and printing at URL listed below.

2. Attach an Economic Impact Analysis, if supplied by other than the Comptroller's Office, in Tab 15. (not required)

3. If there are any other payments made in the state or economic information that you believe should be included in the economic analysis, attach a separate schedule showing the amount for each year affected, including an explanation, in Tab 15.

Application for Appraised Value Limitation on Qualified Property

SECTION 16. Authorized Signatures and Applicant Certification

After the application and schedule are complete, an authorized representative from the school district and the business should review the application documents and complete this authorization page. Attach the completed authorization page in Tab 17. NOTE: If you amend your application, you will need to obtain new signatures and resubmit this page, Section 16, with the amendment request.

1. Authorized School District Representative Signature

I am the authorized representative for the school district to which this application is being submitted. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code.

print here Leon Freeman **Superintendent**
sign here [Signature] **Title**
3-28-16 **Date**

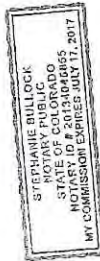
2. Authorized Company Representative (Applicant) Signature and Notarization

I am the authorized representative for the business entity for the purpose of filing this application. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code. The information contained in this application and schedules is true and correct to the best of my knowledge and belief.
 I hereby certify and affirm that the business entity I represent is in good standing under the laws of the state in which the business entity was organized and that no delinquent taxes are owed to the State of Texas.

print here Brian Evans **Chief Development Officer**
sign here [Signature] **Title**
3/1/16 **Date**

GIVEN under my hand and seal of office this, the

1 day of March, 2016
[Signature]
 Notary Public in and for the State of Colorado
 My Commission expires: July 17, 2017



(Notary Seal)

If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under Texas Penal Code Section 37.10.

APPLICATION TAB ORDER FOR REQUESTED ATTACHMENTS

TAB	ATTACHMENT
1	Pages 1 through 11 of Application
2	Proof of Payment of Application Fee
3	Documentation of Combined Group membership under Texas Tax Code 171.0001(7), history of tax default, delinquencies and/or material litigation (if applicable)
4	Detailed description of the project
5	Documentation to assist in determining if limitation is a determining factor
6	Description of how project is located in more than one district, including list of percentage in each district and, if determined to be a single unified project, documentation from the Office of the Governor (if applicable)
7	Description of Qualified Investment
8	Description of Qualified Property
9	Description of Land
10	Description of all property not eligible to become qualified property (if applicable)
11	Maps that clearly show: a) Project vicinity b) Qualified investment including location of tangible personal property to be placed in service during the qualifying time period and buildings to be constructed during the qualifying time period c) Qualified property including location of new buildings or new improvements d) Existing property e) Land location within vicinity map f) Reinvestment or Enterprise Zone within vicinity map, showing the actual or proposed boundaries and size Note: Electronic maps should be high resolution files. Include map legends/markers.
12	Request for Waiver of Job Creation Requirement and supporting information (if applicable)
13	Calculation of three possible wage requirements with TWC documentation
14	Schedules A1, A2, B, C and D completed and signed Economic Impact (if applicable)
15	Economic Impact Analysis, other payments made in the state or other economic information (if applicable)
16	Description of Reinvestment or Enterprise Zone, including: a) evidence that the area qualifies as a enterprise zone as defined by the Governor's Office b) legal description of reinvestment zone c) order, resolution or ordinance establishing the reinvestment zone d) guidelines and criteria for creating the zone • To be submitted with application or before date of final application approval by school board
17	Signature and Certification page, signed and dated by Authorized School District Representative and Authorized Company Representative (applicant)

Tax credit application proof of payment.

*(Page Inserted by Office of Texas Comptroller of Public
Accounts)*

Heart of Texas Wind, LLC

Chapter 313 Application to Lohn ISD

Cummings Westlake, LLC

TAB 3

Documentation of Combined Group membership under Texas Tax Code 171.0001(7) history of tax default, delinquencies and/or material litigation (if applicable)

*Note - The attached is the most recent report filed and Heart of Texas Wind, LLC had not been formed during the reporting time period of the 2014 report. Heart of Texas Wind, LLC will be reported on the 2015 Report for Renewable Energy Systems Americas Inc.

**Documentation of combined
group received by the Texas
Comptroller
of Public Accounts**

ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION ON QUALIFIED PROPERTY
BY HEART OF TEXAS WIND, LLC TO LOHN ISD

Heart of Texas Wind, LLC

Chapter 313 Application to Lohn ISD

Cummings Westlake, LLC

TAB 4

Detailed Description of the Project

Provide a detailed description of the scope of the proposed project, including, at a minimum, the type and planned use of real and tangible personal property, the nature of the business, a timeline for property construction or installation, and any other relevant information.

The Heart of Texas Wind Project ("Heart of Texas" or the "Project") is a proposed wind energy generation project located in McCulloch County Texas. The project is anticipated to generate 150MW. 135MW of power will be generated using 54 which will be located in Lohn ISD. Additional Project facilities will include a Project Operations and Maintenance Facility (which may stand alone, or be an expansion of the Operations and Maintenance Facility planned for the adjacent Rattlesnake Wind Project), a main project substation, and an 8-mile transmission line to connect the project to the existing electrical grid.

The Project is situated on an uprising known as the Brady Mountains in an area comprised almost entirely of rangeland (>90 %), utilized for grazing, hunting and off-road recreation and is well suited for a wind farm. The project will be located on approximately 12,000 acres of private land which has been leased under a 30-year wind lease. The project is planned to be interconnected to LCRA's 345kV system located approximately 15 miles north and west of the Project. Private easements have been obtained for the transmission line connecting the project to LCRA's existing system.

A full suite of studies to verify project viability have been conducted including but not limited to environmental studies, cultural resource studies, biological studies, aviation studies, telecommunications studies and wind resource assessment studies and the Project is now in mid stages of development. Full construction of the project is anticipated to begin April 2017 with completion by December 2017. Once operational the Project is anticipated to sell electricity into the Texas wholesale power market, and have an expected life exceeding 25 years. The proposed project will include, but is not limited to, the following:

150 MW-AC total size - Lohn ISD

60 Wind Turbines - 54 in Lohn ISD

Underground Medium and high-voltage electric cabling;

Project substation which will include a high-voltage transformer, switchgear, transmission equipment, telecommunications and SCADA equipment, among other things;

High-voltage transmission line connecting the project to the grid (gen tie);

Operations and maintenance (O&M) building including telecommunications and computing equipment, among other things;

Meteorological equipment to measure weather conditions and wind speeds; and

Associated equipment to safely operate, maintain and deliver electricity to the grid.

ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION ON QUALIFIED PROPERTY
BY HEART OF TEXAS WIND, LLC TO LOHN ISD

Heart of Texas Wind, LLC

Chapter 313 Application to Lohn ISD

Cummings Westlake, LLC

TAB 5

Documentation to assist in determining if limitation is a determining factor.

As one of the top renewable energy companies in the world, Renewable Energy Systems (RES) has been providing services in development, engineering, construction, and operations since 1982. RES has developed and/or built over 10 GW of renewable energy capacity worldwide, has an asset management portfolio exceeding 1 GW, and is active in a range of energy technologies including onshore wind, solar, energy storage, transmission, and demand side management (DSM).

Since 1997, RES has been active in the Americas where we developed and constructed our first wind project in the United States and today have over 7,500 MW of wind constructed in 13 states. We entered the Canadian renewable energy market in 2003, followed by the Chilean market in 2010. We started constructing our first solar project in 2010 and have since built over 280 MW in three states and one Canadian province. Continuing to provide innovative solutions for our clients, we are a leader in the energy storage market and in 2014 constructed our first 4 MW energy storage project in Ohio. While RES has constructed transmission lines for other projects, in 2013 we built an independent 214-mile/230kV transmission line.

The Applicant is a national wind and solar developer with the ability to locate projects of this type in other states within the United States and other regions within Texas with favorable wind characteristics. The Applicant is actively assessing and developing other projects that are competing for limited investment funds. With Texas wholesale electricity prices already below the international average, it is necessary to limit the property tax liabilities for a wind project in order to be able to offer electricity at prices that are marketable to Texas customers at competitive rates. Markets such as California that have state wide available subsidies for renewable energy projects, and which have higher average contracted power rates, offer an attractive incentive for developers to build projects in those markets over Texas.

The property tax liability of a project without tax incentives in Texas would reduce the return to investors and financiers to an unacceptable level at today's contracted power rates under a power purchase agreement (PPA). Therefore, the applicant would not be able to finance and build the project in Texas even with a signed PPA because of the low price in the PPA. Without the 313 Value Limitation, the applicant would be forced to walk away from this project and spend the potential investment in other states where the rate of return is higher.

ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION ON QUALIFIED PROPERTY
BY HEART OF TEXAS WIND, LLC TO LOHN ISD

Heart of Texas Wind, LLC

Chapter 313 Application to Lohn ISD

Cummings Westlake, LLC

TAB 6

Description of how project is located in more than one district, including list of percentage in each district and, if determined to be a single unified project, documentation from the Office of the Governor (if applicable)

- | | |
|---------------------------------------|--------|
| 1) McCulloch County | - 100% |
| 2) McCulloch County Hospital District | - 100% |
| 3) Lohn ISD | - 90% |
| 4) Rochelle ISD | - 10% |
| 5) Hickory UWCD | - 100% |

ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION ON QUALIFIED PROPERTY
BY HEART OF TEXAS WIND, LLC TO LOHN ISD

Heart of Texas Wind, LLC

Chapter 313 Application to Lohn ISD

Cummings Westlake, LLC

TAB 7

Description of Qualified Investment

The Heart of Texas Wind Project ("Heart of Texas" or the "Project") is a proposed wind energy generation project located in McCulloch County Texas. The project is anticipated to generate 150MW. 135MW of power will be generated using 54 turbines which will be located in Lohn ISD. Additional Project facilities will include a Project Operations and Maintenance Facility (which may stand alone, or be an expansion of the Operations and Maintenance Facility planned for the adjacent Rattlesnake Wind Project), a main project substation, and an 8-mile transmission line to connect the project to the existing electrical grid.

The Project is situated on an uprising known as the Brady Mountains in an area comprised almost entirely of rangeland (>90 %), utilized for grazing, hunting and off-road recreation and is well suited for a wind farm. The project will be located on approximately 12,000 acres of private land which has been leased under a 30-year wind lease. The project is planned to be interconnected to LCRA's 345kV system located approximately 15 miles north and west of the Project. Private easements have been obtained for the transmission line connecting the project to LCRA's existing system.

A full suite of studies to verify project viability have been conducted including but not limited to environmental studies, cultural resource studies, biological studies, aviation studies, telecommunications studies and wind resource assessment studies and the Project is now in mid stages of development. Full construction of the project is anticipated to begin in April 2017 with completion by December 2017. Once operational the Project is anticipated to sell electricity into the Texas wholesale power market, and have an expected life exceeding 25 years. The proposed project will include, but is not limited to, the following:

- 150 MW-AC in size - 135MW in Lohn ISD
- 60 Wind Turbines - 54 in Lohn ISD
- Underground Medium and high-voltage electric cabling;
- Project substation which will include a high-voltage transformer, switchgear, transmission equipment, telecommunications and SCADA equipment, among other things;
- High-voltage transmission line connecting the project to the grid (gen tie);
- Operations and maintenance (O&M) building including telecommunications and computing equipment, among other things;
- Meteorological equipment to measure weather conditions and wind speeds; and
- Associated equipment to safely operate, maintain and deliver electricity to the grid.

NOTE - The map in TAB 11 shows the proposed project area with the preliminary turbine substation and transmission line locations. The exact placement of these panels and inverters is subject to ongoing planning, soil studies, and engineering and will be determined before construction begins.

ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION ON QUALIFIED PROPERTY
BY HEART OF TEXAS WIND, LLC TO LOHN ISD

Heart of Texas Wind, LLC

Chapter 313 Application to Lohn ISD

Cummings Westlake, LLC

TAB 8

Description of Qualified Property

(See Tab 7)

ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION ON QUALIFIED PROPERTY
BY HEART OF TEXAS WIND, LLC TO LOHN ISD

Heart of Texas Wind, LLC
Chapter 313 Application to Lohn ISD
Cummings Westlake, LLC

TAB 9

Description of Land

SEE LEGAL DESCRIPTIONS UNDER TAB 16, ITEM 16C

Heart of Texas Wind, LLC
Chapter 313 Application to Lohn ISD
Cummings Westlake, LLC

TAB 10

Description of all property not eligible to become qualified property (if applicable)

None, not applicable

ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION ON QUALIFIED PROPERTY
BY HEART OF TEXAS WIND, LLC TO LOHN ISD

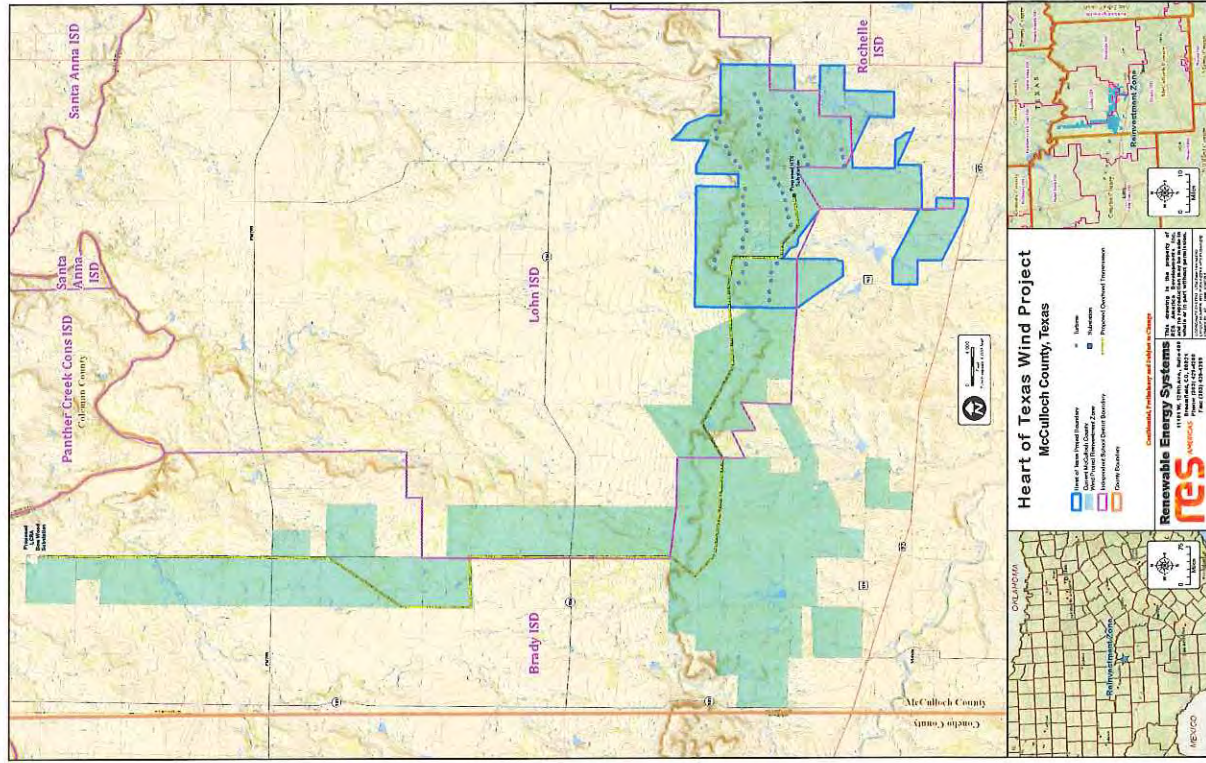
ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION ON QUALIFIED PROPERTY
BY HEART OF TEXAS WIND, LLC TO LOHN ISD

Chapter 313 Application to Lohn ISD
Cummings Westlake, LLC

Maps that clearly show:

- a) Project vicinity
- b) Qualified investment including location of new building or new improvements
- c) Qualified property including location of new building or new improvements
- d) Existing property
- e) Land location within vicinity map
- f) Reinvestment or Enterprise Zone within vicinity map showing the actual or proposed boundaries and size

11 d) THERE IS NO EXISTING PROPERTY



ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION ON QUALIFIED PROPERTY
BY HEART OF TEXAS WIND, LLC TO LOHN ISD

Heart of Texas Wind, LLC

Chapter 313 Application to Lohn ISD

Cummings Westlake, LLC

TAB 12

Request for Waiver of Job Creation Requirement and supporting information (if applicable)

See Attached

CUMMINGS WESTLAKE LLC

12837 Lonetta Road, Suite 201 Cypress, Texas 77429-5611 713-266-4456 Fax: 713-266-2333

February 18, 2016

Mr. Leon Freeman
Superintendent
Lohn Independent School District
1112 FM 504
Lohn, TX 76852

Re: Chapter 313 Jobs Waiver Request

Dear Mr. Freeman,

Heart of Texas Wind LLC requests that the Lohn Independent School District's Board of Trustees waive the job requirement provision as allowed by Section 313.025(f-1) of the Tax Code. This waiver would be based on the school district's board findings that the jobs creation requirement exceeds the industry standard for the number of employees reasonably necessary for the operation of the facility of the property owner that is described in the application.

Heart of Texas Wind LLC requests that the Board of Trustees make such a finding and waive the job creation requirement for 10 permanent jobs. In line with industry standards for job requirements.

Heart of Texas Wind LLC has committed to create four total jobs for the project, three of which will be in Lohn ISD and one in Rochelle ISD.

Wind projects create a large number of full and part-time, but temporary jobs during the construction phase of the project, but require a relatively small number of highly skilled technicians to operate and maintain the project after commercial operation commences.

The industry standard for employment is typically one full-time employee for approximately every 15 turbines. This number will vary depending on the operations and maintenance requirements of the turbines selected as well as the support and technical assistance offered by the turbine manufacturer. The permanent employees of a wind project maintain and service wind turbines, underground electrical connections, substations and other infrastructure associated with the safe and reliable operation of the project. In addition to the onsite employees, there may be managers or technicians who support the project from offsite locations.

Sincerely,



Sam Gregson
Senior Consultant

Enclosures

ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION ON QUALIFIED PROPERTY
BY HEART OF TEXAS WIND, LLC TO LOHN ISD

Heart of Texas Wind, LLC

Chapter 313 Application to Lohn ISD

Cummings Westlake, LLC

TAB 13

Calculation of three possible wage requirements with TWC documentation

- McCulloch County average weekly wage for all jobs (all industries)
- McCulloch County average weekly wage for all jobs (manufacturing)
- See attached Council of Governments Regional Wage Calculation and Documentation

HEART OF TEXAS LLC TAB 13 TO CHAPTER 313 APPLICATION

MCCULLOCH COUNTY CHAPTER 313 WAGE CALCULATION - ALL JOBS - ALL INDUSTRIES

QUARTER	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
FIRST	2015	\$ 779	\$ 40,508
SECOND	2015	\$ 741	\$ 38,532
THIRD	2015	\$ 717	\$ 37,284
FOURTH	2014	\$ 841	\$ 43,732
AVERAGE		\$ 770	\$ 40,014

MCCULLOCH COUNTY CHAPTER 313 WAGE CALCULATION - MANUFACTURING JOBS

QUARTER	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
FIRST	2015	\$ 817	\$ 42,484
SECOND	2015	\$ 882	\$ 45,864
THIRD	2015	\$ 848	\$ 44,096
FOURTH	2014	\$ 912	\$ 47,424
AVERAGE		\$ 865	\$ 44,967
X		110%	110%
		\$ 951	\$ 49,464

CHAPTER 313 WAGE CALCULATION - REGIONAL WAGE RATE

YEAR	AVG WEEKLY WAGES*	ANNUALIZED
Heart of Texas	\$ 748	\$ 38,886
X	110%	110%
	\$ 822.59	\$ 42,775

* SEE ATTACHED TWC DOCUMENTATION

ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION ON
QUALIFIED PROPERTY BY HEART OF TEXAS WIND, LLC TO LOHN ISD

TAB 13

Quarterly Employment and Wages (QCEW)

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Page 1 of 1 (40 results/page)

Year	Period	Area	Ownership	Division	Level	Ind Code	Industry	Avg Weekly Wages
2014	1st Qtr	McClulloch County	Private	00	0	10	Total, All Industries	\$801
2015	1st Qtr	McClulloch County	Private	00	0	10	Total, All Industries	\$779
2014	2nd Qtr	McClulloch County	Private	00	0	10	Total, All Industries	\$780
2015	2nd Qtr	McClulloch County	Private	00	0	10	Total, All Industries	\$741
2014	3rd Qtr	McClulloch County	Private	00	0	10	Total, All Industries	\$808
2015	3rd Qtr	McClulloch County	Private	00	0	10	Total, All Industries	\$717
2014	4th Qtr	McClulloch County	Private	00	0	10	Total, All Industries	\$841

Quarterly Employment and Wages (QCEW)

[Back](#)

Page 1 of 1 (40 results/page)

Year	Period	Area	Ownership	Division	Level	Ind Code	Industry	Avg Weekly Wages
2014	1st Qtr	McClulloch County	Private	31	2	31-33	Manufacturing	\$1,082
2015	1st Qtr	McClulloch County	Private	31	2	31-33	Manufacturing	\$817
2014	2nd Qtr	McClulloch County	Private	31	2	31-33	Manufacturing	\$994
2015	2nd Qtr	McClulloch County	Private	31	2	31-33	Manufacturing	\$882
2014	3rd Qtr	McClulloch County	Private	31	2	31-33	Manufacturing	\$873
2015	3rd Qtr	McClulloch County	Private	31	2	31-33	Manufacturing	\$848
2014	4th Qtr	McClulloch County	Private	31	2	31-33	Manufacturing	\$912

TAB 14

Schedules A1, A2, B, C and D completed and signed Economic Impact (if applicable)

See attached Schedules A1, A2, B, C and D

2014 Manufacturing Average Wages by Council of Government Region
Wages for All Occupations

COG	Wages	
	Hourly	Annual
Texas	\$24.18	\$50,305
1. Panhandle Regional Planning Commission	\$21.07	\$43,821
2. South Plains Association of Governments	\$16.75	\$34,834
3. NORTEX Regional Planning Commission	\$20.23	\$42,077
4. North Central Texas Council of Governments	\$25.32	\$52,672
5. Ark-Tex Council of Governments	\$17.80	\$37,017
6. East Texas Council of Governments	\$19.87	\$41,332
7. West Central Texas Council of Governments	\$19.41	\$40,365
8. Rio Grande Council of Governments	\$17.82	\$37,063
9. Permian Basin Regional Planning Commission	\$23.65	\$49,196
10. Concho Valley Council of Governments	\$18.70	\$38,886
11. Heart of Texas Council of Governments	\$20.98	\$43,636
12. Capital Area Council of Governments	\$28.34	\$58,937
13. Brazos Valley Council of Governments	\$17.57	\$36,547
14. Deep East Texas Council of Governments	\$17.76	\$36,939
15. South East Texas Regional Planning Commission	\$29.21	\$60,754
16. Houston-Galveston Area Council	\$26.21	\$54,524
17. Golden Crescent Regional Planning Commission	\$23.31	\$48,487
18. Alamo Area Council of Governments	\$19.46	\$40,477
19. South Texas Development Council	\$13.91	\$28,923
20. Coastal Bend Council of Governments	\$25.12	\$52,240
21. Lower Rio Grande Valley Development Council	\$16.25	\$33,808
22. Texoma Council of Governments	\$20.51	\$42,668
23. Central Texas Council of Governments	\$18.02	\$37,486
24. Middle Rio Grande Development Council	\$20.02	\$41,646

Source: Texas Occupational Employment and Wages

Data published: July 2015

Data published annually, next update will be July 31, 2016

Note: Data is not supported by the Bureau of Labor Statistics (BLS).
Wage data is produced from Texas OES data, and is not to be compared to BLS estimates.
Data intended for TAC 313 purposes only.

ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION ON
QUALIFIED PROPERTY BY HEART OF TEXAS WIND, LLC TO LOHN ISD

* All investments made during the qualifying time period are captured and totaled on Schedule AI (blue box) and incorporated into this schedule in the first row.
 * Only investment made during either at the start of the limitation (either on the day of and/or qualifying time period but before the start of the value limitation period) should be included in the "year prior to start of value limitation period" row(s). If the limitation starts at the end of the qualifying time period or the qualifying time period ends at the start of the value limitation period, no investment should be included on this line.
 * If your qualifying time period will overlap your value limitation period, do not include investment made during the qualifying time period from 1 year 1 and/or 2 of the value limitation period, depending on the overlap. Only include investments/years that were not captured on Schedule AI.
 * List amount invested each year, not cumulative totals. Only include investments in the remaining rows of Schedule AI that were not captured on Schedule AI.
 * This represents the total dollar amount of planned investment in tangible personal property. Only include estimates of investment for "treasuries" property if the property is specifically described in the application.
 * Tangible personal property that is specifically described in the application can become qualified property.
 * B. The total dollar amount of planned investment each year in buildings or nonmovable component of buildings.
 * C. Dollar value of other investment that may affect economic impact and total value. Examples of other investment that do not become qualified property include investment meeting the definition of 313.021(f) (not just creating a new organization as defined by BAC 1.05). This is proposed property that functionally represents property to be used in making, selling, receiving, moving or exchanging property or is related to existing property—described in SECTION 13, question 8(b) of the application.
 * D. Dollar value of other investment that may affect economic impact and total value. Examples of other investment that may result in qualified property are listed in professional services.

Form 50-200A
Rev. 10-18-99, 10-1-01

For All Columns: List amount invested each year, not cumulative totals.

Column A: This represents the total dollar amount of planned investments in tangible personal property. Only include estimates of investment for "replacement" property if the property is specifically described in the application.

Only tangible personal property that is specifically described in the application can become qualified property.

Column B: The total dollar amount of planned investment each year in buildings or nonmovable component of buildings.

Column C: Dollar value of other investment that may affect economic impact and total values. Examples of other investment that will not become qualified property include investment meeting the definition of §121(c)(1) but not creating a new improvement as defined by TAG 8.1091. This is proposed property and is not currently owned by the municipality, regardless of whether it is located in existing property or is a new addition to the property.

Column D: Dollar value of other investment that may affect economic impact and total values. Examples of other investment that may result in qualified property are land or professional services.

Total Investment: Add together each cell in column and enter the sum in the blue total investment row. Enter the data from this row into the first row in Schedule A2.

Qualified Investment: For the green-qualified investment cell, enter the sum of all the green-shaded cells.

Date 2/29/2016
Applicant Name HEART OF TEXAS WIND LLC
ISD Name LOHN ISD

Schedule C: Employment Information

Form 50-296A
Revised May 2014

	Year	School Year (YYYY-YYYY)	Tax Year (Actual tax year) YYYY	Construction		Non-Qualifying Jobs	Qualifying Jobs	
				Column A	Column B	Column C	Column D	Column E
				Number of Construction FTE's or man-hours (specify)	Average annual wage rates for construction workers	Number of non-qualifying jobs applicant estimates it will create (cumulative)	Number of new qualifying jobs applicant commits to create meeting all criteria of Sec. 313.021(3) (cumulative)	Average annual wage of new qualifying jobs
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2016-2017	2016	0	0	0	0	0
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2017-2018	2017	200 FTE	43,000	0	0	0
Value Limitation Period <i>The qualifying time period could overlap the value limitation period.</i>	1	2018-2019	2018	N/A	N/A	0	3	42,775
	2	2019-2020	2019	N/A	N/A	0	3	42,775
	3	2020-2021	2020	N/A	N/A	0	3	42,775
	4	2021-2022	2021	N/A	N/A	0	3	42,775
	5	2022-2023	2022	N/A	N/A	0	3	42,775
	6	2023-2024	2023	N/A	N/A	0	3	42,775
	7	2024-2025	2024	N/A	N/A	0	3	42,775
	8	2025-2026	2025	N/A	N/A	0	3	42,775
	9	2026-2027	2026	N/A	N/A	0	3	42,775
	10	2027-2028	2027	N/A	N/A	0	3	42,775
Years Following Value Limitation Period	11 through 25	2027-2042	2027-2041	N/A	N/A	0	3	42,775

Notes: See TAC 9.1051 for definition of non-qualifying jobs.
Only include jobs on the project site in this school district.

- C1. Are the cumulative number of qualifying jobs listed in Column D less than the number of qualifying jobs required by statute? (25 ☒ Yes ☐ No
qualifying jobs in Subchapter B districts, 10 qualifying jobs in Subchapter C districts)
If yes, answer the following two questions:
- C1a. Will the applicant request a job waiver, as provided under 313.025(f-1)? ☒ Yes ☐ No
- C1b. Will the applicant avail itself of the provision in 313.021(3)(F)? ☐ Yes ☒ No

Schedule B: Estimated Market And Taxable Value (of Qualified Property Only)

Date 2/29/2016
Applicant Name HEART OF TEXAS WIND LLC
ISD Name LOHN ISD

Form 50-296A
Revised May 2014

	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	Qualified Property			Estimated Taxable Value		
				Estimated Market Value of Land	Estimated Total Market Value of new buildings or other new improvements	Estimated Total Market Value of tangible personal property in the new buildings or "in or on the new improvements"	Market Value less any exemptions (such as pollution control) and before limitation	Final taxable value for I&S after all reductions	Final taxable value for M&O after all reductions
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2016-2017	2016	0	0	0	0	0	0
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2017-2018	2017	0	0	0	0	0	0
Value Limitation Period	1	2018-2019	2018	0	0	178,605,000	178,605,000	178,605,000	15,000,000
	2	2019-2020	2019	0	0	166,103,000	166,103,000	166,103,000	15,000,000
	3	2020-2021	2020	0	0	154,476,000	154,476,000	154,476,000	15,000,000
	4	2021-2022	2021	0	0	143,663,000	143,663,000	143,663,000	15,000,000
	5	2022-2023	2022	0	0	133,607,000	133,607,000	133,607,000	15,000,000
	6	2023-2024	2023	0	0	124,255,000	124,255,000	124,255,000	15,000,000
	7	2024-2025	2024	0	0	115,557,000	115,557,000	115,557,000	15,000,000
	8	2025-2026	2025	0	0	107,468,000	107,468,000	107,468,000	15,000,000
	9	2026-2027	2026	0	0	99,945,000	99,945,000	99,945,000	15,000,000
	10	2027-2028	2027	0	0	92,949,000	92,949,000	92,949,000	15,000,000
Continue to maintain viable presence	11	2028-2029	2028	0	0	88,302,000	88,302,000	88,302,000	88,302,000
	12	2029-2030	2029	0	0	83,887,000	83,887,000	83,887,000	83,887,000
	13	2030-2031	2030	0	0	79,693,000	79,693,000	79,693,000	79,693,000
	14	2031-2032	2031	0	0	75,708,000	75,708,000	75,708,000	75,708,000
	15	2032-2033	2032	0	0	71,923,000	71,923,000	71,923,000	71,923,000
Additional years for 25 year economic impact as required by 313.026(c)(1)	16	2033-2034	2033	0	0	68,327,000	68,327,000	68,327,000	68,327,000
	17	2034-2035	2034	0	0	64,911,000	64,911,000	64,911,000	64,911,000
	18	2035-2036	2035	0	0	61,665,000	61,665,000	61,665,000	61,665,000
	19	2036-2037	2036	0	0	58,582,000	58,582,000	58,582,000	58,582,000
	20	2037-2038	2037	0	0	55,653,000	55,653,000	55,653,000	55,653,000
	21	2038-2039	2038	0	0	52,870,000	52,870,000	52,870,000	52,870,000
	22	2039-2040	2039	0	0	50,227,000	50,227,000	50,227,000	50,227,000
	23	2040-2041	2040	0	0	47,716,000	47,716,000	47,716,000	47,716,000
	24	2041-2042	2041	0	0	45,562,500	45,562,500	45,562,500	45,562,500
	25	2042-2043	2042	0	0	45,562,500	45,562,500	45,562,500	45,562,500

Notes: Market value in future years is good faith estimate of future taxable value for the purposes of property taxation.
Only include market value for eligible property on this schedule.

TAB 15

Economic Impact Analysis, other payments made in the state or other economic information (if applicable)

None

ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION ON QUALIFIED PROPERTY BY HEART OF TEXAS WIND, LLC TO LOHN ISD

Schedule D: Other Incentives (Estimated)

Date: 2/29/2016
Applicant Name: HEART OF TEXAS WIND LLC
ISD Name: LOHN ISD

Form 50-296A
Revised May 2014

State and Local Incentives for which the Applicant intends to apply (Estimated)						
Incentive Description	Taxing Entity (as applicable)	Beginning Year of Benefit	Duration of Benefit	Annual Tax Levy without Incentive	Annual Incentive	Annual Net Tax Levy
Tax Code Chapter 311	County:	N/A	N/A	N/A	N/A	N/A
	City:	N/A	N/A	N/A	N/A	N/A
	Other:	N/A	N/A	N/A	N/A	N/A
Tax Code Chapter 312	County: McCulloch County	2018	10 Years	Annual Avg. of \$636,000	see detail below	Annual Avg. of \$202,000
	City:	N/A	N/A	N/A	N/A	N/A
	Other: Heart of Texas Hospital Dist	2018	10 Years	Annual Avg. of \$161,000		Annual Avg. of \$52,000
	Other: Hickory UWCD	2018	10 Years	Annual Avg. of \$46,000	N/A	Annual Avg. of \$15,000
Local Government Code Chapters 380/381	County:	N/A	N/A	N/A	N/A	N/A
	City:	N/A	N/A	N/A	N/A	N/A
	Other:	N/A	N/A	N/A	N/A	N/A
Freeport Exemptions	N/A	N/A	N/A	N/A	N/A	N/A
Non-Annexation Agreements	N/A	N/A	N/A	N/A	N/A	N/A
Enterprise Zone/Project	N/A	N/A	N/A	N/A	N/A	N/A
Economic Development Corporation	N/A	N/A	N/A		N/A	
Texas Enterprise Fund	N/A	N/A	N/A		N/A	
Employee Recruitment	N/A	N/A	N/A		N/A	
Skills Development Fund	N/A	N/A	N/A		N/A	
Training Facility Space and Equipment	N/A	N/A	N/A		N/A	
Infrastructure Incentives	N/A	N/A	N/A		N/A	
Permitting Assistance	N/A	N/A	N/A		N/A	
Other:	N/A	N/A	N/A		N/A	
Other:	N/A	N/A	N/A		N/A	
Other:	N/A	N/A	N/A		N/A	
Other:	N/A	N/A	N/A		N/A	
TOTAL				\$ 843,000		\$ 269,000

Additional information on incentives for this project:

County Terms: Heart of Texas Wind LLC expects to apply for an abatement structured as follows: Year 1 - 72.5%, Year 2 - 71.3%, Year 3 - 70.2%, Year 4 - 68.9%, Year 5 - 67.6%, Year 6 - 66.3%, Year 7 -

Heart of Texas Wind, LLC

Chapter 313 Application to Lohn ISD

Cummings Westlake, LLC

TAB 16

Description of Reinvestment Zone or Enterprise Zone, including:

- a) *Evidence that the area qualifies as a enterprise zone as defined by the Governor's office*
- b) *Legal description of reinvestment zone**
- c) *Order, resolution, or ordinance established the reinvestment zone**
- d) *Guidelines and criteria for creating the zone**

16 a) Not Applicable

16 b) Included in the resolutions in 16c.

16 c) See attached resolutions for Reinvestment Zones 1, 2, 3 and 4.

16 d) See attached McCulloch County Guidelines and Criteria that were adopted on August 3, 2015

**RESOLUTION OF THE
MCCULLOCH COUNTY COMMISSIONERS COURT**

A RESOLUTION DESIGNATING A CERTAIN AREA AS A REINVESTMENT ZONE FOR TEXAS TAX CODE CHAPTER 312 TAX ABATEMENT IN PORTIONS OF MCCULLOCH COUNTY, TEXAS, TO BE KNOWN AS THE "RATTLESNAKE" REINVESTMENT ZONE; ESTABLISHING THE BOUNDARIES THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, McCulloch County, Texas, desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by the creation of a reinvestment zone as authorized by the Property Redevelopment and Tax Abatement Act, as amended (V.T.C.A. Texas Tax Code § 312.401), for the purpose of authorizing a Tax Abatement Agreement, as authorized by Chapter 312 of the Texas Tax Code; and,

WHEREAS, McCulloch County, Texas, (the "County") desires to encourage the retention or expansion of primary employment and to attract major investment in the County that would be a benefit to property in a reinvestment zone created by the County and that would contribute to the economic development of the County;

WHEREAS, on August 17, 2015, the McCulloch County Commissioners Court held a hearing, such date being at least seven (7) days after the date of publication of the notice of such public hearing, and the delivery of written notice to the respective presiding officers of each taxing entity which includes within its boundaries real property that is to be included in the proposed reinvestment zone as described on EXHIBIT A and mapped on EXHIBIT B; and,

WHEREAS, the McCulloch County Commissioners Court at such public hearing invited any interested person to appear and speak for or against (1) the creation of the reinvestment zone, and whether all or part of the territory described should be included in the proposed reinvestment zone, and (2) acceptance of an Application for Tax Abatement by Rattlesnake Power, LLC, for McCulloch County to consider entering into a Tax Abatement Agreement;

WHEREAS, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment zone and opponents, if any, of the reinvestment zone appeared to contest the creation of the reinvestment zone;

WHEREAS, the County wishes to (1) create a reinvestment zone consisting of the same real property as described on EXHIBIT A and mapped on EXHIBIT B, and (2) accept the Application for Tax Abatement by Rattlesnake Power, LLC.

NOW THEREFORE, BE IT RESOLVED BY THE MCCULLOCH COUNTY COMMISSIONERS COURT:

SECTION 1. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

Page 1 of 5
RESOLUTION - DESIGNATION OF RATTLESNAKE REINVESTMENT ZONE
August 17, 2015

ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION ON
QUALIFIED PROPERTY BY HEART OF TEXAS WIND, LLC TO LOHN ISD

SECTION 2. That the McCulloch County Commissioners Court, after conducting such hearing and having heard such evidence and testimony, has made the following findings and determinations based on the evidence and testimony presented to it:

- (a) That the public hearing on the adoption of the "Rattlesnake" Reinvestment Zone has been properly called, held, and conducted, and that notices of such hearing have been published as required by law and mailed to the respective presiding officers of the governing bodies of all taxing units overlapping the territory inside the proposed reinvestment zone; and,
- (b) That the boundaries of the "Rattlesnake" Reinvestment Zone be and, by the adoption of this Resolution, are declared and certified to be, the area as described in the description attached hereto as "EXHIBIT A"; and,
- (c) That the map attached hereto as "EXHIBIT B" is declared to be and (by the adoption of this Resolution) is certified to depict and to show accurately the boundaries of the "Rattlesnake" Reinvestment Zone, which is normatively described in "EXHIBIT A", and further certifies that the property described in "EXHIBIT A" is inside the boundaries shown on "EXHIBIT B"; and,

- (d) That creation of the "Rattlesnake" Reinvestment Zone with boundaries as described in "EXHIBIT A" and "EXHIBIT B" will result in benefits to McCulloch County and to land included in the zone, and that the improvements sought are feasible and practical; and,

- (e) That the "Rattlesnake" Reinvestment Zone described in "EXHIBIT A" and "EXHIBIT B" meets the criteria set forth in Texas Tax Code §312.401 for the creation of a reinvestment zone as set forth in the Property Redevelopment and Tax Abatement Act, as amended, in that it is reasonably likely that the designation will contribute to the retention or expansion of primary employment, and/or will attract major investment in the zone that will be a benefit to the property to be included in the reinvestment zone and would contribute to the economic development of McCulloch County, Texas.

SECTION 3. That pursuant to the Property Redevelopment and Tax Abatement Act, as amended, the McCulloch County Commissioners Court, hereby creates a reinvestment zone under the provisions of Texas Tax Code § 312.401, encompassing the area described by the descriptions in "EXHIBIT A" and "EXHIBIT B", and such reinvestment zone is hereby designated and shall hereafter be referred to as the *Rattlesnake Reinvestment Zone*.

SECTION 4. That the *Rattlesnake Reinvestment Zone* shall take effect upon adoption by the County Commissioners Court and shall remain designated as a commercial-industrial reinvestment zone for a period of five (5) years from such date of such designation.

SECTION 5. That the McCulloch County Commissioners Court already has found and resolved that McCulloch County is eligible to enter into tax abatement agreements.

SECTION 6. That the McCulloch County Commissioners Court accepts the Application for Tax Abatement submitted by Rattlesnake Power, LLC.

SECTION 7. That if any section, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this resolution.

SECTION 8. That it is hereby found, determined, and declared that a sufficient notice of the date, hour, place, and subject of the meeting of the McCulloch County Commissioners Court, at which this resolution was adopted, was posted at a place convenient and readily accessible at all times, as required by the Texas Open Government Act, Texas Government Code, Chapter 551, as amended; and that a public hearing was held prior to the designation of such reinvestment zone, and that proper notice of the hearing was published in newspapers of general circulation in McCulloch County of the State of Texas; and that, furthermore, such notice was in fact delivered to the presiding officer of any effected taxing entity as prescribed by the Property Redevelopment and Tax Abatement Act.

PASSED, APPROVED, AND ADOPTED on this 17th day of August 2015.

MCCULLOCH COUNTY, TEXAS

By: 
The Honorable Danny Neal
County Judge

By: 
Jim Quinn
Commissioner, Precinct 1

By: 
Jim Ross
Commissioner, Precinct 3

By: 
Gene Edmiston
Commissioner, Precinct 2

By: 
Brent Deeds
Commissioner, Precinct 4

EXHIBIT A
LEGAL DESCRIPTION OF "RATTLESNAKE"
REINVESTMENT ZONE

Insert Legal Description of Full Reinvestment Zone

Exhibit A To The Rattlesnake Reinvestment Zone

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

- (1) The North 110.7 acres, more or less, out of a certain 160 acre tract in the East part of the C.E. Anderson Survey No. 1038, Abstract No. 1729, said 160 acre tract being described in Volume 158, Page 143, Deed Records of McCulloch County, Texas, the 110.7 acres here designated being all of that 160 acre tract that lies North of the North line of a certain 30 foot road as extended West to the West line of said 160 acre tract.
- (2) 89.3 acres, more or less, of land, lying in two Surveys as follows: Two acres out of the Southwest part of the A. Durnzlauf Survey No. 1040, Certificate 835, Abstract 227 and 87.3 acres out of the Northwest part of the H. & T.C. R.R. Co. Survey No. 159, Cert. 33/3278, Abstract 683. The 89.3 acres is described by metes and bounds as follows:

BEGINNING at a fence corner post for the Northwest corner of this tract from which the Northwest corner of Survey 159, the Northeast corner of Survey 1038, the Southwest corner of Survey 1040, bears North 0 Degrees 43' East 14.4 varas;

THENCE North 85 Degrees 45' East, at 162.5 varas cross the North line of Survey 159, the South line of Survey 1040, continuing to 688.5 varas to stake set for the Northeast corner of this tract;

THENCE South 12 Degrees 05' West, at 47.5 varas cross the South line of Survey 1040, the North line of Survey 159, continuing 432 varas in all to stake set for the most northerly Southeast corner of this tract;

THENCE South 85 Degrees 45' West 108.5 varas to stake set for an interior corner of this tract;

THENCE South 12 Degrees 05' West, 500.4 varas to an angle point in a fence,
THENCE South 3 Degrees 45' West 75.6 varas to a fence corner post set in the North line of a certain 30 foot road cross the South line of the North one-half of Survey 159, and set South 89 Degrees 10' East 10.3 varas from the North end of a gate and cattle guard across said 30 foot road;

THENCE with fence along the North line of said 30 foot road, North 89 Degrees 10' West 390.1 varas to stake set in the West line of Survey 159, the East line Survey 1038, and set for the Southeast corner of the 110.7 acre tract, and set for the Southwest corner of this tract;

THENCE with the West line of Survey 159, the East line of Survey 1038, the East line of the 160 acre tract as described in Volume 158, Page 143, Deed Records of McCulloch County, Texas, North 0 Degrees 43' East, 938.6 varas to the PLACE OF BEGINNING.

WIND ENERGY GROUND LEASE
13081995v.3

EXHIBIT "A"

BROAD, A.H. AND LYNDA

EXHIBIT A TO MEMORANDUM OF LEASE: LEGAL DESCRIPTION OF PREMISES

PARCEL 1:

TRACT ONE: All that certain tract or parcel of land situated in the County of McCulloch and state of Texas, to-wit:

111.92 acres of land lying in two Surveys as follows:

100.28 acres in the east part of the SW one-quarter of the H & T C Ry. Co. Survey No. 159, Abstract No. 683; and 11.64 acres out of the north and east part of the NW one-quarter of the H & T C Ry. Co. Survey No. 131; Abstract No. 669. The 111.92 acres form a solid body of land and are situated about three miles West and five miles North from Brady, the County Seat of McCulloch County, Texas, and described by metes and bounds as follows:

Beginning at a fence corner post and 1" iron pipe set for the NW corner of this tract and set in the South line of a 30 foot roadway that runs over and across and along the entire south line of the north one-half of Survey 159, and from said pipe and corner post the SW corner of Survey No. 159, the NW corner of Survey No. 131 bears S. 24° 09' 30" W. 1048.7 varas;

THENCE with fence along south line of the 30 foot roadway S. 89° 10' E. 577.35 varas to a 1" iron pipe set at a fence corner post for the NE corner of this tract and set at or near the center of Survey No. 159;

Thence with fence S. 0° 54' 30" W. at 963 varas cross the south line of Survey 159, the north line of Survey 131, continuing to 1001.51 varas in all to a 1" iron pipe set at a fence corner post for the SE corner of this tract;

Thence with fence S. 80° 18' 45" W. 693.09 varas to a 1" iron pipe set at the point of intersection of the South and West fences produced for the most southerly SW corner of this tract;

Thence with fence N. 15° 48' E. at 170.87 varas cross the North line of Survey 131, the south line of Survey 159, continuing to 697.54 varas in all to a 1" iron pipe set at fence corner post for an interior corner of this tract;

Thence with fence N. 70° 24' W. 153.49 varas to a 1" iron pipe set at the point of intersection of the fence along this course produced, with the fence along the west line produced for the most northerly SW corner of this tract;

Thence with fence N. 10° 43' 15" E. 410.9 varas to the place of beginning.

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EXHIBIT "C"

BROAD, A.H. AND LEE

WIND ENERGY GROUND LEASE
12276529v.5

EXHIBIT "C"

BROAD, A.H. AND LEE

TRACT TWO: 227.08 acres of land, more or less, situated in McCulloch County, Texas, described as follows, to-wit:

Being all of a tract of land containing 339 acres, more or less, out of and part of H. & T.C.R.R. Co. Surveys Nos. 131 and 159, Abstract Nos. 669 and 683, Certificate No. 33/3264, and 33/3278, patented to H. & T.C.R.R. Co. by Patent Nos. 246, and 215, Volume 44, being the same tract of land conveyed by Bertram C. Broad at or to Howard O. Broad by deed dated July 13, 1962 recorded in Volume 160, Page 611, Deed Records, McCulloch County, Texas, and said 339 acre tract being described by metes and bounds as follows:

Beginning at a stake in the West boundary line of said Survey No. 131, Set 970 varas South of the Northwest corner of said Survey No. 131, from which stake a Spanish Oak 6 inches in diameter bears North 16° West 9 varas;

Thence North at 970 varas passing the Northwest corner of said Survey No. 131, and Southwest corner of said Survey No. 159, at 1930 varas to a stake in the West line of said Survey No. 159, from which a Live Oak 6 inches in diameter bears South 82° West 19½ varas; a mesquite 6 inches in diameter bears South 24½° East 29 varas;

Thence East 944 varas to a stake from which a Live Oak 20 inches in diameter bears North 43° East 50 varas;

Thence South 1930 varas to a stake from which a Post Oak 3 inches in diameter bears North 19½° West 11 varas; a Post Oak 4 inches in diameter bears North 22° West 11 varas;

Thence West 994 varas to the place of beginning.

LESS SAVE AND EXCEPT all that certain tract of land situated in McCulloch County, Texas containing 111.92 acres, more or less, more particularly described as follows:

100.28 acres in the east part of the SW one-quarter of the H & T C Ry. Co. Survey No. 159, Abstract No. 683; and 11.64 acres out of the north and east part of the NW one-quarter of the H & T C Ry. Co. Survey No. 131; Abstract No. 669. The 111.92 acres form a solid body of land and are situated about three miles West and five miles North from Brady, the County Seat of McCulloch County, Texas, and described by metes and bounds as follows:

Beginning at a fence corner post and 1" iron pipe set for the NW corner of this tract and set in the South line of a 30 foot roadway that runs over and across and along the entire south line of the north one-half of Survey 159, and from said pipe and corner post the SW corner of Survey No. 159, the NW corner of Survey No. 131 bears S. 24° 09' 30" W. 1048.7 varas;

THENCE with fence along south line of the 30 foot roadway S. 89° 10' E. 577.35 varas to a 1" iron pipe set at a fence corner post for the NE corner of this tract and set at or near the center of Survey No. 159;

Thence with fence S. 0° 54' 30" W., at 963 varas cross the south line of Survey 159, the north line of Survey 131, continuing to 1001.51 varas in all to a 1" iron pipe set at a fence corner post for the SE corner of this tract;

Thence with fence S 80° 18' 45" W. 693.09 varas to a 1" iron pipe set at the point of intersection of the South and West fences produced for the most southerly SW corner of this tract;

Thence with fence N. 15° 48' E. at 170.87 varas cross the North line of Survey 131, the south line of Survey 159, continuing to 697.54 varas in all to a 1" iron pipe set at fence corner post for an interior corner of this tract;

Thence with fence N. 70° 24' W. 153.49 varas to a 1" iron pipe set at the point of intersection of the fence along this course produced, with the fence along the west line produced for the most northerly SW corner of this tract;

Thence with fence N. 10° 43' 15" E. 410.9 varas to the place of beginning.

TRACT THREE: All that certain tract of land out of the C.E. Anderson Survey No. 1038, Abstract No. 1729, being all of that certain tract of land identified as tract (1) of Second Tract as conveyed in a deed dated July 13, 1962 from Bertram C. Broad et ux to Howard O. Broad et ux, recorded at Volume 160, Page 611, Deed Records, McCulloch County, Texas, called as containing 590.1 acres, more or less, Less, SAYE AND EXCEPT all of that certain tract of land conveyed from Howard O. Broad et ux to William A. Dodds by deed dated October 1, 1969, recorded in Volume 173, Page 240, Deed Records, McCulloch County, Texas, called as containing 571.1 acres, more or less. The land herein conveyed is described as follows:

590.1 acres, more or less, out of and part of the C. E. Anderson Survey No. 1038, Abstract No. 1729, patented to C. E. Anderson by Patent No. 415, Volume 4; and out of and a part of the H. & T.C.R.R. Co. School Section No. 132, Certificate No. 33/3264, Abstract No. 2169, purchased from the State by and patented to S. W. Colton by Patent No. 308, Volume 48, which said tracts lie contiguous and are described by metes and bounds as follows:

Beginning at a stake in West line of said Survey No. 132, set 281.9 varas South of the Northwest corner of said Survey No. 132, for the Northwest corner of this tract.

Thence with the West line of said Survey No. 132, South 1646.1 varas to a stake set for the Southwest corner of this tract and the Northwest corner of a tract in the name of L. M. Parker, from which a Live Oak 8 inches in diameter bears South 68½° East 24 varas; a Live Oak 10 inches in diameter bears South 38¼° West 12 varas;

Thence along the North line of the L.M. Parker tract, East 2000 varas to stake in the East line of said Survey No. 132, from which a Live Oak 3 inches in diameter bears South 82½° West 6-4/5 varas; a Live Oak 3 inches in diameter bears North 7½° West 12 ¾ varas;

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EXHIBIT "C"

BROAD, A.H. AND LEE

Thence with the East lines of said Surveys Nos. 132 and 1038, North 1661.1 varas to stake in the East line of said Survey No. 1038, set for the Northeast corner of this tract.

Thence West 2003 varas crossing North line of said Survey No. 132, and South line of said Survey No. 1038, to the Place of Beginning.

LESS, SAYE and EXCEPT all that certain tract of land conveyed in a deed dated October 1, 1969 from Howard O. Broad to William A. Dodds recorded at Volume 173, Page 240, Deed Records, McCulloch County, Texas, described as follows:

571.1 acres of land, more or less, in McCulloch County, Texas, being 58.3 acres out of C. E. Anderson Survey No. 1038, Abstract No. 1729, patented to C. E. Anderson by Patent No. 415, Volume 4, and 512.8 acres out of H. & T.C. RR. Co. School Section No. 132, Certificate No. 33/3264, Abstract No. 2169, purchased from the State and patented to S.W. Colton by Patent No. 308, Volume 48; also being out of and a part of that certain 590.1 acre tract of land described in a deed from Bertram C. Broad, et ux, to Howard O. Broad of record in Volume 160, Page 611 of McCulloch County Deed Records, and said 571.1 acre tract of land being described by metes and bounds as follows:

Beginning at a fence corner in the West line of said Survey No. 132, being 281.9 varas South of the Northwest corner of said Survey No. 132 and Southwest corner of said Survey No. 1038, for the Northwest corner of said 590.1 acre tract of land and for the Northwest corner hereof;

Thence with a fence and West line of said Survey No. 132, S 00° 29' W. 1646.1 varas to a fence corner for the Northwest corner of a tract of land in the name of L.M. Parker, for the Southwest corner of said 590.1 acre tract of land and for the Southwest corner hereof;

Thence with a fence and North line of said L.M. Parker tract, S 89° 21' E. 2000 varas, to a fence corner for the Northeast corner of said Parker tract, for the Southeast corner of said 590.1 acre tract of land, and for the Southeast corner hereof;

Thence with a fence and East line of Surveys Nos. 132 and 1038, North, at about 1052.4 varas pass over the Northeast corner of said Survey No. 132 and Southeast corner of said Survey No. 1038, a total distance of 1068.6 varas to a fence corner in the East line of said 590.1 acre tract of land and for an angle corner hereof;

Thence with a new fence, N 00° 47' E. 211.5 varas, to a fence corner in the South line of an abandoned field, being 6.5 varas West of the East line of said Survey No. 1038, for the most Easterly Northeast corner hereof;

Thence with a fence and South line of said field as follows: N 85° 55' W. 49.7 varas, N. 50° 39' W. 161.5 varas and N. 71° 00' W. 287 varas to a fence corner for the Southwest corner of said field and for a corner hereof;

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EXHIBIT "C"

BROAD, A.H. AND LEE

Thence with a fence, N. 05° 22' W. 251.1 varas to a fence corner in the North line of said 590.1 acre tract of land for the Northwest corner of said old field and for the most Northerly Northeast corner hereof;

Thence with a fence and North line of said 590.1 acre tract of land, S. 87° 43' W. at about 946.2 varas cross the line between said Surveys Nos. 132 and 1038, a total distance of 1520.7 varas to the place of beginning, containing 371.1 acres of land, more or less.

TRACT FOUR: Being a 20 foot roadway across the South part of the Northeast one fourth of H.T.C.R.R.Co. Survey No. 131, Abstract No. 669, Certificate No. 246, Volume 44, as conveyed by T. A. Dial and wife to A. H. Broad and E.A.G. Broad, by deed dated April 7, 1928, recorded in Volume 78, page 230, Deed Records of McCulloch County, Texas, and described by metes and bounds as follows:

BEGINNING at a stake set in the East line of said Survey No. 131, set 950 varas North of the Southeast corner of said survey and set for the Southeast corner of a tract out of said Survey conveyed by E. N. Naylor and wife, T.A. Dial by deed dated November 5, 1917, recorded in Book 32, page 624, Deed Records of McCulloch County, Texas;

THENCE with the South line of said T. A. Dial tract, West 1000 varas to stake and mound set for the Southwest corner of said T. A. Dial tract.

THENCE with West line of said Dial tract, North 20 feet to stake.

THENCE, Parallel with the South line of said Dial tract and 20 feet therefrom, East 1000 varas to a stake and mound set in the East line of said Survey No. 131, and set in the East line of said Dial tract.

THENCE with the East line of said Survey No. 131, and East line of said Dial tract, South 20 feet to the place of beginning.

And being the same roadway described in a Warranty Deed dated August 13, 1934, from A.H. Broad and wife, Mary M. Broad to E. A. G. Broad of record in Volume 93, page 71, Deed Records of McCulloch County, Texas, to which Deed and the record thereof reference is here made for all purposes.

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EXHIBIT "C"

BROAD, A.H. AND LEE

PARCEL 2:

BEING 584.3 acres, more or less, consisting of the following described tracts:

- (1) 87 acres, more or less, the South part of Adam Dumzlauf Survey No. 1040, Certificate No. 835, Abstract No. 227, patented to M.D. Conklin by Patent No. 411, Volume 16, which tract is described by metes and bounds as follows:

BEGINNING at a stake set for the Southeast corner of said Survey No. 1040, from which a LO 20" bears North 54 Degrees East 21 varas;

THENCE North 491 varas to stake and mound from which a LO 10" bears North 30½ Degrees West 15½ varas a LO 8" in diameter bears North 44½ Degrees West 18½ varas;

THENCE West 994 varas to stake and mound in West line of said Survey No. 1040 from which a Mes. 6" bears North 54½ Degrees West 23¾ varas; a Mes. 6" bears North 45 Degrees East 18¼ varas;

THENCE South with West line of said Survey 1040, and East line of Survey 134, 491 varas to stake set for the Southeast corner of Survey No. 134, the Northeast corner of Survey 1038, the Northwest corner of Survey No. 159, for the Southwest corner of Survey No. 1040, and the Southwest corner of this tract;

THENCE with North line of said Survey 159, and South line of Survey 1040, East 994 varas to the PLACE OF BEGINNING.

- (2) 160 acres, more or less, out of the East part of C.E. Anderson Survey 1038, Abstract 1729, patented to C.E. Anderson by Patent No. 415, Volume 4, which tract was on September 6, 1960, surveyed by R. L. Barnett, public surveyor, and described by metes and bounds as follows:

BEGINNING at a stake set 475.2 varas North 88 Degrees 53' West of the Northeast corner of said Survey 1038, for the Northwest corner hereof;

THENCE South 88 Degrees 53' East 475.2 varas to a stake set in a fence for the Northeast corner of said Survey No. 1038, and for the Northeast corner hereof;

THENCE South 00 Degrees 43' West with a fence and the East line of said Survey 1038 1243.8 varas to a fence corner for the Southeast corner of the A.H. Broad, Jr. and G.S. Broad property out of said Survey 1038, same being the Northeast corner of the H.O. and B.C. Broad property out of said Survey 1038, for the Southeast corner hereof;

THENCE South 88 Degrees 40' West with a fence and the line between said Broad property, a distance of 963.3 varas to a stake set in the said fence for the Southwest corner hereof;

THENCE North 21 Degrees 32' East 1371.2 varas to the PLACE OF BEGINNING.

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BROAD, A.H. AND LEE

- (3) 337.3 acres, more or less, the North one-half of H. & T.C. R.R. Co. Survey No. 159, Certificate 33/3278, Abstract No. 683, patented to H. & T.C. R.R. Co. by Patent No. 215, Volume 44.

SAVE AND EXCEPT the following described tracts of land:

- (1) The North 110.7 acres, more or less, out of a certain 160 acre tract in the East part of the C.E. Anderson Survey No. 1038, Abstract No. 1729, said 160 acre tract being described in Volume 158, Page 143, Deed Records of McCulloch County, Texas, the 110.7 acres here designated being all of that 160 acre tract that lies North of the North line of a certain 30 foot road as extended West to the West line of said 160 acre tract.
- (2) 89.3 acres, more or less, of land, lying in two Surveys as follows: Two acres out of the Southwest part of the A. Dumzian Survey No. 1040, Certificate 835, Abstract 227 and 87.3 acres out of the Northwest part of the H. & T.C. R.R. Co. Survey No. 159, Cert. 33/3278, Abstract 683. The 89.3 acres is described by metes and bounds as follows:

BEGINNING at a fence corner post for the Northwest corner of this tract from which the Northwest corner of Survey 159, the Northeast corner of Survey 1038, the Southwest corner of Survey 1040, bears North 0 Degrees 43' East 14.4 varas;

THENCE North 85 Degrees 45' East, at 162.5 varas cross the North line of Survey 159, the South line of Survey 1040, continuing to 688.5 varas to stake set for the Northeast corner of this tract;

THENCE South 12 Degrees 05' West, at 47.5 varas cross the South line of Survey 1040, the North line of Survey 159, continuing to 432 varas in all to stake set for the most northerly Southeast corner of this tract;

THENCE South 85 Degrees 45' West 108.5 varas to stake set for an interior corner of this tract;

THENCE South 12 Degrees 05' West, 500.4 varas to an angle point in a fence;

THENCE South 3 Degrees 45' West 75.6 varas to a fence corner post set in the North line of a certain 30 foot road cross the South line of the North one-half of Survey 159, and set South 89 Degrees 10' East 10.3 varas from the North end of a gate and cattle guard across said 30 foot road;

THENCE with fence along the North line of said 30 foot road, North 89 Degrees 10' West 390.1 varas to stake set in the West line of Survey 159, the East line Survey 1038, and set for the Southeast corner of the 110.7 acre tract, and set for the Southwest corner of this tract;

THENCE with the West line of Survey 159, the East line of Survey 1038, the East line of the 160 acre tract as described in Volume 158, Page 143, Deed Records of McCulloch County, Texas, North 0 Degrees 43' East, 938.6 varas to the PLACE OF BEGINNING.

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EXHIBIT "C"

BROAD, A.H. AND LEE

- (3) 53.12 acres, more or less, of land, in McCulloch County, Texas, situated about five and one-half miles North and three miles West from Brady, the County Seat, and lying in two Surveys as follows: 3.81 acres, in the H. & T.C. R.R. Co. Survey No. 159, Certificate No. 33/3278, Abstract No. 683, patented to H. & T.C. R.R. Co. by Patent No. 215, Volume 44, and being a certain 30 foot roadway over and across and along the entire South line of the North one-half of Survey 159; and 49.31 acres out of the South part of a certain 160 acre tract in the East part of the C.E. Anderson Survey No. 1038, Abstract No. 1729, patented to C.E. Anderson by Patent No. 415, Volume 4. The 53.12 acres form a solid body of land and are described by metes and bounds as follows:

BEGINNING at a corner fence post set in the East line of the C.E. Anderson Survey No. 1038, the West line of the H. & T.C. R.R. Co. Survey No. 159, and set for an interior corner of this 53.12 acre tract from which the Northeast corner of Survey No. 1038 bears North 00 Degrees 43' East 962.3 varas;

THENCE with fence along the East line of Survey No. 1038, the East line of the 160 acre tract referred to above, South 00 Degrees 43' West 281.5 varas to a fence corner post set for the Southeast corner of the 160 acre tract, the Northeast corner of the H.O. and B.C. Broad property out of Survey No. 1038, and being the Southeast corner of this tract;

THENCE with fence between properties of H.O. and B.C. Broad and G.S. and A.H. Broad, South 88 Degrees 40' West 963.3 varas to a stake set in the fence for the Southwest corner of the 160 acre tract, the Southwest corner of this tract;

THENCE North 21 Degrees 32' East 351.4 varas for the Northwest corner of this tract, and set in the West line of the 160 acre tract;

THENCE South 89 Degrees 10' East, at 837.8 varas the Northwest corner of the 30 foot roadway set in the West line of Survey No. 159, continuing to 2827.8 varas in all to the Northeast corner of said roadway set in the West line of U.S. Highway No. 283;

THENCE South 00 Degrees 43' West 10.8 varas to a corner fence post set for the Southeast corner of said thirty foot roadway and set for the most easterly Southeast corner of this tract;

THENCE with the South line of said thirty foot roadway and with a fence along the South line of the North one-half of Survey No. 159, North 89 Degrees 10' West 1990 varas to the PLACE OF BEGINNING.

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EXHIBIT "C"

BROAD, A.H. AND LEE

PROPERTY SIXTEEN - J.A. JONES, ET AL

All of that land situate in McCulloch County, Texas, being 109.252 acres of land, more or less out of the Jacob Klock Survey No. 1249, Abstract No. 819, more fully described on the legal description attached hereto, being the same land as described and defined in that certain deed dated November 19, 1993, from Noble M. Johnson and Modenia Johnson to J.A. Jones and J.S. Anderson, recorded in Volume 262, Page 560, Deed Records, McCulloch County, Texas.

EXHIBIT A

LEGAL DESCRIPTION OF EASEMENT PROPERTY

The following lands situated in McCulloch County, Texas:

FIRST TRACT: 185 acres, more or less, and being described in three tracts out of W. J. Jamison Survey No. 46, Certificate No. 33/3222, Abstract No. 1674, patented to A. M. Jamison by Patent No. 639, Volume 8, and being:

(1) 70 acres, more or less, off the East end of the 210 acre tract that was conveyed by G. V. Gansel to J. E. Aka by Deed dated November 25, 1905, recorded in Volume 7, Page 346, Deed Records of

McCulloch County, Texas, which Deed and record are here referred to and made part hereof for description.

The 70 acre tract is the 70 acre off the East end of said 210 acre tract set apart to S. H. Deatherage et al in Partition Deed between them and Ernest Tankersley et al, dated August 12, 1924, and which Partition Deed is here referred to and made part hereof for description.

The 70 acres here conveyed begins at the Northeast corner of said 210 acre tract in the East line of said Survey No. 46, and which corner is 902 varas South from the Northeast corner of said Survey No. 46;

THENCE along the East line of said 210 acre tract of land, South 592 varas to the Southeast corner of same in the East line of said Survey No. 46;

THENCE along the South line of said 210 acre tract of land, West 668 varas to the Southeast corner of the portion of said tract set apart and partitioned to Ruby E. Tankersley in said above mentioned Partition Deed;

THENCE with the East line of said Ruby E. Tankersley tract, North 592 varas to Northeast corner of said Ruby E. Tankersley tract in North line of said above described 210 acre tract;

THENCE along the North line of said above described 210 acre tract East 668 varas to the place of beginning. The land here conveyed is the same land conveyed to Ernest Tankersley by S.H. Deatherage, Samuel Perry Deatherage and wife, Edna Deatherage, by Deed dated August 12, 1924, of record in Book 66, Page 212, Deed Records of McCulloch County, Texas, which Deed and record are here referred to and made part hereof for description.

(2) .35 acres, more or less, and being the same 35 acres of land set apart to Ruby E. Tankersley in the Partition Deed dated August 12, 1924, now of record in Volume 66, Page 230 to 232 Deed Records of McCulloch County, Texas, which Deed and the record thereof are here referred to and made part hereof for all purposes;

Said land being described in Deed by S. H. Deatherage, et al, in the Partition of the community property between S. H. Deatherage and his deceased wife, Laura Deatherage. Said Deed and it record are here specifically referred to and made part hereof for all purposes;

BEGINNING at a stake in North line of said 210 acre tract, 668 varas West from the Northeast corner of said 210 acre tract and set for the Northwest corner of a 70 acre tract off of the East end of said 210 acre tract set apart to S. H. Deatherage and Samuel Perry Deatherage, being tract No. 2 described in Deed of Partition S. H. Deatherage, et al., to Bertha J. Speights, et al. recorded in Volume 66, Page 230, Deed Records of McCulloch County, Texas;

THENCE with the West line of said 70 acre tract, South 592 varas to stake in South line of said 210 acre tract set for the Southwest corner of said 70 acre tract off of the East end of said 210 acre tract set apart to said S. H. Deatherage and Samuel Perry Deatherage;

THENCE with the South line of said 210 acre tract West 333 3/4 varas to the middle of the South line of said 210 acre tract, and the Southeast corner of the portion of said Survey set apart to Bertha J. Speights;

THENCE North to the middle of the North line of said 210 acre tract and the Northeast corner of said Bertha J. Speights tract;

THENCE with the North line of said 210 acre tract, East 333 3/4 varas to the place of beginning.

(3) 80 acres, being the South 1/2 of the East 1/2 of the 320 acre tract out of the North part of said Section 46, purchased from the State by W. J. Jamison and patented to A. M. Jamison by Patent No. 639, Volume 8, recorded in Volume J, Page 135, Deed Records of McCulloch County, Texas, which patent is here referred to and made part hereof. Said land conveyed by S. N. Lemons and wife, to S. C. Crumley by Deed dated October 23, 1915, recorded in Volume 40, Page 147, Deed Records, McCulloch County, Texas.

The three above described tracts of land are the same tracts of land described in Deed of Trust from Oscar B. Betsill and wife, Willys Betsill, to the Federal Land Bank of Houston dated November 27, 1946, recorded in Book 15, Page 241, Deed of Trust Records of McCulloch County, Texas, and said Deed of Trust and record are here referred to and made part hereof for all purposes.

SECOND TRACT: 45.1 acres, more or less, out of two surveys as follows:

(1) 30.1 acres out of the Southeast part of H. & T. C. RR Co., Survey No. 46, Certificate No. 33/3222, Abstract No. 1674, purchased from the State by W. J. Jamison and patented to A. M. Jamison by Patent No. 639, Volume 8, and;

(2) 15 acres out of the Northeast part of Heinrich Schneider Survey No. 1275, Certificate No. 238, Abstract No. 1309, patented to Evan Shelby by Patent No. 829, Volume 12.

Which said tracts lie contiguous and described by metes and bounds as follows:

BEGINNING at a stake set for the Southeast corner of said Survey No. 46, and Northeast corner of said Survey No. 1275;

THENCE with East line of said Survey No. 46, North 435 varas to stake set for the Northeast corner of this tract and being set for the Northeast corner of Tract No. 5 in the Partition of a certain 210 1/2 acre tract out of said Surveys Nos. 46 and 1275, in Cause No. 2972 entitled I. R. Hallmark vs. Duward Jones, et al., in District Court of McCulloch County, Texas, rendered on the 17th day of October A.D. 1935, and recorded in Volume 8, Page 14, Records of said Court;

THENCE with North line of said 210 1/2 acre tract, South 89° 20' West (at 138.66 varas the Northwest corner of Tract No. 5, the Northeast corner of Tract No. 4, at 277 1/2 varas the Northwest corner of Tract No. 4 and Northeast corner of Tract No. 3) 416.65 varas to stake set for Northwest corner of Tract No. 3 and Northeast corner of Tract No. 2, for the Northwest corner of this tract;

THENCE with East line of Tract No. 2 and West line of Tract No. 3, South 610 varas to stake in South line of said 210 1/2 acre tract set for the Southeast corner of Tract No. 2, and Southwest corner of Tract No. 3, for the Southwest corner of this tract;

THENCE with South line of said 210 1/2 acre tract, North 89° 45' East (at 139.11 varas the Southeast corner of Tract No. 3 and Southwest corner of Tract No. 4, at 276.99 varas the Southeast corner of Tract No. 4, and Southwest corner of Tract No. 5) 415.65 varas to stake in East line of said Survey No. 1275, set for the Southeast corner of said 210 1/2 acre tract, the Southeast corner of said Tract No. 5, for the Southeast corner of this tract, from which a Mesquite 4" in dia. brs. North 23° West 16 1/2 varas, a mesquite 3" in dia. brs. South 57 1/2° West 21 1/2 varas;

THENCE with East line of said Survey No. 1275, North 178 varas to the place of beginning.

Said two tracts of land are the same two tracts of land conveyed to Oscar Betsill by Louella Knight, et al., by Deed dated July 1, 1949, recorded in Book 126, Page 405, Deed Records of McCulloch County, Texas, and said Deed and record are here referred to and made part hereof for description.

EXHIBIT ALEGAL DESCRIPTION OF EASEMENT PROPERTY

The following lands situated in McCulloch County, Texas:

The West half of 137.64 acres, more or less, out of the W. J. Jamieson Survey No. 46, Abstract No. 1674, Certificate No. 3373222, purchased from the State by W. J. Jamieson and patented to A. M. Jamieson by Patent No. 639, Volume 8, McCulloch County, Texas, being in two (2) tracts, described by metes and bounds as follows:

Tract 1: 82.74 acres, more or less, out of the North part of the Northwest part of W. J. Jamieson Survey No. 46, Abstract No. 1674, Certificate No. 3373222, purchased from the State by W. J. Jamieson and patented to A. M. Jamieson by Patent No. 639, Volume 8, which 82.74 acre tract is out of and a part of a 103 acre tract described in a Contract of Sale between Veterans Land Board and Karl R. Kiebling, recorded in Volume 154, Page 488, Deed Records, McCulloch County, Texas, said 103 acre tract described by metes and bounds as follows:

Beginning at a concrete marker set in a fence corner 21.6 varas South of and 36 varas East of the Northwest corner of said Survey No. 46, in the South line of F. M. Highway No. 765, 21.6 varas South of the center line Station 173/58 of said Highway, for the Northwest corner hereof;

Thence South 45° 00' West with a fence and said Highway Right of Way 50.9 varas to a fence corner in the West line of said Survey, 57.6 varas South of the Northwest corner of said Survey, and in the East line of a public road;

Thence South 0° 12' West with a fence and West Survey line, 549.7 varas to a concrete marker set in the said fences in East line of said road, and in the West line of said Survey No. 46 for the Southwest corner hereof;

Thence East 1004 varas to a concrete marker set in a North and South fence for the Southeast corner hereof;

Thence North, with a fence, 574.6 varas to a concrete marker set in a fence corner in the South line of said F. M. Highway 765, 21.6 varas South of the North line of said Survey No. 46, for the Northeast corner hereof;

Thence North 89° 20' West with a fence and South right of way line of said Highway 966.2 varas to the place of beginning.

Save and Except 20.26 acres out of the W. J. Jamieson Survey No. 46, Abstract No. 1674, in McCulloch County, Texas, said 20.26 acres being out of and a part of the 103 acre tract described in said Contract of Sale between Veterans Land Board and Karl R. Kiebling, recorded in Volume 154, Page 488, Deed Records, McCulloch County, Texas, said 20.26 acres being described by metes and bounds as follows:

Beginning at a 1/2 inch steel stake in the South line of F. M. Highway 765 by a T corner post for the Northwest corner hereof, from which point a concrete highway

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monument for the most northerly Northwest corner of said 103 acre tract bears North 89° 20' West 1473.0 feet;

Thence with a fence and the West line hereof, South 03° 10' West 1301.9 feet to a 1/2 inch steel stake set for the Southwest corner hereof;

Thence with the South line hereof, South 86° 50' East 670.7 feet to a 1/2 inch steel stake set for the Southeast corner hereof;

Thence with the East line hereof, North 03° 08' 21" East 1331.16 feet to a 1/2 inch steel stake set in said South line of Highway 765 for the Northeast corner hereof, from which point a 3/8 inch steel stake for the Northeast corner of said 103 acre tract bears South 89° 20' East 540.5 feet;

Thence with said South line of Highway 765 for the North line hereof, North 89° 20' West 670.7 feet to the place of beginning, leaving a net acreage in this Tract 1 of 82.74 acres, more or less.

Tract 2: 54.9 acres out of the South part of the Northwest part of W. J. Jamieson Survey No. 46, Abstract No. 1674, Certificate No. 3373222, purchased from the State by W. J. Jamieson and patented to A. M. Jamieson by Patent No. 639, Volume 8, which 54.9 acre tract is described by metes and bounds as follows:

Beginning at a concrete marker set in a fence in the East line of a public road, and in the West line of said Survey No. 46, 607.5 varas South 0° 12' West from the Northwest corner of said Survey No. 46, for the Southwest corner of a 103 acre tract of land for the Northwest corner hereof;

Thence South 0° 12' West with a fence and West Survey line 308.5 varas to a fence corner and the intersection of the East line of said Road with the North line of a lane for the Southwest corner hereof;

Thence East with a fence 1005.1 varas to a fence corner in the North line of said land for the Southeast corner hereof;

Thence North, with a fence, 308.5 varas to a concrete marker set in a said fence for the Southeast corner of said 103 acre tract, and for the Northeast corner hereof;

Thence West with the South line of said 103 acre tract, 1004 varas to the place of beginning.

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EXHIBIT ALEGAL DESCRIPTION OF EASEMENT PROPERTY

The following lands situated in McCulloch County, Texas

176.6 acres, more or less, all of Reinhard Stollie Survey No. 1263, Certificate No. 650, Abstract No. 1209, patented to Reinhardt Stollie by Patent No. 803, Volume 17, McCulloch County, Texas, deeded to R.R. Bradshaw, Jr. et ux in Volume 164, Page 559, Deed Records of McCulloch County, Texas.

176.2 acres, more or less, all of Reinhard Stollie Survey No. 1264, Certificate No. 650, Abstract No. 1207, patented to Reinhardt Stollie by Patent No. 803, Volume 17, McCulloch County, Texas, deeded to R.R. Bradshaw, Jr. et ux in Volume 164, Page 559, Deed Records of McCulloch County, Texas.

Sold tracts of land, being the same tracts of land described as Tract 2 and Tract 3 in that certain Warranty Deed dated 1/7/2004 and recorded in Volume 338, Page 862, McCulloch County Deed Records.

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of the following described land in McCulloch County, Texas, to-wit:

TRACT ONE: Being 854.1 acres, more or less in McCulloch County, Texas, in the following described tracts:

(A) 419.5 acres, more or less, the South part of H. & T. C. R.R. Co. Survey No. 133, Abstract No. 670, Certificate No. 333265, patented to H. & T. C. R.R. Co. by Patent No. 243, Volume 44, which tract is described by metes and bounds as follows:

BEGINNING at a stake set for the Northwest corner of said Survey No. 133, the Northeast corner of Survey No. 108, the Southeast corner of H. & T. C. R.R. Co. Survey No. 107, and the Southwest corner of Johann Buhlmann Survey No. 1127, from which stake a L.O. 8" bears North 2° East 30 varas, a L.O. 10" bears South 41° West 4 varas;

THENCE South 1916 varas along West line of said Survey No. 133, to the Southwest corner of Survey No. 133, from which a Rock Oak 3" in dia. bears North 85° West 30 1/4 varas;

THENCE North 59°42' East 1900 varas along the South line of said Survey No. 133, to its Southeast corner, and the Northwest corner of Survey No. 132, the Southwest corner of Survey No. 1038, and from which stake a L.O. 5" bears North 39° West 28 varas;

THENCE with the East line of Survey No. 133, North 983 varas to a stake set for the Northeast corner of this tract;

THENCE West 1625 varas to the place of beginning;

(B) 288.3 acres, more or less, in two surveys as follows:

(1) 272.1 acres, more or less, out of and a part of C. E. Anderson Survey No. 1038, Abstract No. 1729, patented to C. E. Anderson by Patent No. 415, Volume 4; and

(2) 16.2 acres, more or less, out of the Northwest part of S. W. Colton Survey No. 132, Abstract No. 2169, Certificate No. 333264, purchased from the State by and patented to S. W. Colton by Patent No. 308, Volume 44, and which said tracts are described by metes and bounds as follows:

BEGINNING at a stake set for the Southeast corner of H. & T. C. R.R. Co. Survey No. 133, the Northeast corner of Survey No. 1130, the Northwest corner of Survey No. 132, and Southwest corner of C. E. Anderson Survey No. 1038, from which a L.O. 6" in dia. bears North 39° West 28 varas;

THENCE with the West line of said Survey No. 132, South 281.9 varas to stake set for the Southwest corner of this tract;

THENCE East (crossing North line of Survey No. 132, and South line of Survey No. 1038)

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1039.7 varas to stake set for the Southwest corner of a certain 160 acre tract out of said Survey No. 1038, conveyed to Albert H. Broad, Jr., for the Southeast corner of this tract;

THENCE with West line of said Albert H. Broad, Jr. 160 acre tract, North 21° 32' East 1371.2 varas to stake set for the Northwest corner of said 160 acre tract, and the Northeast corner of this tract;

THENCE West 1527.8 varas to stake set in West line of Survey No. 1038, and East line of H. & T. C. R.R. Co. Survey No. 133, for the Northwest corner of this tract;

THENCE South with West line of said Survey No. 1038, and East line of said Survey No. 133, 983 varas to the place of beginning.

(C) 146.3 acres, more or less, in two surveys as follows:

(1) 117 acre, more or less, out of the Southeast corner of S. T. Ward Survey No. 134, purchased from the State by S. T. Ward, Abstract No. 2084, patented to W. B. White by Patent No. 64, Volume 17;

(2) 29.3 acres, more or less, out of the Northeast part of C. E. Anderson Survey No. 1038, Abstract No. 1729, patented to C. E. Anderson by Patent No. 415, Volume 4, which said tracts are described by metes and bounds as follows:

BEGINNING at a stake set for the Northwest corner of H. & T. C. R.R. Co. Survey No. 159, the Northeast corner of C. E. Anderson Survey No. 1038, the Southwest corner of A. Dunszlauf Survey No. 1040, the Southeast corner of said Survey No. 134, for the Southeast corner of this tract;

THENCE with East line of said Survey No. 134, and West line of said Survey No. 1040, North (at 491 varas, the Northwest corner of a certain 87 acre tract, out of the South part of said Survey No. 1040, from which a Mes. 6" bears North 54 3/4° West 23 3/4 varas; a Mes. 6" bears North 45° East 18 1/4 varas) 972 varas to stake set for the Northwest corner of Survey No. 1040, for the Northeast corner of this tract, from which a Live Oak 5" bears North 50° East 74 1/2 varas; a Live Oak 6" bears North 18° East 80 varas;

THENCE West 842 varas to a rock mound the Northwest corner of this tract;

THENCE South crossing the South line of Survey No. 134, and North line of said Survey 1038, 972 varas to stake, set for the Southwest corner of this tract;

THENCE East 842 varas to the place of beginning.

TRACT TWO: Being 53.12 acres, more or less, in McCulloch County, Texas, situated about five and one-half miles North and three miles West from Brady, the County Seat, and lying in two Surveys as follows:

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3.81 acres, more or less, in the H. & T. C. R.R. Co. Survey No. 159, Abstract No. 683, Certificate No. 33/3278, patented to H. & T. C. R.R. Co. by Patent No. 215, Volume 44, and being a certain 30 foot roadway over and across and along the entire South line of the North one-half of Survey No. 159; and

49.31 acres, more or less, out of the South part of a certain 160 acre tract in the East part of the C.E. Anderson Survey No. 1038, Abstract No. 1729, patented to C. E. Anderson by Patent No. 415, Volume 4.

Said 53.12 acres forms a solid body of land and is described by metes and bounds as follows:

BEGINNING at a corner fence post set in the East line of the C. E. Anderson Survey No. 1038, the West line of the H. & T. C. R.R. Co. Survey No. 159, and set for an interior corner of this 53.12 acre tract from which the Northeast corner of Survey No. 1038 bears North 00° 43' East 962.3 varas;

THENCE with fence along the East line of Survey No. 1038, the East line of the 160 acre tract referred to above, South 00° 43' West 281.5 varas to a fence corner post set for the Southeast corner of the 160 acre tract, the Northeast corner of the H. O. and B. C. Broad property out of Survey No. 1038, and being the Southeast corner of this tract;

THENCE with fence between the properties of H. O. and B. C. Broad, and G. S. and A. H. Broad, South 88° 40' West 963.3 varas to a stake set in the fence for the Southwest corner of the 160 acre tract, the Southwest corner of this tract;

THENCE North 21° 32' East 351.4 varas for the Northwest corner of this tract, and set in the West line of the 160 acre tract;

THENCE South 89° 10' East, at 837.8 varas the Northwest corner of the 30 foot roadway set in the West line of Survey No. 159, continuing to 2827.8 varas to the Northeast corner of said roadway set in the West line of U. S. Highway No. 283;

THENCE South 00° 43' West 10.8 varas to a corner fence post set for the Southeast corner of said thirty foot roadway and set for the most easterly Southeast corner of this tract;

THENCE with the South line of said thirty foot roadway and with a fence along the South line of the North one-half of Survey No. 159, North 89° 10' West 1990 varas to the place of beginning.

TRACT THREE: Being 799.1 acres of land in McCulloch County, Texas, containing approximately 274.9 acres of the H.A.D. Lockmann Survey 1131, Abstract 909, and approximately 271.1 acres of the H. Stoppel Survey 1130, Abstract 1305, and approximately 158.1 acres of the N.P. Fulcher Survey 110, Abstract 1750, and approximately 69.7 acres of the L.M. Parker Survey 132, Abstract 2329 (formerly Abstract 2169), and approximately 24.6 acres of the C. Hugh Survey 1035, Abstract 480, and approximately 0.6 acres of the S.W. Colton Survey 132, Abstract 2169, and approximately 0.1 acres of the C. Hudt Survey 1034, Abstract 481, said 799.1 acres being all of Tracts 3, 5, and 6 and a part of Tracts 1 and 4 described in the deed from Farm Credit Bank of Texas to W.C. Wright and wife, Winifred Wright, dated July 6,

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1988, and recorded in Volume 239, Page 600, McCulloch County Deed Records.

BEGINNING at a 1/2" iron stake set on the southwest side of an old large corner post representing the southwest corner of said Tract 3 of said Wright deed, said iron stake being located 349.55' S00° 06' 38" W of an old corner post representing the south corner of said Lockmann Survey; From said old corner post a liveoak stump bears S32° 06' 46" W 119.84' (43.142v) [Patent=S31 1/2 RW 42 4/5 varas].

THENCE N00° 06' 38" E 5719.07' (2058.865v) [Deed Call=North 2046 varas] along the general course of a fence representing the west lines of the said N.P. Fletcher Survey, the said H. A. D. Lockmann Survey, and the said H. Stoppel Survey, and representing the east lines of the J. Lockman Survey 1132, and the H. & T. C. Ry. Co. Survey 109, to a 2 1/2" iron corner post representing the northwest corner of the said Stoppel Survey, the northeast corner of the said H. & T. C. Ry. Co. Survey 109, the southeast corner of the S. W. Colton Survey 108, and the southwest corner of the H. & T. C. Ry. Co. Survey 133. Said iron corner post also represents the northwest corner of said Tract 6 of said Wright deed.

THENCE N58° 59' 00" E 5138.49' (1849.856v) [Deed call=N58° 45'E 1854 varas] along the general course of a fence representing the north line of said Stoppel Survey and the south line of the said H. & T. C. Ry. Co. Survey 133, to a 2 1/2" iron corner post representing the northeast corner of said Stoppel Survey, the northwest corner of said Colton Survey 132, the southwest corner of the C.E. Anderson Survey 1038, and the southeast corner of the said H. & T. C. Ry. Co. Survey 133. Said iron corner post also represents the northeast corner of said Tract 6.

THENCE S00° 00' 00" W 5360.29' (1929.704v) [Deed Calculation=South 1924 varas] along the general course of a fence representing the east line of said Stoppel Survey, at 782.44' passing the northwest corner of a 624.6 acre tract surveyed simultaneously, continuing along the east line this tract and along the west line of said 624.6 acre tract and along the general course of said fence representing the east lines of the said Stoppel Survey, and the said H. A. D. Lockmann Survey, and representing the west line of said Colton Survey 132, to a 1/2" iron stake set 1.0' west of a new corner post at a fence intersection representing the southwest corner of said Tract 4 and the northwest corner of said Tract 1 of said Wright deed. Said iron stake is an interior corner of this tract and the westernmost southwest corner of said 624.6 acre tract.

THENCE along the common boundary between said 799.1 acre tract and said 624.6 acre tract and along the general course of a fence as follows:

N89° 19' 47" E 361.36' to a 1/2" iron stake set on the northeast side of an old corner post and on the northwest side of a new corner post; and S89° 47' 58" E 2710.78' to a 1/2" iron stake set on the southeast side of a tall power pole corner post; and S32° 42' 43" E 64.54' to a 1/2" iron stake set on the southwest side of a tall power pole corner post; and N76° 55' 38" E 37.48' to a 1/2" iron stake set on the northwest side of a tall power pole corner post; and

S24° 56' 14" E 606.72' to a 1/2" iron stake set on the northeast side of a large Liveoak tree; and S41° 20' 38" E 735.49' to a 2 1/2" iron corner post; and S07° 19' 54" E 651.07' to the south line of the said L. M. Parker Survey which is the south line of said Tract 1 of said Wright deed, said

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point being located 0.65' S07° 19' 54" E (southerly, in line with fence) of a 1/2" iron stake found 0.55' southeast of a southeast brace post.

THENCE N66° 23' 46" W 3883.37' [Deed Bearing=N66° 40' W] along the general course of a fence representing the south line of said Parker Survey and the north line of the said Huth Survey 1035, to a 1/2" iron stake found at a fence intersection representing the easternmost northeast corner of said Tract 5 of said Wright deed.

THENCE S00° 16' 23" W 2574.86' (926.950v) [Deed Calls=South 939.4 varas] along the general course of a fence representing the easternmost east line of said Tract 5 and the east line of Tract 3 of said Wright deed to the southeast corner of said Tract 3, said point being located 0.26' N89° 43' 37" W (westerly) and 1.14' S00° 16' 23" W (southerly) of a 1/2" iron stake found on the east side of a corner post. From said southeast corner of said Tract 3 a dead Liveoak tree bears S74° 15' E 40.28' (14.5v) [Deed Call=S74° 15' E 14 1/2 varas].

THENCE S87° 46' 06" W 4815.95' (1733.742v) [Deed Call=S88° 30' W 1724 varas; Volume 188, Page 485-S87 1/2° W] along the general course of a fence representing the south line of said Tract 3 of said Wright deed to the place of beginning.

TRACT FOUR: A roadway easement 30 ft. in width, off of and along the South line of Adam Dumzlauf Surveys Nos. 1042 and 1043, Abstract Nos. 224 and 226, as described in a deed from D. F. Savage and S. W. Colton to B. J. Fitzgerald dated January 28, 1914, recorded in Volume 31, Page 133, Deed Records, McCulloch County, Texas, to which reference is here made for all purposes

TRACT FIVE: An easement and right of way for ingress and egress as described in a deed dated May 4, 1998 from Winifred B. Wright to Stephen T. Broad and Zana Broad, recorded in Volume 294, Page 346, passing in, over and along a certain way more fully described as follows:

0.26 acre road easement which connects said 799.1 acre tract to the western terminus of County Road #418 and runs along the southernmost south line of a 624.6 acre tract surveyed simultaneously, said road easement being in the L. M. Parker Survey 132, Abstract 23329 (formerly abstract 2169), McCulloch County, Texas, and being a part of Tract 1 described in the deed from Farm Credit Bank of Texas to W. C. Wright and wife, Winifred Wright, dated July 6, 1988, and recorded in Volume 239, Page 600, McCulloch County Deed Records.

BEGINNING at the south corner of said western terminus of County Road #418, at a 1/2" iron stake found on the southeast side of a power pole corner post which is located in the south line of the said L. M. Parker Survey which is the south line of the said Tract 1 of said Wright deed, said iron stake being the southernmost southeast corner of said 624.6 acre tract which is located 4445.09' S66° 23' 46" E of the easternmost southeast corner of said 799.1 acre tract.

THENCE N66° 23' 46" W 445.09' [Deed Bearing=N66° 40' W] along the south line of this easement which is the south line of said 624.6 acre tract, and along the general course of a fence to the easternmost southeast corner of said 799.1 acre tract, said corner being located 0.65' S07° 19' 54" E (southerly, in line with fence) of a 1/2" iron stake found 0.55' southeast of a southeast

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brace post.

THENCE N07° 19' 54" W 29.15' along the west end of this easement and along the eastern line of said 799.1 acre tract to a point located 621.93' S07° 19' 54" E of a 2½" iron corner post.

THENCE S66° 23' 46" E 459.46' along the north line of this easement to a point located in the western terminus of said County Road #418, said point being located 14.58' S22° 12' 17" W of a ½" iron stake set on the west side of an old corner post for the westernmost corner of a 373.5 acre tract surveyed simultaneously.

THENCE S22° 12' 17" W 25.01' along the east line of this easement and along the east line of said 624.6 acre tract to the place of beginning.

EXHIBIT A

LEGAL DESCRIPTION OF EASEMENT PROPERTY

The following lands situated in McCulloch County, Texas:

657.373 acres, more or less, being all of the A.M. Jamison Survey No. 48, Abstract No. 1814, Certificate No. 33/3223, patented to A.M. Jamieson by Patent No. 641, Volume 18, McCulloch County, Texas.

Said land being the same land described in that certain deed dated April 2, 1998 and recorded in Volume 294, Page 155, Deed Records, McCulloch County, Texas.

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EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

1301.146 acres, more or less, situated in McCulloch County, Texas, and being two tracts out of Thomas Kreiker Survey No. 1256, Abstract No. 814, Thomas Kreiker Survey No. 1257, Abstract No. 813, H. & T.C. RR Co. Survey No. 63, Abstract No. 634, E.W. Harris Survey No. 64, Abstract No. 2006, H. & T.C. RR Co. Survey No. 39, Abstract No. 621, Heinrich Herder Survey No. 1258, Abstract No. 510, Heinrich Herder Survey No. 1259, Abstract No. 511 and Fisher & Miller Survey No. 2596, Abstract No. 287, described by metes and bounds as follows:

TRACT ONE: 1288.274 acres of land out of the Thomas Kreiker Survey No. 1256, Abstract No. 814, the Thomas Kreiker Survey No. 1257, Abstract No. 813, the H. & T.C. RR Co. Survey No. 63, Abstract No. 634 and the E.W. Harris Survey No. 64, Abstract No. 2006 in McCulloch County, Texas and also being a portion of that certain 2947.884 acre tract as described in Volume 366, Page 352 of the Official Public Records of McCulloch County, Texas; Said 1288.274 acre tract being more particularly described as follows and as surveyed under the supervision of Watson Professional Group, Inc.;

BEGINNING at a 8 inch cedar fence corner post found in the east line of that certain 12.872 acre tract, being a portion of said 2947.884 acre tract, as surveyed this same day by Watson Professional Group, Inc. for the southeast corner of the Heinrich Herder Survey No. 1258, Abstract No. 510, the southwest corner of the H. & T.C. RR Co. Survey No. 61, Abstract No. 633, the northwest corner of said Survey No. 1257, the northeast corner of the H. & T.C. RR Co. Survey No. 39, Abstract No. 621, the southwest corner of that certain 1212.285 acre tract as described in Volume 338, Page 529 of said Official Public Records, an ell corner of said 2947.884 acre tract and the northwest corner hereof.

THENCE along the general meanders of a fence for the record common line of said Survey No. 61, said Survey No. 1257, said Survey No. 64 and the E. H. Daniken Survey No. 1217, Abstract No. 195 and a north line of said 2947.884 acre tract, the following six (6) courses:

1. South 89° 49' 02" East a distance of 2688.20 feet along the south line of said 1212.285 acre tract to a 4 inch cedar fence corner post found at the southeast corner of said 1212.285 acre tract also being the southwest corner of that certain 92.7 acre tract described in Volume 335, Page 490 of said Official Public Records;
2. South 89° 44' 38" East a distance of 2675.83 feet along the south line of said 92.7 acre tract to a 10 inch cedar fence corner post found at the southeast corner of said Survey No. 61, the southwest corner of said Survey No. 1217, the northwest corner of said Survey No. 64, the northeast corner of said Survey No. 1257, the southeast corner of said 92.7 acre tract and the southwest corner of that certain 150 acre tract as described in Volume 93, Page 288 of the Deed Records of McCulloch County, Texas;
3. North 55° 27' 38" East a distance of 2003.36 feet along the south line of said 150 acre tract to a 5 inch cedar fence corner post found for the southeast corner of said 150 acre tract and the southwest corner of that certain 100 acre tract as described in Volume 47, Page 508 of the Deed of Trust Records of McCulloch County, Texas;
4. North 55° 24' 26" East a distance of 1351.33 feet along the south line of said 100 acre tract to a wood fence corner post found for the southeast corner of said 100 acre tract and the southwest corner of that certain 50 acre tract as described in Volume 213, Page 461 of said Deed Records;
5. North 55° 28' 32" East a distance of 1355.97 feet along the south line of said 50 acre tract to a 3/8 inch iron rod found for the southeast corner of said 50 acre tract;

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6. North 55° 27' 22" East a distance of 2148.85 feet to a 3 inch pipe fence corner post found for the southeast corner of said Survey No. 1217, the southwest corner of the Fisher & Miller Survey No. 2578, Abstract No. 275, the northwest corner of the Friedrich Fretche Survey No. 1218, Abstract No. 313, the northeast corner of said Survey No. 64, the most easterly northeast corner of said 2947.884 acre tract, the northwest corner of that certain 81.8 acre tract as described in Volume 47, Page 508 of said Deed of Trust Records, and the most easterly northeast corner hereof;

THENCE along the general meanders of a fence for the record common line of said Survey No. 64, said Survey No. 1218, said Survey No. 63 and the Friedrich Fretche Survey No. 1219, Abstract No. 314 and the east line of said 2947.884 acre tract, the following two (2) courses:

1. South 00° 06' 42" East a distance of 1515.40 feet along the west line of said 81.8 acre tract to a 6 inch cedar fence corner post found at the southwest corner of said 81.8 acre tract and the northwest corner of that certain 663.5 acre tract described in Volume 52, Page 239 of said Deed of Trust Records;
 2. South 00° 09' 05" West a distance of 3882.38 feet along the west line of said 663.5 acre tract to a 6 inch cedar fence corner post found in the north line of that certain 4324.878 acre tract described in Volume 213, Page 859 of said Deed Records for the southwest corner of said Survey No. 1219, the northwest corner of E.W. Harris Survey No. 33, Abstract No. 2232, the northeast corner of Hans Christian Schaefer Survey No. 1220, Abstract No. 1217, the southeast corner of Survey No. 63, the southwest corner of said 663.5 acre tract, the southeast corner of said 2947.884 acre tract and the southeast corner hereof;
- THENCE** South 57° 29' 43" West a distance of 3330.89 feet along the record common line of said Survey No. 63 and said Survey No. 1220, the south line of said 2947.884 acre tract to a 3/8 inch iron rod found for the northwest corner of said Survey No. 1220, the northeast corner of Hans Christian Schaefer Survey No. 1221, Abstract 1215, and the northeast corner of a called 349.952 acre tract of land described in Volume 328, page 6 of said Official Public Records;

THENCE along the general meanders of a fence for the record common line of said Survey No. 1221 and said Survey No. 63 and the northwest line of said 349.952 acre tract and the south line of said 2947.884 acre tract the following three (3) courses:

1. South 57° 41' 18" West a distance of 1219.38 feet to a 1/2 inch iron rod found;
2. South 57° 44' 11" West a distance of 1183.82 feet to a 1/2 inch iron rod found;
3. South 57° 44' 24" West a distance of 913.66 feet to a 1/2 inch iron rod found for the northwest corner of said Survey No. 1221, the northeast corner of the C.R. Tisdale Survey No. 38, Abstract No. 2211, the southeast corner of said Survey No. 1256, the southwest corner of said Survey No. 63, the northwest corner of said 349.952 acre tract, the northeast corner of that certain 640 acre tract described in Volume 144, Page 526 of said Deed Records and a corner hereof;

THENCE North 87° 40' 45" West a distance of 5254.35 feet along the general meanders of a fence crossing said Survey No. 1256 for the south line of said 2947.884 acre tract and the north line of said 640 acre tract to a 12 inch cedar fence corner post found at an ell corner of said 2947.884 acre tract for an ell corner hereof;

THENCE North 04° 06' 45" West a distance of 1739.75 feet along the general meanders of a fence crossing said Survey No. 1256 along the west line of said 2947.884 acre tract to a 10 inch cedar gate fence corner post found in the record common line of said Survey No. 39 and said Survey No. 1256 for

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the northeast corner of that certain 160 acre tract as described in Volume 206, Page 506 of said Official Public Records and an interior corner of said 2947.884 acre tract;

THENCE North 00° 20' 14" West a distance of 3091.74 feet along the record common line of said Survey No. 1256, said Survey No. 1257 and said Survey No. 39 and crossing said 2947.884 acre tract, to the POINT OF BEGINNING, containing 1288.274 acres, more or less.

Note: Bearings and distances are grid, NAD 83 US TX Central Zone. Iron rods set are 1/2 inch rebar with plastic caps marked "WATSON 1989" or "WATSON 5740".

TRACT TWO: BEING 12.872 acres of land, more or less, out of the H. & T. C. RR Co. Survey No. 39, Abstract No. 621, the Heinrich Herder Survey No. 1258, Abstract No. 510, the Heinrich Herder Survey No. 1259, Abstract No. 511 and the Fisher & Miller Survey No. 2596, Abstract No. 287 and also being a portion of that certain 2947.884 acre tract of land as described in Volume 366, Page 352 of the Official Public Records of McCulloch County, Texas and a portion of a called 160 acre tract described in a deed recorded in Volume 228, Page 811 of the Deed Records of McCulloch County, Texas; Said 12.872 acre tract being more particularly described as follows and as surveyed under the supervision of Watson Professional Group, Inc;

BEGINNING at a 8 inch cedar fence corner post found for the southeast corner of said Survey No. 1258, the southwest corner of the H. & T. C. RR Co. Survey No. 61, Abstract No. 633, the northwest corner of the Thomas Kreiker Survey No. 1257, Abstract No. 813, the northeast corner of said Survey No. 39 for an interior corner of said 2947.884 acre tract, the southwest corner of that certain 1212.285 acre tract as described in Volume 338, Page 529 of said Official Public Records and the northwest corner of that certain 1288.274 acre tract as surveyed this same day by Watson Professional Group, Inc. as a portion of said 2947.884 acre tract;

THENCE South 00° 20' 14" East a distance of 50.00 feet along the record common line of said Survey No. 1257 and said Survey No. 39, the west line of a right of way easement as described in Volume 167, Page 207 of the Deed Records of McCulloch County, Texas and the west line of said 1288.274 acre tract to a 1/2 inch iron rod set for a corner of that certain 303.591 acre tract as surveyed this same day by Watson Professional Group, Inc. being a portion of said 2947.884 acre tract and the southeast corner hereof;

THENCE crossing said Survey No. 39, said Survey No. 1258, said Survey No. 1259 and said Survey No. 2596 along the north line of said 303.591 acre tract, the east line of that certain 1000.011 acre tract as surveyed this same day by Watson Professional Group, Inc. being a portion of said 2947.884 acre tract, the east line of that certain 509.223 acre tract as surveyed this same day by Watson Professional Group, Inc. being a portion of said 2947.884 acre tract and crossing said 2947.884 acre tract the following five (5) courses;

1. South 89° 49' 02" West a distance of 50.28 feet to a 1/2 inch iron rod set for the southwest corner hereof;
2. North 00° 10' 00" West a distance of 55.52 feet to a 1/2 inch iron rod set in the record common line of said Survey No. 39 and said Survey No. 1258 for a corner hereof;
3. North 00° 10' 58" West a distance of 5535.13 feet to a 1/2 inch iron rod set in the common line of said Survey 1259 and said Survey 2596;
4. North 00° 13' 32" West a distance of 2872.44 feet to a 1/2 inch iron rod set;

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5. North 00° 19' 57" West a distance of 2743.90 feet to a 1/2 inch iron rod set in south right-of-way line of Farm-to-Market Road 504 and the north line of said 2947.884 acre tract for the northeast corner of said 509.223 acre tract and the northwest corner hereof.

THENCE South 89° 38' 59" East a distance of 50.02 feet along the north line of said 2947.884 acre tract and the south line of said FM 504 to a 1/2 inch iron rod set in the common line of said Survey No. 2596 and the A. Hoelscher Survey No. 1261, Abstract No. 501 for the most northerly northeast corner of said 2947.884 acre tract, the northwest corner of said 1212.285 acre tract and the northeast corner hereof and from which a 6 inch cedar post fence corner found bears South 25° 31' 31" East a distance of 1.77 feet and a 4 inch post fence corner found bears South 84° 32' 19" East a distance of 43.01 feet;

THENCE along the record common line of said Survey No. 1261, said Survey No. 2596, said Survey No. 1259, said Survey No. 1258, said Survey No. 39, said Survey No. 61 and the A. Hoelscher Survey No. 1260, Abstract No. 500 for the west line of said 1212.285 acre tract and the east line of said 2947.884 acre tract the following three (3) courses:

1. South 00° 19' 57" East a distance of 2746.03 feet 1/2 inch iron rod found with a plastic cap marked "WATSON 5740" at the southwest corner of said Survey No. 1261 and the northwest corner of said Survey No. 1260;
2. South 00° 13' 32" East a distance of 2875.34 feet to a 14 inch cedar fence corner post found for the southeast corner of said Survey No. 2596, the southwest corner of said Survey No. 1260, the northwest corner of said Survey No. 61 and the northeast corner of said Survey No. 1259;
3. South 00° 11' 03" East a distance of 5534.73 feet to the POINT OF BEGINNING, containing 12.872 acres, more or less.

Note: Bearings and distances are grid, NAD 83 US TX Central Zone. Iron rods set are 1/2 inch rebar with plastic caps marked "WATSON 1989".

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EXHIBIT "A"

CK HAYERLAH RANCH, LP

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

TRACT ONE: BEING an area of 665.161 acres of land, more or less, in McCulloch County comprised of 626.50 acres out of C.R. Tisdale Survey 38, Abstract No. 2211, and 38.66 acres out of C. Schmidt Survey No. 1252, Abstract No. 1234, McCulloch County, Texas, and said 665.161 acre tract being out of 2554 acres conveyed by deed from Ollie M. Johnson, a widow, and Noble M. Johnson to Joe Dale Johnson, described and recorded May 15th, 1953, in Volume 144, Page 526, Deed Records of McCulloch County, Texas, and said 665.161 acre tract being more particularly described by metes and bounds as follows;

BEGINNING at a 1/2" iron rod found, from which a fence corner post bears South 1.0 feet, for the Northeast corner of this tract being the Northeast corner of the Survey 38, Northwest corner of H. Schaefer Survey 1221, Abstract 1215, the Southeast corner of Thos. Kreiker Survey 1256, Abstract 814, the Southwest corner of H. & T. C. Ry. Co. Survey 63, Abstract 634, and being the Northeast corner of 2554 acre Johnson tract, the Northwest corner of 349.952 acres described in a Warranty Deed from John P. Easley, and wife, Mary Lou Easley to J. P. Easley Family Partnership, LTD. recorded in Volume 328, Page 6, Deed Records of McCulloch County, Texas, and being a Southern corner of 4,369.319 acres described in a Warranty Deed to Beakley Cattle Company, LLC. recorded in Volume 366, Page 252, Deed Records of McCulloch County, Texas;

THENCE with the East line of Survey 38 and the West line of Survey 1221, and the West line of said 349.952 acres, the East line of 2554 acre Johnson tract, the East line of this tract along and with a fence, S0° 10' 37"E (Call North), at 1186.46 feet passing a 1/2" iron rod found, at 2309.28 feet passing a 1/2" iron rod found, at 2586.94 feet passing the Southwest corner of Survey 1221 and the Northwest corner of H. Schaefer Survey 1222, Abstract 1216, and continuing with the East line of Survey 38 and the West line of Survey 1222, at 4083.05 feet passing a 1/2" iron rod found, and continuing for a total of 5146.41 feet to a three way fence corner post, being the Southeast corner of Survey 38, the Southwest corner of Survey 1222, the Northwest corner of G. & B.N. Co. Survey 34, Abstract 443, the Northeast corner of Jacob Klock Survey 1250, Abstract 820, also being the Southwest corner of 349.952 acre tract, the Northwest corner of a 364.43 acres described in a Warranty Deed from Jesse L. Stanfield and wife, Margaret Stanfield to SMIKID, LTD., a Texas Limited Partnership, recorded in Volume 332, Page 511, Deed Records of McCulloch County Texas, and the Northeast corner of a 125.293 acres described in a General Warranty Deed from Joe H. Johnson and wife, Mackye M. Johnson; Joen Johnson and husband, Gary Sutton; Janice Johnson Cook and husband, Ronnie Lee Cook; Justine Johnson McNeely and husband, Ted E. McNeely to SMIKID, Ltd recorded in Volume 380 Page 100, Deed Records of McCulloch County, Texas, and being the Southeast corner of this tract;

THENCE with the North line of Survey 1250 and the South line of Survey 38, and the North line of 125.293 acre tract with a fence, N87° 46' 07"W, 1699.29 feet (Call S. 87° 22' 12" E, 1700.06 feet) to a 1/2" iron rod with cap marked "ROSS", for the Northwest corner of 125.293 acre SMIKID tract, and an interior corner of the remainder of 2,554 acre Johnson tract;

THENCE upon and across 2,554 acre Johnson tract, along the South line of Survey 38 and North line of Survey 1250, with a fence, N87° 46' 07"W, at 976.88 feet passing a calculated point for the Northwest corner of Survey 1250 and the Northeast corner of Jacob Klock Survey 1251,

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Abstract 822, continuing for a total distance of 3653.05 feet to a four way fence corner post, from which an Oak tree, 36" diameter, bears S43° 36' 09"E, 56.34 feet, being the Northwest corner of Survey 1251, the Southwest corner of Survey 38, the Northeast corner of H. & T. C. Survey 37, Abstract 820, the Southeast corner of C. Schmidt Survey 1252, Abstract 1234, and being an angle point for the South line of this tract;

THENCE upon and across Survey 1252, and 2554 acre Johnson tract, with a fence, N84° 54' 58"W, 592.71 feet to a 2 1/2" pipe fence corner post, for the Southwest corner of this tract;

THENCE with a fence, N0° 19' 28"W, 2689.66 feet to a 2 1/2" pipe fence corner post, being in the North line of Survey 1252, the South line of C. Schmidt Survey 1255, Abstract 1235, and being in the South line of 617.7 acres described in a Warranty Deed to Harold Lanier Price recorded in Volume 206, Page 506, Deed Records of McCulloch County, Texas, the North line of 2554 acre Johnson tract, and being the Western most Northwest corner of this tract;

THENCE along the North line of Survey 1252, the South line of Survey 1255, the South line of 617.7 acre Price tract, the North line of 2554 acre Johnson tract, with a fence, N89° 52' 54"E, 649.28 feet to a cedar fence corner post, being the Northeast corner of Survey 1252, the Southeast corner of Survey 1255, being in the West line of Survey 38, for an interior corner of this tract;

THENCE along the East line of Survey 1255, the West line of Survey 38, the East line of 617.7 acre Price tract, the West line of 2554 acre Johnson Tract, with a fence, N0° 54' 43"E, 2407.29 feet (Call South 950 varas) to a 1/2" iron rod by a three way fence corner post, for the Northeast corner of Survey 1255, the Northwest corner of Survey 38, the Southeast corner of H. & T. C. R.R. Survey 39, Abstract 621, the Southwest corner Survey 1256, being the Southwest corner of 4369.319 acre Beakley tract, and being the Northern most Northwest corner of 2554 acre Johnson tract, and being the Northern most Northwest corner of this tract;

THENCE along the South line of Survey 1256, the North line of Survey 38, the South line of 4369.319 acre Beakley tract, the North line of 2554 acre Johnson tract, with a fence, S87° 40' 57"E, 5254.71 feet (Call West 1900 varas) to the PLACE OF BEGINNING and containing an area of 665.161 acres of land.

TRACT TWO:

A non-exclusive easement as described in an easement dated April 25, 1994 from Carol Ann Johnson to Joen Johnson Sutton, et al, recorded in Volume 265, Page 264, Deed Records, McCulloch County, Texas, to be held, used and enjoyed in common with the other Grantors herein, said easement described as follows:

Said 30-foot wide strip is 15.0 feet on each side of a centerline, more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a point in the north line of public road for the south end hereof from which point a railroad spike set by a "T" corner post in the south line of said public road for the southeast

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COOK FAMILY REVOCABLE TRUST

corner of said Fisher & Miller Survey No. 2591 bears South 82° 39' 51" East 461.51 feet;

THENCE with the approximate centerline of an existing road across said Carol Ann Johnson 524 acres, North 15° 58' West 1504.37 feet, a railroad spike, North 12° 46' 58" West 1999.73 feet, a railroad spike, North 12° 13' 58" West 577.82 feet, a railroad spike at the intersection of another access road, (which bears northwest to the east property line of Grantee's property, said access road to the Northwest to Grantee's property is included herein), North 09° 08' 00" East 148.54 feet, North 33° 02' 48" East 1008.57 feet, and North 11° 59' 16" East 169.17 feet to a point in the north line of said Survey No. 2591, being the north line of said Carol Ann Johnson 524 acres, from which a point a ½ inch steel stake set by a "T" corner post for the Northeast corner of said Survey No. 2591 bears South 88° 31' 20" East 731.97 feet, also from said point a railroad spike in a west pine gatepost bears North 88° 31' 21" West 10.0 feet.

TRACT THREE:

A non-exclusive easement as described in an easement from J. A. Jones, James M. Anderson, Patrick S. Anderson and Timothy Lee Anderson to Joe H. Johnson, Joen Johnson Sutton, Janice Johnson Cook, and Justine Johnson McNeely dated June 30, 2008, recorded in Volume 380, Page 95, Official Public Records, McCulloch County, Texas, to be held, used and enjoyed in common with the other Grantors herein, said easement described as follows:

Easement and right-of-way upon and across a thirty (30) foot wide strip of land crossing a 109.252 acre tract out of Jacob Klock Survey No. 1249, Abstract No. 819, in McCulloch County, Texas described in Deed from Noble M. Johnson and wife, Modenia Johnson dated November 19, 1993 to J. A. Jones and J. S. Anderson, recorded in Volume 265, Page 560, Official Public Records of McCulloch County, Texas. Said 30-foot wide strip is 15.0 feet on each side of a centerline, more particularly described by metes and bounds as follows, to wit:

BEGINNING at a point in the North line of the F & M Survey No. 2591, Abstract No. 268 and the South line of said Jacob Klock Survey No. 1249, Abstract No. 819, also being the ending point of an easement from Carol Ann Johnson dated April 25, 1994, recorded in Volume 265, Page 264, Official Public Records, McCulloch County, Texas, and further being in the North line of a public road for the south end hereof, from which point a ½ inch steel stake set by a "T" corner post for the Northeast corner of said Survey No. 2591 bears South 88° 31' 20" East 731.97 feet, also from said point a railroad spike in a west pine gatepost bears North 88° 31' 21" West 10.0 feet;

THENCE continuing with said centerline hereof, North 13° 23' 21" East 250.79 feet North 04° 21' 34" East 725.71 feet, North 8° 46' 23" East 913.85 feet, and North 19° 12' 58" East 55.33 feet to a point in the center of a cattleguard, being in the north line of said J. A. Jones et al tract, from which point a ½ inch steel stake set by a "T" fence corner post for a Northeasterly corner of said Noble Johnson tract bears South 88° 35' East 427.28 feet.

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TRACT FOUR:

A non-exclusive easement as described in a Warranty Deed dated July 3, 2008 from Joe H. Johnson et ux et al to SMIKID Ltd recorded in Volume 380, Page 100, Official Public Records, McCulloch County, Texas, to be held, used and enjoyed in common with the other Grantors herein, and being an easement over, upon and across a strip or tract of land located in the Jacob Klock Survey No. 1249, Abstract No. 819, and the Jacob Klock Survey No. 1250, Abstract No. 820, in McCulloch County, Texas, said easement being fifteen feet on each side of a center line described by metes and bounds as follows, to-wit:

BEGINNING at a point in the North line of that tract described in Deed from Ollie M. Johnson et al to Noble Johnson, dated May 31, 1955, recorded in Volume 144, page 529, Deed Records of McCulloch County, Texas, being also at a point in a southerly line of a 2,544.0 acre tract, from which point a ½ inch steel stake set by a "T" fence corner post for a northeasterly corner of said Noble Johnson tract bears S. 88° 35' East 427.28 feet, and being also the ending point of that easement from Carol Ann Hagler et al to Ona Green, dated July 15, 1985, recorded in Volume 228, Page 366, Deed Records of McCulloch County, Texas;

THENCE North 38° 16' 12" East 57.77 feet, North 78° 36' 10" East 176.95 feet, North 63° 38' 18" East 101.77 feet, North 35° 22' 43" East 180.45 feet, a 30d nail, North 06° 44' 28" West, at 362.02 feet cross the North line of said Jacob Klock Survey No. 1249 at a point from which a ½ inch steel stake set by a "T" fence corner post for the Northeast corner of said Survey No. 1249 bears East 54.15 feet, a total distance this course of 831.36 feet, a railroad spike, North 01° 35' 29" East 409.77 feet, North 21° 59' 17" East 82.84 feet, North 63° 23' 31" East 36.91 feet to a point for an angle hereof, from which point the center of a cattle guard in the East line of said Jacob Klock Survey No. 1250 bears North 63° 23' 31" East 16.65 feet;

THENCE parallel to and 15.0 feet West of the East line of Jacob Klock Survey No. 1250, North 01° 00' West, at 1,599.5 feet pass the North line of said Survey No. 1250, at a point 15.0 feet West of the Northeast corner of said Survey No. 150, a total distance this last course of 1,614.5 feet;

THENCE East 15.0 feet to a point in the West line of H. Schaefer Survey No. 1222, Abstract No. 1216, for the North end hereof, from which said point the Southwest corner of said Survey No. 1222 bears South 01° East 15.0 feet.

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EXHIBIT "A"

COOK FAMILY REVOCABLE TRUST

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

Being 99.77 acres, more or less, out of a 100 acre tract out of the Southwest corner of the N. P. Rulcher Survey No. 110, Abstract No. 1730, Patent No. 103, Volume 3-A, McCulloch County, Texas, dated June 17, 1919, conveyed by E. J. D. Peters and wife, Minnie Peters, to O. G. Dahlberg, by deed dated September 21, 1920, recorded in Volume 40, Page 330, Deed Records, McCulloch County, Texas, described by metes and bounds as follows:

Beginning at a stake and mound in the West line of said Survey set in the North line of Brady and Eden public road, and set 10.8 varas North from the Southwest corner of said Survey;

Thence with the West line of said Survey No. 110, North 1239 varas to a stake and mound set for the Northwest corner of a .350 acre tract out of said Survey, conveyed by G. J. Burger to E. J. D. Peters, by deed dated January 3, 1905, recorded in Volume 4, Page 216, Deed Records, McCulloch County, Texas, with bearings as called for in said Deed at said corner, and with a new bearing, a Mesquite 6' bears North 370 West 11 varas;

Thence with the North line of said 350 acre tract, South 85° East 455 varas to a stake and mound from which a Live Oak 10' bears South 850 West 15-4/5 varas;

Thence South 1239 varas to stake and mound in the North side of Brady and Eden public road;

Thence with the North line of said Brady and Eden public road, North 89° West 455 varas to the place of beginning;

Save and Except a certain .23 of an acre tract of land out of the Southwest corner of said 100 acre tract, conveyed by O. G. Dahlberg and Judith Dahlberg to State of Texas, for highway purposes, by Deed dated March 28, 1934, recorded in Volume 90, Page 450, Deed Records, McCulloch County, Texas, leaving 99.77 acres; and being the same land conveyed by Judith Dahlberg, et al to Virgil L. Dahlberg by Deed dated September 20, 1956, recorded in Volume 146, Page 609, Deed Records, McCulloch County, Texas.

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EXHIBIT "A"

DAHLBERG, DANIEL A.

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

Tract 1:

(1) The west half of Johann H. Lochmann Survey No. 1132, Abstract No. 939, Certificate No. 741, patented to Johann H. Lochmann by Patent No. 543, Volume 17; and

(2) The West half of Johann H. Lochmann Survey No. 1133, Abstract No. 940, Certificate No. 741, patented to Johann H. Lochmann by Patent No. 545, Volume 17.

SAVE AND EXCEPT THEREFROM, HOWEVER, the following three tracts of land:

(1) A 1 acre cemetery lot out of the West part of Survey 1133; and

(2) A strip of land 40 feet wide off of the east side of the west half of J.H. Lochmann surveys 1132 and 1133, abstract 939 and 940, certificate 741, patented to J.H. Lochmann by patents 543 and 545, Vol. 17, said strip of land extending from the south boundary line of survey 1133 to the north line of survey 1132 and being bounded on the east by the east boundary line of portions of said surveys conveyed to J.H. White and G.R. White, executors, by Abner Hanson and wife Jennie Hanson by deed dated December 7, 1923 and recorded in Volume 65, Page 384, Deed Records, McCulloch County, Texas; and said strip of land bounded on the west by a line running from south boundary line of said Survey 1133 to the north boundary line of said Survey 1132 parallel with said east line and 40 feet west therefrom and being the same strip above reserved in deed from G.R. White, et al, to W.N. White, recorded in Volume 65, Page 452, Deed Records, McCulloch County, Texas.

(3) A strip of land 30 feet side off of the south side of the west half of J.H. Lochmann survey 1133, abstract 940, certificate 741, patented to J.H. Lochmann by patent 543 and 545, Vol. 17, said strip of land extending from the west boundary line of survey 1133 to the east boundary line of the west half of survey 133.

Tract 2:

10 acres, more or less, and being part of DEBEND. Survey No. 24, Abstract No. 445, Certificate No. 84, patented to H. H. Sears by Patent No. 13, Volume 20, described by metes and bounds as follows:

Beginning at a stake set 30 ft. South from the NW cor. of said Survey No. 24, for the NW cor. this tract;

Thence South 252 1/2 varas with West line of said Survey No. 24, to stake;

Thence East 330.4 vrs. to stake;

Thence North 87 varas to stake in South line of old Brady and Eden public road;

Thence with South line of said public road, North 66° West 37 1/4 varas to the place of beginning.

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EXHIBIT "A"

DAHLBERG, DAVID AND JUNE

EXHIBIT A

LEGAL DESCRIPTION OF EASEMENT PROPERTY

The following lands situated in McCulloch County, Texas

TRACT 1:

160 acres, more or less, being all of the John C. Prude Survey No. 1289, Abstract No. 1900, patented by the State of Texas to W. H. Donathan, Sr., Assignee, by Patent No. 349, Volume 20, dated December 20, 1887, recorded in Volume J-1, Page 87, Deed Records, McCulloch County, Texas.

Said land being the same land described in that certain Deed and Stipulation of Interests recorded on February 7, 2012 in Volume 408, Page 240, Deed Records, McCulloch County, Texas.

TRACT 2:

324.535 acres, more or less, being all of the Peter Bonn Survey No. 1288, Abstract No. 57, Cert. No. 645, McCulloch County, Texas.

Said land being the same land described in that certain Deed and Stipulation of Interests recorded on February 7, 2012 in Volume 408, Page 240, Deed Records, McCulloch County, Texas.

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

BEING 168.61 acres, more or less, in the J. H. Lochmann Survey No. 1132, Abstract No. 939, McCulloch County, Texas, said tract is that land that Virgil L. Dahlberg, et ux, deeded to Judith E. Carpenter by Deed dated January 31, 2000, recorded in Volume 309, Page 67, Deed Records, McCulloch County, Texas:

BEGINNING at a corner post with a set 1/2" iron stake located at the recognized Southeast corner of said Survey No. 1132, said point is the Southeast corner of this tract;

THENCE North 00° 15' 37" East 2667.3 ft. (North 2652.8 ft - deed call) along a fence line to a corner post with a found 1/2" iron stake, said point is the Northeast corner of Survey No. 1132;

THENCE North 63° 04' 55" West 3089.9 ft. (North 63° 23' West 3072.2 ft. - deed call) along the North line of said Survey No. 1132 and near a fence line to a corner post located 1.7 ft. South of an iron corner post;

THENCE South 00° 05' 05" West 2664.2 ft. (South 2654.2 ft - deed call) along a fence line located on the East line of County Road 154 to a set 1/2" iron stake by a broken corner post;

THENCE South 62° 57' 35" East 3083.8 ft. (South 63° 23' East 3066.0 ft - deed call) along a fence line located on the South line of said Survey No. 1132 to the POINT OF BEGINNING.

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

The following lands situated in McCulloch County, Texas, described as Parcel A and Parcel B below.

PARCEL A: 524.696 ACRES

BEING 524.696 acres, more or less, located in McCulloch County, Texas, and being all of a tract of land containing 1324.75 acres, more or less, described in a deed dated November 15, 1993 from Nellie Belle Snyder to Kay Snyder Fortson recorded in Volume 262, Page 540, Deed Records, McCulloch County, Texas, which 1324.75 acre tract is hereinafter described as Tracts One, Two and Three, LESS, SAVE, AND EXCEPT, three tracts of land containing 800.054 acres, more or less, which three tracts are hereinafter described as Parcels One, Two, and Three.

Tract One: 797.35 acres, more or less, described as follows:

- (1) 159.3 acres, more or less, the East half of Carl Usener Survey No. 1351, Certificate No. 402, patented to James F. Edmunds by Patent No. 382, Volume 24, Abstract No. 1383.
- (2) 178 acres, more or less, off of the East part of Carl Usener Survey No. 1352, Certificate No. 402, patented to James F. Edmunds by Patent No. 381, Volume 24, Abstract No. 1382.
- (3) 409-8/10 acres, more or less, the North part of H. & T.C. R.R. Co. School Section No. 16, purchased from the State by and patented to S.E. McKnight by Patent No. 487, Volume 21, Certificate No. 33/3207, Abstract No. 2236.
- (4) 50-1/4 acres, more or less, the West part of the South half of H. & T.C. R.R. Co. School Section No. 16, purchased from the State by and patented to S.E. McKnight by Patent No. 487, Volume 21, Certificate No. 33/3207, Abstract No. 2236.

Tracts (1), (2), (3) and (4), being all of Tract One above and is more particularly described by metes and bounds in deed dated November 21, 1932, from Elmer Wallace, et ux, to Mrs. Elizabeth Snyder and Kenneth Snyder, recorded in Volume 87, Page 594, Deed Records, McCulloch County, Texas.

Tract Two: 320.00 acres, more or less, all of Simon Balmert Survey No. 1349, Certificate No. 39, Abstract No. 63, patented to heirs of Simon Balmert by Patent No. 125, Volume 31, and being the land described as Tract (1) in deed dated March 2, 1942, from J. A. Henton, et ux, to Elizabeth Snyder, a widow, and Kenneth L. Snyder, recorded in Volume 107, Page 596, Deed Records of McCulloch County, Texas.

Tract Three: 207.4 acres, more or less, described as follows:

- (1) 114.2 acres, more or less, out of the West part of Carl Usener Survey No. 1351, Certificate No. 402, Abstract No. 1383, patented to James F. Edmunds by Patent No. 382, Volume 24.
- (2) 93.2 acres, more or less, out of the West part of Carl Usener Survey No. 1352, Certificate No. 402, Abstract No. 1382, patented to James F. Edmunds by Patent No. 381, Volume 24.

Tracts (1) and (2), being all of Tract Three, are described by metes and bounds in deed dated October 14, 1960, from W. T. Russell and wife, Pattie Russell, to Kenneth L. Snyder, recorded in Volume 158, Page 203, Deed Records of McCulloch County, Texas.

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FORTSON

SAVE AND EXCEPT from the 1,324.75 acre, more or less, parcel of land:

Parcel One: Being an area of 130.054 acres of land, more or less, out of and a part of Carl Usener Survey No. 1352, Abstract No. 1382, McCulloch County, Texas and said 130.054 acre tract also being out of that certain 207.4 acre (Tract Three) described and recorded in Volume 275, Page 562, Official Public Records of McCulloch County, Texas and out of that certain 1324.75 acre tract (Tract One) described and recorded in Volume 275, page 562, Official Public Records of McCulloch County, Texas and said 130.054 acre tract being more particularly described by metes and bounds in Deed dated August 24, 2007 from Kay Snyder Fortson, a single woman to Shawn M. Gaudet, a single man and filed for record in Volume 371, Page 443, Official Public Records, McCulloch County, Texas, and said deed and the record thereof is here incorporated for all purposes. Said 130.054 acres being more particularly described by metes and bounds as follows:

Beginning at a 1/2" iron rod with cap set for the southwest corner of this tract and said 207.4 acre tract and being in the east right-of-way line of F. M. Highway No. 503 and from which a 5" steel fence corner bears N. 31° 40' 42" E. 29.0 feet;

Thence with the west line of this tract and said 207.4 acre tract and the east line of said F. M. Highway No. 503 with a curve to the left, having a radius of 756.38 feet, central angle of 09° 15' 31", arc length of 122.23 feet and whose long chord bears N. 06° 54' 16" E. 122.09 feet to a 1/2" iron rod with cap set for the end of this curve;

Thence continuing with the west line of this tract and said 207.4 acre tract and the east line of said F. M. Highway No. 503, N. 02° 16' 30" E. 463.89 feet to a 1/2" iron rod with cap set, N. 02° 18' 50" E. 1196.97 feet to a 1/2" iron rod with cap set for the northwest corner of this tract;

Thence with the north line of this tract and across said 207.4 acre tract and said 1324.75 acre tract, S. 87° 16' 52" E. 3144.12 feet to a 1/2" iron rod with cap set for the northeast corner of this tract;

Thence with the east line of this tract, S. 01° 05' 52" W. 1799.89 feet to a 1/2" iron rod with cap set for the southeast corner of this tract;

Thence with the south line of this tract and said 1327.75 acre tract and said 207.4 acre tract, N. 86° 59' 00" W. 3191.94 feet to the place of beginning and containing an area of 130.054 acres of land.

Bearings recited hereon are based on Texas Coordinate System NAD83 - Texas Central Zone by GPS observation.

Parcel Two: Being 70.000 acres of land, more or less, out of and a part of Carl Usener Survey No. 1352, Abstract No. 1382, McCulloch County, Texas and said 70.000 acre tract also being out of that certain 207.4 acre (Tract Three) and certain 1324.75 acre (Tract One) described and recorded in Volume 275, Page 562, Official Public Records of McCulloch County, Texas and said 70.000 being more fully described in deed dated February 15, 2010 from Kay Snyder Fortson, a single woman, to Shawn Gaudet and wife, Erin Gaudet, filed for record in Volume 393, Page 571, Official Public Records, McCulloch County, Texas, which deed and the record thereof are here incorporated for all purposes, and said 70.000 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod with cap found for the Southwest corner of this tract in the East right-of-way line of F.M. Highway No. 503 and from which the Southwest corner of said 207.4 acre tract bears South 02° 18' 50" West 1196.97 feet, South 02° 16' 30" West 463.89 feet and South 06° 54' 16" West 122.09

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feet;

THENCE with the West line of this tract and said 207.4 acre tract and the East line of said F.M. Highway 503, North 02° 18' 50" East 124.45 feet to an iron rod with cap found for an angle corner, North 04° 17' 18" East 810.41 feet to an iron rod with cap found for the beginning of a curve to the left;

THENCE with said curve to the left, having a radius of 2904.79 feet, central angle of 05° 33' 00", arc length of 281.38 feet, and whose long chord bears North 01° 30' 47" East 281.27 feet to an iron rod with cap found for the end of this curve;

THENCE continuing with the West line of this tract and said 207.4 acre tract, North 01° 15' 42" West 438.50 feet to an iron rod with cap found for the beginning of a curve to the left;

THENCE with said curve to the left, having a radius of 4623.32 feet, central angle of 05° 34' 00", arc length of 449.19 feet, and whose long chord bears North 04° 02' 42" West 449.01 feet to an iron rod with cap found for the end of this curve;

THENCE continuing with the West line of this tract and said 207.4 acre tract, North 06° 49' 42" West 58.32 feet to a ½" iron rod with cap set for the Northwest corner of this tract;

THENCE with the North line of this tract and across said 207.4 acre tract and said 1324.75 acre tract, South 75° 23' 33" East 1894.36 feet to a 5" fence corner occupying the Northeast corner of this tract;

THENCE with the easterly line of this tract, along and with a fence, South 17° 59' 48" West 1419.71 feet to a 5" fence corner found, South 18° 12' 45" West at 339.19 feet pass a ½" iron rod with cap set, in all a total distance of 411.78 feet to a ½" iron rod with cap set for the Northeast corner of this tract;

THENCE with the South line of this tract, North 87° 16' 51" West 1292.03 feet to THE PLACE OF BEGINNING and containing an area of 70.000 acres of land, more or less.

Bearings recited hereon are based on Texas Coordinate System NAD83 - Texas Central Zone by GPS observation.

Parcel Three: Being an area of 600.000 acres, more or less, of land, out of Carl Usener Survey No. 1351, Abstract No. 1383, Carl Usener Survey No. 1352, Abstract No. 1382, and S. McKnight Survey No. 16, Abstract No. 2236, McCulloch County, Texas, and said 600.000 acre tract being a portion of 1324.75 acres of land conveyed by Warranty Deed to Kay Snyder Fortson, described and dated November 15th, 1993, in Volume 262, Page 540, Deed Records of McCulloch County, Texas, said 600.000 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod with cap marked "SKG ENGINEERS" found at a fence corner post found in said Survey No. 1351, in the East right of way line of F.M. Highway No. 503 at station 191+80.28, being the Northwest corner of 70.000 acres described and recorded in a Warranty Deed from Kay Snyder Fortson to Shawn Gaudet, in Volume 393, Page 571, McCulloch County, Texas, and being in a western corner of the remainder of said 1324.75 acres and being a Southwest corner hereof;

THENCE with the East right of way of said F.M. 503 and the West line of the remainder of said 1324.75 acres, with the following bearings and distances; North 07° 11' 36" West, 713.82 feet, to a ½" iron rod with cap marked "SKG ENGINEERS" set at the beginning of a curve;

THENCE with a curve to the left having a long chord of North 28° 16' 30" West, 680.25 feet and a radius

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of 944.65, to a ½" iron rod with cap marked "SKG ENGINEERS" set for the end of a curve;

THENCE North 49° 21' 28" West, 381.46 feet to a ½" iron rod with cap marked "SKG ENGINEERS" set at the beginning of a curve;

THENCE with a curve to the right having a long chord of North 45° 30' 40" West, 46.73 feet, radius of 343.34 feet to a ½" iron rod with cap marked "SKG ENGINEERS" set in the North line of Survey No. 1351, the South line of H & T.C. R.R. Survey No. 15, Abstract No. 608, in the East right of way line of F.M. Highway No. 503 on a curve to the left at station 209+94.81, being the Southwest corner of 161.93 acres described and recorded in a Warranty Deed to Dorman Dan Jacoby in Volume 210, Page 560, Deed Records, McCulloch County, Texas, being the Northwest corner hereof;

THENCE with the North line of said Survey No. 1351 and the South line of said Survey No. 15, the South line of said 161.93 acres, the North line of said 1324.75 acres, the North line hereof, South 85° 43' 15" East (East), passing at 2487.85 feet the Southeast corner of said 161.93 acres and the Southwest corner of 160 acres (SE¼) of said Survey 15 described and recorded in a Warranty Deed to J.B. Lewis and wife, Daisy Dwan Lewis in Volume 306, Page 1016, McCulloch County Official Public Records, continuing with the South line of said 160 acres, the North line of said 1324.75 acres and the North line hereof a total of 5187.54 feet to a rock marked "X" buried on the North side of a 4 way fence corner post being the Southeast corner of said Survey No. 15, the Northeast corner of said Survey No. 1351, the Southwest corner of D. Rothenberg Survey No. 1348, Abstract No. 1144, the Northwest corner of S. McKnight Survey No. 16, Abstract No. 2236, the Southwest corner of 336 acres described and recorded in a Deed to Willie R. Siler in Volume 114, Page 352, Deed Records of McCulloch County, being in the North line of said 1324.75 acres and the North line hereof;

THENCE with the South line of Survey No. 1348 and said 336 acres, the North line of said Survey No. 16 and said 1324.75 acres, with a fence and the North line hereof, South 89° 53' 01" East, 2832.48 feet to a ½" iron rod with cap marked "SKG ENGINEERS" set for the Northeast corner hereof, from which a rock marked "X" buried on the North side of a 4 way fence corner post being the Northeast corner of said Survey No. 16 bears South 89° 53' 01" East, 2679.79 feet;

THENCE upon and across said Survey No. 16 and said 1324.75 acres, South 07° 42' 28" East, 1193.03 feet to a ½" iron rod with cap marked "SKG ENGINEERS" set for an angle hereof;

THENCE continuing upon and across said Survey No. 16 and said 1324.75 acres, South 12° 59' 10" West, 1938.97 feet to a ½" iron rod with cap marked "SKG ENGINEERS" set at a fence in the South line of said 1324.75 acres and the North line of 258.33 acres (First Tract) described and recorded in a Deed to Harold Lanier Price in Volume 160, Page 68, Deed Records, McCulloch County, Texas, said iron rod being a Southeast corner hereof;

THENCE with the North line of said 258.33 acres and the South line of said 1324.75 acres with a fence, North 86° 08' 48" West (North 86° West), 1618.90 feet to a three way fence corner post being the Northwest corner of said 258.33 acres and an interior corner of said 1324.75 acres and being an interior corner hereof;

THENCE with the West line of said 258.33 acres and an East line of said 1324.75 acres with a fence, South 00° 09' 47" East (South), 2409.74 feet (860 varas) to a ½" iron rod with cap marked "SKG ENGINEERS" set in the South line of Survey No. 16, the North line of A. Neundorff Survey No. 1355, Abstract No. 1067, being the Southwest corner of said 258.33 acres and in the North line of 677.75 acres (First Tract), described and recorded in a Deed to Harold Lanier Price in Volume 160, Page 68, Deed Records, McCulloch County, said iron rod being a Southeast corner hereof, from which a 3 way fence

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corner post bears North 02° 35' 29" West 32.25 feet;

THENCE with the North line of said 677.75 acres, said Survey No. 1353, and the South line of said 1324.75 acres, said Survey No. 16, North 84° 47' 57" West (North 86° West), 916.61 feet (330 varas) to a rock marked "X" buried on the West side of a fence post being the Southwest corner of said Survey No. 16, the Northwest corner of said Survey No. 1353, the Southeast corner of Carl Uesner Survey No. 1352, Abstract No. 1382, the Northeast corner of H. & T.C. R.R. Co. Survey No. 17, Abstract No. 609, the Northwest corner of said 677.75 acres, the Northeast corner of 105.81 acres (Fourth Tract) described and recorded in a Deed to Harold Lanier Price in Volume 160, Page 68, Deed Records, McCulloch County, being in the South line hereof;

THENCE with the North line of said 105.81 acres, the North line of said Survey No. 17, and the South line of said 1324.75 acres, the South line of said Survey No. 1352, North 86° 41' 44" West (North 87° West), 1366.09 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" found for the Southeast corner of 130.054 acres described and recorded in a Warranty Deed with Vendor's Lien to Shawn M. Gaudet in Volume 371, Page 443, Official Public Records, McCulloch County, being the Southwest corner hereof;

THENCE upon and across said 1324.75 acres, with the East line of said 130.054 acres, North 00° 42' 55" East, 1799.78 feet (North 01° 05' 52" East, 1799.89) to a 1/2" iron rod with cap marked "SKG ENGINEERS" found being the Northeast corner of said 130.054 acres, being an interior corner hereof;

THENCE with the North line of said 130.054 acres, North 87° 40' 37" West, 1831.95 feet (North 87° 16' 52" West) to a 1/2" iron rod with cap marked "SKG ENGINEERS" found in a fence in the East line of said 70.000 acres, being a Southwest corner hereof;

THENCE with the East line of said 70.000 acres with a fence, North 17° 52' 47" East, 339.68 feet (North 18° 12' 45" East, 339.19) to a 5" fence post, continuing, North 17° 34' 58" East, 1419.21 feet (North 17° 59' 48" East, 1419.71) to a 3 way fence corner post, being an interior corner hereof;

THENCE with a fence and the North line of said 70.000 acres, North 75° 47' 01" West, 1893.42 feet (North 75° 23' 33" West, 1894.36) to the PLACE OF BEGINNING and containing 600.000 acres of land, more or less.

Bearings recited hereon are based on Texas coordinate system NAD-83-Texas Central zone by GPS observation.

PARCEL B: EASEMENT

Being a 40 foot wide easement across Carl Uesner Survey No. 1351, Abstract No. 1383, S. McKnight Survey No. 16, Abstract No. 2236, McCulloch County, Texas, and said easement being out of a portion of 1324.75 acres of land conveyed by Warranty Deed to Kay Snyder Fortson, described and dated November 15, 1993, in Volume 262, Page 540, Deed Records of McCulloch County, Texas, said easement being more particularly described by metes and bounds as follows:

Beginning at a 1/2" iron rod with cap marked "SKG ENGINEERS" found in said Survey No. 1351, in the East right of way line of F. M. Highway No. 503 on a curve to the left at station 199+51.87, from which a 1/2" iron rod with cap marked "SKG ENGINEERS" found in the East right of way line of F. M. Highway No. 503 at station 191+80.28, bears South 07° 19' 59" West, 774.29 feet, being the Northwest corner of 70.000 acres described and recorded in a Warranty Deed from Kay Snyder Fortson to Shawn Gaudet, in Volume 393, Page 571, McCulloch County, Texas, another 1/2" iron rod with cap marked "SKG

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ENGINEERS" set in the North line of Survey No. 1351, the South line of H. & T. C. R.R. Survey No. 15, Abstract No. 608, in the East right of way line of F. M. Highway No. 503 on a curve to the left at station 209+94.81, bears North 37° 45' 36" East, 1037.87 feet, being the Southwest corner of 161.93 acres described and recorded in a Warranty Deed to Dorman Dan Jacoby in Volume 210, Page 560, McCulloch County, Texas.

Thence upon and across said Survey No. 1351 and said Survey No. 16 with the following centerline bearings and distances:

North 85° 15' 41" East, 631.87 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" set;

North 88° 39' 35" East, 177.94 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" set;

North 59° 23' 04" East, 159.42 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" set;

South 82° 21' 57" East, 481.74 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" set;

South 82° 30' 33" East, 480.68 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" set;

South 29° 52' 17" East, 492.80 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" set;

South 73° 53' 58" East, 471.24 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" set;

North 75° 14' 21" East, 235.83 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" set;

North 64° 05' 21" East, 1837.98 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" set;

South 86° 11' 18" East, 76.28 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" set;

North 00° 04' 49" West, 101.40 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" set;

South 89° 53' 02" East, 2815.16 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" set, to the end of this centerline description in the East line of the above described 600.00 acre tract, from which a 1/2" iron rod with cap marked "SKG ENGINEERS" set for the Northeast corner of said 600.000 acres bears North 07° 42' 28" West, 20.19 feet, and from which a rock marked "X" buried on the North side of a 4 way fence corner post being the Northeast corner of said Survey No. 16 bears North 89° 41' 17" East, 2677.11 feet.

Bearings recited hereon are based on Texas coordinate system NAD-83 Texas Central Zone by GPS observation.

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FORTSON

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of the following described land situated in McCulloch County, Texas, to-wit:

TRACT ONE: 160 acres, more or less, being all of the Johann D. Haltermann Survey No. 1225, Abstract No. 508, Certificate No. 729, patented to John H. Herndon by Patent No. 797, Volume 17, Deed Records, McCulloch County, Texas.

TRACT TWO: 160 acres, more or less, being all of the Johann D. Haltermann Survey No. 1226, Abstract No. 509, Certificate No. 729, patented to John H. Herndon by Patent No. 798, Volume 17, Deed Records, McCulloch County, Texas.

TRACT THREE: 320 acres, more or less, being all of H. & T. C. R.R. Co. Survey No. 81, Abstract 645, Certificate 33/3240, patented to H. & T. C. R.R. Co. by Patent 184, Volume 44, McCulloch County, Texas.

TRACT FOUR: A non-exclusive easement as described in an Agreement for Access Easement dated July 29, 2002 from Charles B. Patton and wife, Alice Patton to Michael L. Fullagar, recorded in Volume 325, page 907, Official Public Records, McCulloch County, Texas. Said easement is described as follows:

Situated in McCulloch County, Texas and being out of the East one-half (1/2) of H. & T. C. R.R. Co. Survey No. 81, Abstract No. 645, described as follows:

BEGINNING at the Northwest corner of the East one-half (E-1/2) and the Northeast corner of the West one-half (W-1/2) of the H. & T. C. R.R. Co. Survey No. 81, Abstract No. 645, for the Northwest corner of this easement tract;

THENCE with the West line of the East one-half (E-1/2) and East line of the West one-half (W-1/2) of said Survey No. 81, South 65 feet;

THENCE parallel with the North line of the East one-half of said Survey No. 81, and South 65 feet therefrom, East to the intersection with public road Broadmore Lane;

THENCE with said Broadmore Lane, North to the North line of the East one-half (E-1/2) of said Survey No. 81;

THENCE with the North line of the East (E-1/2) of said Survey No. 81, West to the place of **BEGINNING**.

Said Easement tract is for the benefit of (1) 299.04 acres out of the West one-half (W-1/2) of said Survey No. 81, being all of the West one-half of said Survey except 20.96 acres out of the Northwest corner of said West one-half of said Survey; (2) 160 acres all of Johann D. Haltermann Survey No. 1225, Abstract No. 508 and (3) 160 acres all of Johann D. Haltermann Survey No. 1226, Abstract No. 509.

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EXHIBIT "A"

FULLAGAR

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

186 acres of land, more or less, in McCulloch County, Texas; and being a portion of the East half of H. & T. C. R.R. Co. Survey No. 135, Abstract No. 671, Patent No. 245, Volume 44, McCulloch County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a stake and mound in the middle of the Brady and Coleman Road from which a stake and mound a live oak 16 inches bears South 74-1/2 degrees West 40-2/5 varas, a live oak 10' bears South 86 degrees 15' West 36 varas;

THENCE South 560 varas to mound for S.E. corner of said Survey No. 135;

THENCE North 63 degrees 55' West 1093-2/10 varas to stake and mound which is on the rimrock of the Brady Mountains and is midway between the S.E. and S.W. corner of said Survey No. 135;

THENCE North 1459 varas to stake and mound in the middle to the Brady and Coleman Public Road and also set for Colton and Savages S.W. corner from which a live oak 10' bears South 23-1/2 degrees East 78-1/5 varas;

THENCE with said road as follows: South 40 degrees 15' East 390 varas; South 53 degrees 12' East 320 varas; South 46 degrees 5' East 190 varas; South 22 degrees 45' East 819 varas to the Place of Beginning.

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EXHIBIT "A"

GLENDA RUTH MILLER SUPP. NEEDS TRUST

EXHIBIT A

LEGAL DESCRIPTION OF EASEMENT PROPERTY

The following lands situated in McCulloch County, Texas:

640 acres, more or less, situated in McCulloch County, Texas and being all of H. & T. C. R. Co. Survey No. 47, Abstract No. 625, Certificate No. 33/3223, patented to H. & T. C. R. Co. by Patent No. 198, Volume 44, in McCulloch County, Texas.

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

BEING an area of 672.411 acres of land, more or less, in McCulloch County, Texas, comprised of 158.45 acres out of Jacob Klock Survey 1251, Abstract 822, 57.82 acres out of Jacob Klock Survey 1250, Abstract 820, 23.88 acres out of Jacob Klock Survey 1249, Abstract 819, 157.77 acres out of Jacob Klock Survey 1248, Abstract 821, 116.98 acres out of Fisher and Miller Survey 2591, Abstract 268, 4.17 acres out of C. Schmidt Survey 1252, Abstract 1234, 149.81 acres out of H. & T. C. Survey 37, Abstract 620, 3.52 acres out of H. W. A. Bothmer Survey 1247, Abstract 77, McCulloch County, Texas, and said 672.411 acre tract being out of 2554 acres conveyed by deed from Ollie M. Johnson, a widow, and Noble M. Johnson to Joe Dale Johnson, described and recorded May 15th, 1953, in Volume 144, Page 526, Deed Records of McCulloch County, Texas and said 672.411 acre tract being more particularly described by metes and bounds as follows;

BEGINNING at a 1/2" iron rod found, from which a fence corner post bears East 0.2 feet for a Eastern angle of this tract, being in the North line of the Survey 2591, and the South line of Survey 1249, and being the Southwest corner of 109.252 acres described in a Warranty Deed with Vender's Lien from Noble M. Johnson and wife, Modenia Johnson, to J. A. Jones and J. S. Anderson, recorded in Volume 262, Page 560, Deed Records of McCulloch County, Texas, the Northern most Northwest corner of 397.264 acres described in a Warranty Deed from 4K Land and Cattle Company, to 4K Comfort Ranches, L.P., recorded in Volume 340, Page 1043, and being an Eastern angle point for 2554 acre Johnson tract, from which a 1/2" iron rod found, for the Northeast corner of Survey 2591, bears S87° 48' 31"E, 2440.36 feet,

THENCE with the Northwest line of 397.264 acre 4K tract, and the Southeastern line of the 2554 Johnson tract, the Southeastern line of this tract, with a fence with the next three calls (Call N 04° E, 432 varas) S8° 07' 58"W, 218.90 feet to a 60d nail in the East side of a large Live Oak tree, S9° 56' 22"W, 240.90 feet, to a 1/2" iron rod set with cap marked "SKG ENGINEERS" in the center of a road, S9° 32' 40"W, 516.43 feet, to a 1/2" iron rod found at a fence angle, with the next two calls (Call N 56.5° E) S59° 21' 40"W, 567.83 feet, to a 1/2" iron rod found in a fence, S59° 27' 04"W, 625.05 feet, to a 1/2" iron rod found at a fence corner post, being the Western most Northwest corner of 397.264 acre 4K tract, and the Northeast corner of 125 acres described in a Warranty Deed with Vender's Lien from Douglas E. Moore and wife, Laura Y. Moore, to Richard J. Malaszowski and wife Felicias Malaszowski, recorded in Volume 275, Page 14, Deed Records of McCulloch County, Texas, and being a Southeastern angle of this tract,

THENCE with the North line of 125 acre Malaszowski tract, the South line of 2554 acre Johnson tract, with a fence, S59° 23' 57"W (Call N 56.5° E) 461.67 feet to a 1/2" iron rod at the base of a Live Oak tree, S89° 21' 42"W, 3.59 feet to a 1/2" iron rod at the base of a Live Oak tree, with the next two calls (Call N 60° E), S63° 12' 24"W, 1501.94 feet to 1/2" iron rod by a cedar fence corner post, S86° 40' 37"W, 13.37 feet to a 4x4 concrete monument being in the West line of Survey 2591, and being the Northeast corner of H. W. A. Bothmer Survey 1246, Abstract 76, the Southeast corner of H. W. A. Bothmer Survey 1247, Abstract 77, the Northwest corner of 125 acre Malaszowski tract, the Northeast corner of 139.534 acres described in a Warranty Deed from Leslie M. Sellers and wife, Mary Patricia Sellers, to Glen R. Kent III and wife, Donna S. Kent, recorded in Volume 354, Page 949, Deed Records McCulloch County, Texas, and being a southern angle of this tract;

THENCE with the North line of Survey 1246, and the South line of Survey 1247, the North line of 139.534 acre Kent tract, the South line of 2554 acre Johnson tract, and the South line of this tract, with a fence, S88° 11' 12" W (Call S 88° 35' 24" E) 226.73 feet to a 2 1/2" pipe fence corner post for the Southwest corner of this tract;

THENCE upon and across Survey 1247 and 2,554 acre Johnson tract, with a fence, N5° 06' 00" W, 612.16 feet to a 2 1/2" pipe fence corner post for an exterior corner of this tract;

THENCE with a fence, S88° 14' 04" E, at 284.27 feet crossing the East line of Survey 1247 and the West line of Survey 2591, continuing for a total distance 294.31 feet to a 2 1/2" pipe fence corner post for an interior corner of this tract;

THENCE with a fence, N0° 00' 43" E, 1997.47 feet to a cedar fence corner post, being the Northeast corner of Survey 1247, the Northwest corner of Survey 2591, the Southeast corner of Jacob Klock Survey 1248, Abstract 821, the Southeast corner of H. & T. C. Survey 37, Abstract 620, from which a large Oak tree bears N2° 14' 49" E, 43.62 feet;

THENCE with a fence, N0° 06' 43" E, 1948.15 feet to a 1/2" iron rod set with cap marked "SKG ENGINEERS" at a fence corner post for an interior angle of this tract;

THENCE with a fence, N82° 03' 31" W, at 7.23 feet passing the West line of Survey 1248 and the East line of Survey 37, continuing for a total distance 2265.15 feet to a 1/2" iron rod set with cap marked "SKG ENGINEERS" at a fence corner for an exterior angle of this tract;

THENCE with a fence, N3° 27' 15" E, at 2873.21 feet passing the North line of Survey 37 and the South line of C. Schmidt Survey 1252, Abstract 1234, continuing for a total distance of 3039.74 feet to a 2 1/4" pipe corner post for an exterior angle of this tract;

THENCE with a fence, S86° 18' 56" E, 1460.23 feet to a 2 1/2" pipe fence corner post, S84° 54' 58" E, 592.71 feet to a four way fence corner post, being the Northeast corner of Survey 37, the Southeast corner of Survey 1252, the Southwest corner of C.R. Tisdale Survey 38, Abstract No. 2211, the Northwest corner of Jacob Klock Survey 1251, Abstract 822, from which an Oak tree, 36" diameter, bears S43° 36' 09" E, 56.34 feet,

THENCE along the South line of Survey 38, the North line of Survey 1251, with a fence, S87° 46' 07" E, passing at 2676.17 feet a calculated point for the Northeast corner of Survey 1251, the Northwest corner of Jacob Klock Survey 1250, Abstract 820, and continuing with the North line of Survey 1250, the South line of Survey 38, a total distance of 3653.05 feet to a 1/2" iron rod with cap marked "ROSS" found at a fence corner post, for the Northwest corner of 125.293 acres described in a General Warranty Deed from Joe H. Johnson and wife, Mackye M. Johnson; Joelen Johnson and husband, Gary Sutton; Janice Johnson Cook and husband, Ronnie Lee Cook; Justine Johnson McNeely and husband, Ted E. McNeely to SMIKID, Ltd recorded in Volume 380 Page 100, Deed Records of McCulloch County, Texas, and being the Northeast corner of this tract;

WIND ENERGY GROUND LEASE
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EXHIBIT "A"

JOHNSON, JOE H.

THENCE along the West line of 125.293 acre SMIKID tract, the East line of this tract, with a fence, S0° 16' 47" E (Call N 00° 08' 01" E), passing at 2574.77 feet, the South line of Survey 1250, the north line of Survey 1249, continuing for a total of 3216.81 feet (Call 3216.02 feet) to a 2 1/2" pipe fence corner post, being the Southwest corner of 125.293 acre tract and in the North line of 109.252 acre tract, and being an exterior corner of this tract;

THENCE along the North line of 109.252 acre tract, a South line of this tract, with a fence, N87° 49' 28" W (Call S 88° 38' 14" W), 799.74 feet, to a 1/2" iron rod found at a fence corner post, being the Northwest corner of 109.252 acre tract, and being an interior angle of this tract;

THENCE along the West line of 109.252 acre tract and an East line of this tract, with a fence, S2° 05' 00" E, 1393.71 feet (Call N 02° 48' 24" W, 1394.20 feet) to a 1/2" iron rod found, continuing S1° 54' 44" E, 535.57 feet (Call N 02° 37' 40" W 535.73 feet) to the PLACE OF BEGINNING and containing an area of 672.411 acres of land.

WIND ENERGY GROUND LEASE
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EXHIBIT "A"

JOHNSON, JOE H.

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF LANDLORD'S PROPERTY

The Landlord's Property is described as follows:

Being 915.485 acres, more or less, in McCulloch County, Texas, consisting of approximately 328.712 acres out of the G. H. & S. A. Railroad Company Survey No. 63, Abstract No. 430, approximately 173.382 acres out of the W. J. Fullager Survey No. 64, Abstract No. 2179, approximately 163.636 acres out of the Alfred Lane Survey No. 105 1/2, Abstract No. 2328, 243.0 acres out of the W. M. Myers Survey No. 106, Abstract No. 2199 and approximately 6.755 acres out of the J.B. Roberts Survey No. 106, Abstract No. 2266 and being out of and a part of that certain land described in a Deed to Donald and Tracey Kiesling, recorded in Volume 289, Page 550 of the McCulloch County Official Public Records, said 6.755 acres conveyed to Donald and Tracey Kiesling by Deed recorded in Volume 307, Page 391 of said Official Public Records and being more fully described by metes and bounds as follows:

BEGINNING at a 1/2" steel stake found in concrete by a corner post in the north line of that certain tract described as 670.359 acres in a Deed from Donald and Tracey Kiesling to Byron E. McCollum, et ux, recorded in Vol. 298, Pg. 614 of said Official Public Records for the S.W. corner hereof, S.E. corner of that certain tract described in a Deed to James L. Ross, recorded in Vol. 198, Pg. 483 of the McCulloch County Deed Records and being the occupational common corner of said Survey No. 63, the S.W. Colton Survey No. 63 1/2, the H. & T.C. Railroad Company Survey No. 107, the Carl Froehlich Survey No. 1150 and the H. & T.C. Railroad Company Survey No. 82, Abstract No. 2178;

THENCE with a fence, being on or near the west line of said Survey No. 63 for the occupational east line of said "Ross" tract and occupational west line hereof,

N	00	32	33	E	713.09 feet, a 3" pipe post,
N	00	35	20	E	997.38 feet, a 3" pipe post,
N	00	36	17	E	896.45 feet, a 4" pipe post,
N	00	33	17	E	729.81 feet, a 4" pipe post,
N	00	31	52	W	612.29 feet, a 3" pipe post, fence bears S.E., and
N	00	26	25	E	1360.46 feet to a 1/2" steel stake found for the N.W.

corner hereof and being the occupational common corner of said Survey No. 64, said Survey No. 82, the H. Frerichs Survey No. 1156 and the H. & T.C. Railroad Company Survey No. 105;

THENCE with the north line of said Survey No. 64 for the north line hereof and south line of said Survey No. 105, also being the south line of that certain tract described in a Deed to Grace White, recorded in Vol. 160, Pg. 587 of said Deed Records, S 89 49 22 E, at approximately 2790.81 feet pass the N.E. corner of said Survey No. 64 and N.W. corner of Survey No. 105 1/2, at approximately 5430.81 feet pass the N.W. corner of said Myers Survey No. 106 and approximate S.E. corner of the Alvarie S. Taylor tract described in a Deed recorded in Vol. 160, Pg. 589 of said Deed Records, a total distance this course of 7738.42 feet to a railroad spike found in the bed of County Road No. 306 for the N.E. corner hereof;

THENCE with the east line hereof, S 00 47 22 W, at 20.71 feet pass the N.W. corner of a 40 acre tract described in a Deed to Gary Palmer, recorded in Vol. 329, Pg. 894 of said Official Public Records, a total distance this course of 2108.71 feet, a 1/2" steel stake found by a "T" fence corner post, fence bears east for the S.W. corner of said 40 acre tract and being the N.W. corner of that certain tract described as 106.846 acres in a Deed to Fadal Abdalla, et ux, recorded in Vol. 330, Pg. 724 of said Official Public Records, and S 00 46 49 W 1650.96 feet, a 3" pipe post, and S 00 53 25 W 868.13 feet to a 3 1/2" pipe "T" fence corner post in the occupational north line of said Roberts Survey No. 106 for the most E.S.E. corner hereof and being the east corner of said 6.755 acre tract, in the north line of that

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EXHIBIT "A"

KIESLING

certain tract described as 209.5 acres in a Deed to Louise Chance and Ronnie D. Moore, et al, recorded in Vol. 217, Pg. 491 of said Deed Records;

THENCE with a fence for the south line hereof and south line of said 6.755 acre tract and north line of said "Chance, et al" tract, S 58 57 44 W 829.54 feet, a 3 1/2" pipe post, and N 60 22 45 W 813.77 feet to a 3 1/2" pipe post for the west corner of said 7.55 acres, S 88 48 40 W 824.55 feet to a 6" pipe corner post for the occupational N.W. corner of said Roberts Survey No. 106 occupational N.W. corner of said "Chance, et al" tract;

THENCE continuing with a fence, being on or near the east line of said Survey No. 63, S 00 17 27 E 659.10 feet to a 3 1/2" pipe "T" fence corner post for the occupational N.E. corner of said 670.359 acres and being the most S.S.E. corner hereof;

THENCE with a fence and north line of said 670.359 acres and south line hereof, being on or near the north line of said Colton Survey No. 63 1/2,

N	89	41	05	W	637.04 feet, a 1/2" steel stake found,
N	89	31	47	W	1964.10 feet, a 1/2" steel stake found,
N	89	34	49	W	1566.56 feet, a 1/2" steel stake found, and
N	89	26	41	W	1304.93 feet to the place of beginning and containing

915.485 acres, more or less.

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12276518v.3

EXHIBIT "A"

KIESLING

EXHIBIT ALEGAL DESCRIPTION OF EASEMENT PROPERTY

The following lands situated in McCulloch County, Texas

335.5 acres, more or less, being the North part of H. & T. C. R. R. Co. Survey No. 44, Abstract No. 1765, Certificate No. 33/3221, patented to Adam T. Brown by Patent No. 332, Volume 26, McCulloch County, Texas, and described by metes and bounds as follows:

Beginning at a rock mound set for the Northeast corner of Survey No. 44, the Northeast corner of this tract from which a rock bears North 19 varas Do. Bears South 10 varas;

Thence South 950 varas along the East line of Survey No. 44, to stake and mound for Southeast corner of this tract from which a Mesquite 6" bears North 23/34 ~~East~~ West 2/3 varas Do. 4' bears North 28 1/2 West 11 varas;

Thence South 88' West 1985 varas to stake in West boundary line of said Survey No. 44, for Southwest corner of this tract from which a Mesquite 6" bears South 11 3/4' West 8 1/2 varas. Do. Bears South 6 East 22 varas;

Thence North 950 varas with the West line, of said Survey No. 44 to stake and mound for Northwest corner of Survey No. 44 and Northwest corner of this tract from which a Mesquite 2" bears South 82' West 33/34 varas;

Thence North 88' East 1985 varas to the place of beginning.

And being the same land described in a Deed from Jean Hutto Mitchell, et al to Ben D. Klausmeyer, et ux, dated October 10, 2002, and recorded in Volume 327, Page 958 of the Official Records of McCulloch County, Texas.

TRANSMISSION FACILITIES EASEMENT AGREEMENT

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A-1

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

TRACT ONE: 160 acres, more or less, in McCulloch County, Texas, all of the Michael Bay Survey No. 1047, certificate No. 838, Abstract No. 147, patented to Daniel C. Osborne by Patent No. 462, Volume 12.

TRACT TWO: 160 acres, more or less, in McCulloch County, Texas, all of Michael Bay Survey No. 1046, Certificate No. 838, Abstract No. 148, patented to Daniel C. Osborne by Patent No. 463, Volume 12.

TRACT THREE: 93 acres of land, more or less, in McCulloch County, Texas, the East 93 acres of a certain 240 acre tract, the East one-half of W.M. Myers Survey No. 106, Certificate No. 33/3251, Abstract No. 2199, patented to M. Jones by Patent No. 424, Volume 31, conveyed by Moses Jones to J. W. Hemphill by Deed dated December 9, 1914, and recorded in Volume 32, Page 63, Deed Records of McCulloch County, Texas. described by metes and bounds as follows:

BEGINNING at a stake set for the NE corner of said 240 acre tract for the NE corner of this tract;

THENCE with East line of said 240 acre tract, South 1667 varas to stake set for the SE corner of said 240 acre tract, and the SE corner of this tract;

THENCE with South line of said 240 acre tract, West 315.2 varas to stake set for the SE corner of a certain 147 acre tract out of the West part of said 240 acre tract, for the SW corner of this tract;

THENCE with East line of said 147 acre tract, North 1667 varas to stake in North line of said 240 acre tract for the NE corner of said 147 acre tract; and NW corner of this tract;

THENCE with North line of said 240 acre tract, East 315.2 varas to the place of beginning.

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EXHIBIT "A"

MASSCHALL

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

TRACT ONE: Being 303.591 acres of land, more or less, out of the H. & T.C. RR Co. Survey No. 39, Abstract No. 621, in McCulloch County, Texas and being a portion of that certain 2947.884 acre tract described in Volume 366, Page 252 of the Official Public Records of McCulloch County, Texas; said 303.591 acre tract being more particularly described as follows and as surveyed under the supervision of Watson Professional Group, Inc.;

BEGINNING at a 1/2 inch iron rod set in the record common line of the Heinrich Herder Survey No. 1258, Abstract No. 510 and said Survey No. 39 in the south line of a 1000.011 acre tract and in the west line of a 12.872 acre tract, both said tracts surveyed this same day by Watson Professional Group, Inc. being a portion of said 2947.884 acre tract for the most northerly northeast corner hereof and from which an 8-inch cedar fence corner post found at the southeast corner of said Survey No. 1258, the southwest corner of the H. & T.C. RR Co. Survey No. 61, Abstract No. 633, the northwest corner of the Thomas Kreiker Survey No. 1257, Abstract No. 813 and the northeast corner of said Survey No. 39 for an interior corner of said 2947.884 acre tract, bears South 83° 32' 31" East a distance of 50.46 feet.

THENCE crossing said Survey No. 39 along the west and south line of said 12.872 acre tract the following two (2) courses:

1. South 00° 01' 00" East a distance of 55.52 feet to a 1/2 inch iron rod set for the southwest corner of said 12.872 acre tract;
2. South 89° 49' 02" East a distance of 50.28 feet to a 1/2 inch iron rod set in the record common line of said Survey No. 39 and said Survey No. 1257 and the west line of a 1288.274 acre tract surveyed this same day by Watson Professional Group, Inc. being a portion of said 2947.884 acre tract for the southeast corner of said 12.872 acre tract and the most easterly northeast corner hereof;

THENCE South 00° 20' 14" East a distance of 3091.74 feet along the record common line of said Survey No. 39, said Survey 1257 and the Thomas Kreiker Survey No. 1256, Abstract No. 814 and the west line of said 1288.274 acre tract to a 10 inch cedar fence gate post found for a corner of that certain tract described in Volume 206, Page 506 of said Deed Records, an interior corner of said 2947.884 acre tract, and the southeast corner hereof;

THENCE crossing said Survey No. 39, along the general meanders of a fence for the south line of said 2947.884 acre tract and the north line of said tracts described in Volume 206, Page 506 the following 6 courses:

1. South 85° 53' 55" West a distance of 1284.61 feet to a 4 inch cedar fence corner post found;
2. North 86° 51' 02" West a distance of 1045.94 feet to a 36 inch live oak tree found used as a fence corner post;
3. North 76° 48' 42" West a distance of 595.40 feet to a 24 inch live oak tree found used as a fence corner post;
4. North 67° 04' 15" West a distance of 1778.95 feet to a dead 10 inch mesquite found used as a fence corner post;
5. North 65° 25' 50" West a distance of 378.58 feet to a 26 inch live oak tree found used as a fence corner post;
6. South 85° 01' 53" West a distance of 688.77 feet to a 12 inch cedar fence corner post found in the record common line of the Carl Schmiedekne Survey No. 1350, Abstract No. 1195 and said Survey 39 for the southwest corner of said 2947.884 acre tract and a corner of said tracts described in Volume 206, Page 506 of said Deed Records tract and the southwest corner hereof;

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EXHIBIT "A"

MCCANTS RANCH, L.L.C.

THENCE along the record common line of said Survey No. 39, said Survey No. 1350 and the Simon Belmont Survey No. 1349, Abstract No. 63, the west line of said 2947.884 acre tract and the east line of said tracts described in Volume 206, Page 506 tract and that certain 320 acre tract as described in Volume 262, Page 540 of said Deed Records the following 3 courses:

1. North 01° 57' 44" West a distance of 540.11 feet to a 4 inch pipe fence corner post found;
2. North 01° 09' 41" West a distance of 519.57 feet to a 12 inch cedar fence corner post found;
3. North 00° 25' 36" West a distance of 449.77 feet to a 6 inch cedar fence corner post found for the southwest corner of said 1000.011 acre tract and the northwest corner hereof;

THENCE crossing said Survey No. 39, said 2947.884 acre tract and along the south line of said 1000.011 acre tract the following 3 courses:

1. North 88° 50' 06" East a distance of 3430.38 feet to a 1/2 inch iron rod set;
2. North 59° 25' 24" East a distance of 1509.73 feet to a 1/2 inch iron rod set in the record common line of said Survey No. 39 and said Survey No. 1258;
3. South 83° 32' 31" East a distance of 814.68 feet along the record common line of said Survey No. 1258 and said Survey No. 39 to the POINT OF BEGINNING containing 303.591 acres, more or less.

NOTE: Bearings and distances are grid, NAD 83 US TX Central Zone. Iron rods set are 1/2 inch rebar with plastic caps marked "WATSON 1989" or "Watson 5740"

TRACT TWO: A non-exclusive right of way and easement for access and utilities over and across a parcel of land of 12.872 acres, more or less, out of the H. & T. C. RR Co. Survey No. 39, Abstract No. 621, the Heinrich Herder Survey No. 1258, Abstract No. 510, the Heinrich Herder Survey No. 1259, Abstract No. 511 and the Fisher & Miller Survey No. 2596, Abstract No. 287 and also being a portion of that certain 2947.884 acre tract of land as described in Volume 366, Page 352 of the Official Public Records of McCulloch County, Texas and a portion of a called 160 acre tract described in a deed recorded in Volume 228, Page 811 of the Deed Records of McCulloch County, Texas; said 12.872 acre tract being more particularly described as follows and as surveyed under the supervision of Watson Professional Group, Inc.;

BEGINNING at a 8 inch cedar fence corner post found for the southeast corner of said Survey No. 1258, the southwest corner of the H. & T. C. RR Co. Survey No. 61, Abstract No. 633, the northwest corner of the Thomas Kreiker Survey No. 1257, Abstract No. 813, the northeast corner of said Survey No. 39 for an interior corner of said 2947.884 acre tract, the southwest corner of that certain 1212.285 acre tract as described in Volume 338, Page 529 of said Official Public Records and the northwest corner of that certain 1288.274 acre tract as surveyed this same day by Watson Professional Group, Inc. as a portion of said 2947.884 acre tract;

THENCE South 00° 20' 14" East a distance of 50.00 feet along the record common line of said Survey No. 1257 and said Survey No. 39, the west line of a right of way easement as described in Volume 167, Page 207 of the Deed Records of McCulloch County, Texas and the west line of said 1288.274 acre tract to a 1/2 inch iron rod set for a corner of that certain 303.591 acre tract as surveyed this same day by Watson Professional Group, Inc. being a portion of said 2947.884 acre tract and the southeast corner hereof;

THENCE crossing said Survey No. 39, said Survey No. 1258, said Survey No. 1259 and said Survey No. 2596 along the north line of said 303.591 acre tract, the east line of that certain 1000.011 acre tract as surveyed this same day by Watson Professional Group, Inc. being a portion of said 2947.884 acre tract, the east line of that certain 509.223 acre tract as surveyed this same day by Watson Professional Group,

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EXHIBIT "A"

MCCANTS RANCH, L.L.C.

Inc. being a portion of said 2947.884 acre tract and crossing said 2947.884 acre tract the following five (5) courses;

1. South 89° 49' 02" West a distance of 50.28 feet to a ½ inch iron rod set for the southwest corner hereof;
2. North 00° 10' 00" West a distance of 55.52 feet to a ½ inch iron rod set in the record common line of said Survey No. 39 and said Survey No. 1258 for a corner hereof;
3. North 00° 10' 58" West a distance of 5535.13 feet to a ½ inch iron rod set in the common line of said Survey 1259 and said Survey 2596;
4. North 00° 13' 32" West a distance of 2872.44 feet to a ½ inch iron rod set;
5. North 00° 19' 57" West a distance of 2743.90 feet to a ½ inch iron rod set in south right-of-way line of Farm-to-Market Road 504 and the north line of said 2947.884 acre tract for the northeast corner of said 509.223 acre tract and the northwest corner hereof;

THENCE South 89° 38' 59" East a distance of 50.02 feet along the north line of said 2947.884 acre tract and the south line of said FM 504 to a ½ inch iron rod set in the common line of said Survey No. 2596 and the A. Hoelscher Survey No. 1261. Abstract No. 501 for the most northerly northeast corner of said 2947.884 acre tract, the northwest corner of said 1212.285 acre tract and the northeast corner hereof and from which a 6 inch cedar post fence corner found bears South 25° 31' 31" East a distance of 1.77 feet and a 4 inch post fence corner found bears South 84° 32' 19" East a distance of 43.01 feet;

THENCE along the record common line of said Survey No. 1261, said Survey No. 2596, said Survey No. 1259, said Survey No. 1258, said Survey No. 39, said Survey No. 61 and the A. Hoelscher Survey No. 1260, Abstract No. 500 for the west line of said 1212.285 acre tract and the east line of said 2947.884 acre tract the following three (3) courses:

1. South 00° 19' 57" East a distance of 2746.03 feet ½ inch iron rod found with a plastic cap marked "WATSON 5740" at the southwest corner of said Survey No. 1261 and the northwest corner of said Survey No. 1260;
2. South 00° 13' 32" East a distance of 2875.34 feet to a 14 inch cedar fence corner post found for the southeast corner of said Survey No. 2596, the southwest corner of said Survey No. 1260, the northwest corner of said Survey No. 61 and the northeast corner of said Survey No. 1259;
3. South 00° 11' 03" East a distance of 5534.73 feet to the POINT OF BEGINNING, containing 12.872 acres, more or less.

Note: Bearings and distances are grid, NAD 83 US TX Central Zone. Iron rods set are 1/2 inch rebar with plastic caps marked "WATSON 1989".

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EXHIBIT "A"

MCCANTS RANCH, L.L.C.

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

BEING an area of 649.172 acres of land, more or less, in McCulloch County, Texas, comprised of 82.047 acres out of H. W. A. Bothmer Survey 1247, Abstract 77, 263.909 acres out of H. & T. C. Survey 37, Abstract 620, 129.546 acres out of C. Schmidt Survey 1252, Abstract 1234, 173.670 acres out of J. A. Scherfius Survey 1253, Abstract 1979, McCulloch County, Texas, and said 649.172 acre tract being out of 2554 acres conveyed by deed from Ollie M. Johnson, a widow, and Noble M. Johnson to Joe Dale Johnson, described and recorded May 15th, 1953, in Volume 144, Page 526, Deed Records of McCulloch County, Texas and said 649.172 acre tract being more particularly described by metes and bounds as follows;

BEGINNING at a 4x4 concrete monument found, being the Northeast corner of S. E. McKnight Survey M-2, Abstract 2305, the Northeast corner of Indianola Railway Co. Survey 13, Abstract 759, the Southeast corner of J. C. Peter Survey 1359, Abstract 1106, the Southwest corner of H. & T. C. Survey 37, Abstract 620, the Northwest corner of H. W. A. Bothmer Survey 1247, Abstract 77, and being the Northeast corner of 80.2 acres described in a Deed without Warranty to Jason Jacoby and Randal Jacoby, recorded in Volume 267, Page 168, Deed Records of McCulloch County, Texas, the Southeast corner of 83.990 acres described in a Warranty Deed with Vender's Lien to Lawrence Rex Marks and wife, Jacqueline L. Marks, recorded in Volume 250, Page 789, Deed Records of McCulloch County, Texas, being in the West line of 2554 acre Johnson tract, from which a Live Oak tree bears N 40° 07' 27" E, 49.95 feet, and a 1' pipe found, bears S88°55'08"W, 30.26 feet, and being in the West line of this tract;

THENCE with the East line of Survey 1359, the West line of Survey 37, the East line of 83.990 acre Marks tract, and the West line of 2554 acre Johnson tract, generally along and West of a fence, N0°03'23"W (Call South), passing at 1406.3 feet, a 1" pipe for the Northeast corner of 83.990 acre Marks tract and the Southeast corner of 132.61 acres described in a Warranty Deed to Wesley Brian Sparks, ET UX, recorded in Volume 314, Page 293, Deed Records of McCulloch County, Texas, passing at 2611.4 feet, the calculated Northeast corner of Survey 1359 and the Southeast corner of J. C. Peter Survey 1358, Abstract 1105, passing at 3579.7 feet, a 1" pipe for the Northeast corner of 132.61 acre Sparks tract, the Southeast corner of 100 acres described in a Warranty Deed, called the "Fourth Tract (3)", to Harold Lanier Price recorded in Volume 206, Page 506, Deed Records McCulloch County, Texas, for a total distance of 5219.53 feet, to a rock mound found at a fence offset, being the Northeast corner of Survey 1358, the Northwest corner of Survey 37, the Southwest corner of J. A. Scherfius Survey 1253, Abstract 1979, the Southeast corner of W. H. & O. T. Melvin Survey 16, Abstract 1569, the Northeast corner of the 100 acre Price tract, the Southeast corner of 640 acres described in a Warranty Deed, called "First Tract (4)" to Harold Lanier Price recorded in Volume 160, Page 68, Deed Records of McCulloch County, Texas, and being in the West line of 2554 acre Johnson tract and this herein described tract, from which, a Live Oak tree bears S85° 18' 38"W, 158.14 feet, and fence corner posts bear N73°16'39"E, 11.07 feet, and N81°13'14"W, 15.00 feet,

THENCE with the East line of Survey 16 and the West line of Survey 1253, N0°37'58"W (Call South), converging on a fence on the West side of survey line, 2784.60 feet, to a 4 way fence corner post, being the Northwest corner of Survey 1253, the Southwest corner of J. A. Scherfius Survey 1254, Abstract 1980, in the East line of Survey 16, and the Southwest corner of 617.7 acres described in a Warranty Deed, called the "Fourth Tract (1)", to Harold Lanier Price

WIND ENERGY GROUND LEASE
12330267v.2

EXHIBIT "A"

MCNEELY, JUSTINE

recorded in Volume 160, Page 68, Deed Records of McCulloch County, Texas, being the Western most Northwest corner of the 2554 acre Johnson tract and this herein described tract;

THENCE with the South line of Survey 1254 and the North line of Survey 1253, with a fence, N89°52'54"E (Call West), passing at 2745.49 feet, the calculated Southeast corner of Survey 1254, Northeast corner of Survey 1253, Southwest corner of C. Schmidt Survey 1255, Abstract 1235, the Northwest corner of C. Schmidt Survey 1252, Abstract 1234, continuing with the South line of Survey 1255 and the North line of Survey 1252, for a total distance of 4841.70 feet, to a 3 way fence corner post, in a North line of 2554 acre Johnson tract and being the Northern most Northeast of this tract;

THENCE upon and across Survey 1252 and 2554 acre Johnson tract, with a fence, S0°19'28"E, 2689.66 feet, to a 2 1/2" pipe, 3 way fence corner post, for an exterior corner of this tract;

THENCE with a fence, N86°18'56"W, 1460.23 feet, to a 2 1/2" pipe fence corner post, for an interior corner of this tract;

THENCE with a fence, S3°27'15"W, passing at 166.53 feet the South line of Survey 1252 and the North line of Survey 37, continuing with a fence, a total distance of 3039.74 feet, to a 1/2" iron rod with cap marked "SKG Engineers", set at a fence intersection, for an exterior corner of this tract;

THENCE with a fence, N82°09'20"W, 2168.10 feet to a 1/2" iron rod with cap marked "SKG Engineers", set in a fence, for an interior corner of this tract;

THENCE S0°33'04"E, passing at 2656.00 feet the South line of Survey 37 and the North line of Survey 1247, continuing a total distance of 2701.55 feet, to a 1/2" iron rod with cap marked "SKG Engineers", set in a fence, for an interior corner of this tract;

THENCE with a fence, N89°51'58"E, 214.44 feet, to a fence corner post, S7°42'40"E, 641.69 feet, to a fence corner post, N55°51'06"E, 691.71 feet, to a fence corner post, S33°11'58"E, 180.74 feet, to a fence corner post, S40°29'16"W, 684.45 feet, to a fence corner post, S29°43'28"W, 630.13 feet, to a fence corner post, S4°56'26"W, 851.02 feet, to a fence corner post, S83°14'12"W, 292.89 feet, to a fence corner post, S1°46'06"E, 243.58, to a fence corner post;

THENCE with a fence, S87°58'23"W, 913.69 feet, to a 4X4 concrete monument found, being the Southwest corner of Survey 1247 and the Northwest corner of H. W. A. Boffmer Survey 1246, Abstract 76, in the East line of Survey M-2, and in the East line of County Rd. 148, being the Southwest corner 2554 acre Johnson tract, and the Southwest corner of this tract, from which a fence corner post bears N86°23'22"W, 0.94 feet;

THENCE with the East line of Survey M-2 and the West line of Survey 1247 and the West line of 2554 acre Johnson tract, generally along a fence, N0°05'29"W, 2645.79 feet, to the PLACE OF BEGINNING containing an area of 649.172 acres of land.

WIND ENERGY GROUND LEASE
123302674.2

EXHIBIT "A"

MCNEELY, JUSTINE

EXHIBIT A

LEGAL DESCRIPTION OF EASEMENT PROPERTY

Approximately 295.369 acres of land situated in McCulloch County, Texas, and more particularly described as follows:

320 acres of land, more or less, being all of Bronaugh Bros. Survey No. 54, Abstract No. 1621, Certificate No. 33/3224, patented to The Concho Cattle Company of Texas by Patent No. 344, Volume 14, called "Tract One" in that certain Warranty Deed dated April 7, 1980, and recorded in Volume 207, Page 513, Official Public Records of McCulloch County, Texas;

SAVE AND EXCEPT: Approximately 24.631 acres of land, conveyed to Rattlesnake Power, LLC in that certain Special Warranty Deed dated December 18, 2008, and recorded in Volume 384, Page 424, Official Public Records of McCulloch County, Texas, and more particularly described as follows:

BEGINNING at a 1/2 inch iron rod set at the centerline of a 945 KV transmission line in a 160 foot wide electric easement recorded in Volume 321, Page 606 of the Official Public Records of McCulloch County, Texas, for the most northerly northeast corner hereof and from which a 1/2 inch iron rod found in the west line of the Ludwig Erbkert Survey No. 1298, Abstract 246 for the common east corner of the Johann Leyendecker Survey No. 1296, Abstract No. 962 and said Survey No. 54 bear North 72° 13' 58" East a distance of 283.46 feet;

THENCE South 00° 08' 21" East a distance of 411.39 feet to a 1/2 inch iron rod set for an interior corner hereof;

THENCE North 88° 51' 39" East a distance of 254.12 feet to a 1/2 inch iron rod set in a fence line for the west line of said County Road No. 368 (CR 368) and the east line of said 320 acre tract for the most easterly northeast corner hereof;

THENCE South 00° 32' 14" East a distance of 1200.03 feet along the general meanders of said fence line for the west line of said CR 368 and the east line of said 320 acre tract to a 1/2 inch iron rod set for the southeast corner hereof;

THENCE South 89° 57' 39" West a distance of 450.00 feet to a 1/2 inch iron rod set for the most southeasterly southwest corner hereof;

THENCE North 00° 08' 21" West a distance of 400.00 feet to a 1/2 inch iron rod set for an interior corner hereof;

THENCE South 89° 57' 39" West a distance of 450.00 feet to a 1/2 inch iron rod set for the most westerly southwest corner hereof;

THENCE North 00° 48' 10" West a distance of 800.04 feet to a 1/2 inch iron rod set for the most westerly northwest corner hereof;

THENCE North 89° 53' 39" East a distance of 220.88 feet to a 1/2 inch iron rod set for an interior corner hereof;

THENCE North 00° 08' 21" West a distance of 410.90 feet to a 1/2 inch iron rod set at the centerline of said 945 KV transmission line for the most northerly northwest corner hereof and from which a 1/2 inch iron rod in the north line of said Survey No. 54, south line of said Survey No. 1296, the north line of said Survey No. 1298, and the south line of said Survey No. 1296, the north line of said 320 acre tract (V207, P513) and the south line of said 320 acre tract described in a deed recorded in Volume 238, Page 241 of said Deed Records bears North 87° 57' 52" West a distance of 2393.74 feet;

THENCE North 89° 42' 49" East a distance of 425.09 feet along the said 945 KV transmission line to the POINT OF BEGINNING, containing 24.631 acres, more or less.

TRANSMISSION FACILITIES EASEMENT AGREEMENT
Rattlesnake
12057023v.2

SCHEDULE I

LAND

640 acres, more or less, all of H & TC Ry Co Survey No. 51, Abstract No. 627, McCulloch County, Texas.

640 acres, more or less, all of the Bronaugh Bros. Survey No. 50, Abstract 1622, McCulloch County, Texas.

Said tracts of land being described as Tract 3 and Tract 4, in that certain Executor's Distribution Deed, dated February 6, 2002 and recorded in volume 323, page 134, Official Public Records of McCulloch County, Texas.

TRANSMISSION EASEMENT AGREEMENT - SCHEDULE I

1142162v.14

PATTY MONCUS

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

TRACT ONE: BEING 377.402 acres, more or less, consisting of the following approximate acreages out of these various surveys:

40.708 acres, more or less, out of the J. Buhlmann Survey No. 1124, Abstract No. 134,
40.805 acres, more or less, out of the J. Buhlmann Survey No. 1127, Abstract No. 135,
295.872 acres, more or less, out of the H. & T.C. Railroad Company Survey No. 107, Abstract
No. 657, and
0.017 acres, more or less, out of the S.W. Colton Survey No. 108, Abstract No. 2168, all in
McCulloch County, Texas and being out of and a part of that certain parent tract described as
1299.853 acres in a Deed to Byron E. McCollum, et ux, et al, recorded in Vol. 291, Pg. 3 of the
McCulloch County Official Public Records.

BEGINNING at a 1/2" steel stake found for the common corner of said surveys 1127, 107, 108
and the H. & T.C. Railroad Company Survey No. 133, Abstract No. 670, being the N.E. corner
of a 550.523 acre tract described in a Partition Deed to Tom J. Sammons, Jr., et ux, recorded July
29, 1996 in Vol. 280, Pg. 198 of said Public Records, being the N.W. corner of that certain tract
described as 419.5 acres in a Deed to Gardner S. Broad, recorded November 3, 1960 in Vol. 158,
Pg. 221 of the McCulloch County Deed Records, from which point a L.O. stump with young
L.O. springing therefrom for an original witness tree, (see Vol. E, Pg. 339 of the McCulloch
County Deed of Trust Records) bears, N 02 E 83.3 feet;

THENCE along a fence and north line of said 550.523 acres and south line of said parent tract,
south line hereof and along a boundary line agreement between LaRue G. Swenning and
Manuelita Shelton, recorded December 1, 1953 in Vol. 141, Pg. 137 and referred to in a Deed to
Lori L. Noonan, recorded in Vol. 248, Pg. 141 of said Deed Records;

S 89 50 00 W 29.25 feet, a 1/2" steel stake found by a "T" fence corner post, fence bears
S.E.,

N 52 36 25 W 600.08 feet, a 3" pipe post,

N 52 38 16 W 607.43 feet, a 3" pipe post,

N 52 28 25 W 625.01 feet, a 3" pipe post,

N 53 13 39 W 908.90 feet, a 3" pipe post,

N 53 15 26 W 1190.39 feet, a 3" pipe post, being the most easterly corner of that certain

tract described as "Tract Nine", 7.65 acres in said Deed recorded in Vol. 248, Pg. 141 of said
Deed Records;

THENCE continuing with said fence and boundary line agreement for south line hereof and
south line of said parent tract,

N 84 55 06 W 588.56 feet, a 3" pipe post,

N 67 37 13 W 367.85 feet, a 3" pipe post, and

N 16 00 51 W 642.40 feet, a 1/2" steel stake found at the S.E. end of a 40 foot wide

easement described in a Deed to Gordon R. Youngblood, et ux (Linda I.), recorded in Vol. 327,
Pg. 852 of said Public Records;

WIND ENERGY GROUND LEASE

12424929v.2

EXHIBIT "A"

MOORE

THENCE with the east end of said easement and west line hereof,
N 24 54 28 E 64.64 feet, a 1/2" steel stake found on the north side of a gate and N.E. end
of said easement for the most southerly corner of that certain tract described as 191.664 acres in
Deed to Scott Arbuckle, et ux, recorded in Vol. 297, Pg. 296 of said Public Records;

THENCE with a fence and south line of said 191.664 acres and north line hereof,
N 24 47 43 E 371.85 feet, a 3" pipe angle post for the N.W. corner hereof, and
continuing with said fence and south line of 191.664 acres,
N 65 42 15 E 872.57 feet, a 1/2" steel stake found,
N 65 44 01 E 1184.98 feet, a 1/2" steel stake found,
N 65 44 50 E 938.94 feet a calculated point,
N 65 46 04 E 1583.92 feet, a 1/2" steel stake found, and
N 00 22 26 E 25.08 feet to a 1/2" steel stake found in the north line of said parent tract,
being the most N.E. corner of said 191.664 acres for a northerly corner hereof and being in the
south line of that certain tract described as 1536.047 acres in a Deed to Donald Kiesling,
recorded in Vol. 289, Pg. 550 of said public records;

THENCE with said north line of parent tract and south line of said "Kiesling" tract,
S 89 49 28 E 54.94 feet to a 1/2" steel stake found for the S.E. corner of said "Kiesling"
tract and S.W. corner of that certain tract described in a Deed to Ronnie D. Moore, et al,
recorded in Vol. 217, Pg. 491 of said Deed Records (also see Vol. 126, Pg. 73 of said Deed
Records) for an angle point hereof and being the common corner of said surveys 107, 1124, the
S.W. Colton Survey No. 63 1/2 Abstract No. 2259 and the J.B. Roberts Survey No. 106, Abstract
2266;

THENCE with a fence, being on or near the north line of Survey No. 1124 for the south line of
said "Moore" tract and north line of said parent tract,
N 59 54 20 E 764.17 feet to a 3/4" pipe corner post for the N.E. corner of said parent tract
and N.E. corner hereof, same being the N.W. corner of that certain tract described as "Tract 2" in
a Deed to Jack Bob Smith, recorded in Vol. 168, Pg. 138 of said Deed Records;

THENCE with a fence for the east line hereof and west line of said "Jack Bob Smith" tract,
S 01 35 43 W 1825.25 feet, a 1/2" steel stake found,
S 01 34 30 W 718.07 feet, a 1/2" steel stake found,
S 01 30 56 W 1524.52 feet, a 1/2" steel stake found, and
S 01 30 37 W 1410.90 feet to a 1/2" steel stake found by a "T" fence corner post in the
north line of said Survey No. 133 for the S.E. corner of said parent tract and hereof and S.W.
corner of said "Jack Bob Smith" tract in the north line of said "Broad" tract;
THENCE with a fence and approximate north line of Survey No. 133 and south line of Survey
No. 1127 for the south line hereof and north line of said "Broad" tract,
S 59 23 26 W 763.77 feet to the PLACE OF BEGINNING and containing 377.402 acres,
more or less.

TRACT TWO: A 30' wide nonexclusive access and utility easement on, over and along an
existing road the beginning point being on the East line of County Road 152. Said beginning
point being the Northwest corner of the 1299.853 acres tract in McCulloch County, Texas,

WIND ENERGY GROUND LEASE
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EXHIBIT "A"

MOORE

surveyed by Kenneth H. Ross, R.P.L.S. No. 2012, dated October 23, 1997. The said tract
transferred from Lori L. Noonan, dba Texas Ranching Company and husband, T.A. Noonan, Jr.
to Byron E. McCollum and wife, Vera Ellen McCollum and Charles R. McCollum and wife,
Deborah Lynn McCollum, as recorded in Volume 291, Page 3 of the McCulloch County Deed
records. Said beginning point also being in the Northwest corner of the Carl Froehlich Survey
No. 1148, Abstract No. 343 of the McCulloch County Deed Records; from beginning point said
easement to be the 30 feet South of and parallel to a line, being the North boundary line of the
above described tract, bearing South 89 deg. 49' 24" East 2,405.05; The east most 130' of said
easement to be 60' wide to allow meandering through gates of existing cattle pens; The east end
being or extended to the west boundary line, also a gate, of that certain 377.402 acres according
to a plat and survey dated June 30, 2005, prepared by Kenneth H. Ross, R.P.L.S. No. 2012
conveyed by Warranty Deed from Byron E. McCollum and Vera Ellen McCollum and Charles
R. McCollum and Deborah Lynn McCollum to Gene Moore, Randy Moore and Stevie Moore
dated July 22, 2005 and recorded in Volume 353, Page 112, Official Public records, McCulloch
County, Texas.

WIND ENERGY GROUND LEASE
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EXHIBIT "A"

MOORE

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of the following land described situated in McCulloch County, Texas, to-wit:

TRACT ONE: 209.5 acres, being all of J. B. Roberts Survey No. 106, Certificate No. 333257, Abstract No. 2266, patented to G. R. White by Patent No. 322, Volume 12A.

SAVE AND EXCEPT 6.755 acres, more or less, out of the North part of the J. B. Roberts Survey No. 106, Abstract No. 2266, being out of and a part of that certain land described in Deed from Emmett and Ada V. Danmon to Ronnie D. Moore, et al, recorded January 4, 1983 in Volume 217, Page 491, Deed Records, McCulloch County, Texas, described by metes and bounds as follows:

Beginning at a 3 1/2" pipe angle post in a new fence for the West end hereof, being on or near the common line of the J. B. Roberts Survey No. 106 and the W. M. Myers Survey No. 106, Abstract No. 2199, from which point a 1/2" steel stake found by a "T" fence corner post in the West line of Roberts Survey No. 106 for the Southeast corner of the G. H. & S. A. Railroad Co. Survey No. 63, Abstract No. 430 bears South 50° 30' 40" West 1063.66 feet, said beginning point being on a southerly line of that certain tract described as 1536.047 acres in a Deed from Lori L. Noonan and husband, T. A. Noonan, Jr. to Donald Kiesling and wife, Tracey Kiesling, recorded November 4, 1997 in Volume 289, Page 550, Official Public Records, McCulloch County, Texas;

Thence with said common line of Survey No. 106 and a southerly line of said 1536.047 acres for the North line hereof, North 88° 58' 11" East 1418.42 feet to a 3 1/2" pipe angle post for the Northeast corner hereof, from which point a "T" fence corner post, fences bear East, West and North for a southeasterly corner of said 1536.047 acres bears, East 2.30 feet;

Thence with a new fence for the South line hereof, South 58° 57' 44" West 829.54 feet, a 3 1/2" pipe angle post and North 60° 22' 45" West 813.77 feet to the place of beginning.

TRACT TWO: 168.52 acres, more or less, being all of Michael Bay Survey No. 1044, Abstract No. 145, Certificate No. 838, patented October 19, 1855, by Patent No. 377, Vol. 12, to F. Brichtra, Assignee of Michael Bay.

TRACT THREE: 171.06 acres, more or less, being all of Michael Bay Survey No. 1045, Abstract No. 146, Certificate No. 378, Vol. 12, to F. Brichtra, Assignee of Michael Bay.

TRACT FOUR: 306.162 acres of land being a portion of the W. R. Herren Survey No. 158, Abstract No. 2143, Block No. 60, located in McCulloch County, Texas and being a portion of a called 627.16 acre tract described in a deed recorded in Volume 331, Page 211 of the Official Public Records of McCulloch County, Texas; Said 306.162 acre tract being more particularly described as follows:

BEGINNING at a 6 inch pine fence corner post found for the common corner of the A. Dumzlaief Survey No. 1043, Abstract No. 225, the S.T. Ward Survey No. 134, Abstract No. 2084, the Michael Bay Survey No. 1044, Abstract No. 145, the said Survey 158, the called

WIND ENERGY GROUND LEASE
12276585v2

EXHIBIT "A"

MOORE/CARRAWAY

163.7 acre tract described in a deed recorded in Volume 168, Page 138 of the Deed Records of McCulloch County, Texas, the called 555.3 acre tract described in a deed recorded in said Volume 168, Page 138, the called 168.52 acre tract described in Volume 331, Page 211, said Deed Records and the southwest corner hereof.

THENCE with the east line of said Survey 1044, the Michael Bay Survey No. 1047, Abstract No. 147, said 168.52 acre tract and the called 160 acre tract described in a deed recorded in Volume 363, Page 1 of said Official Public Records and the west line of said Survey 158, the following two courses: North 00° 00' 11" West, a distance of 2672.87 feet to a 5 inch cedar post; North 00° 03' 07" West a distance of 2671.44 feet to a 6 inch cedar post for the common corner of said Survey 1047, the H. & T. C. R. Co. Survey 135, Abstract 671, Block 60, the J. Halfrich Survey No. 1048, Abstract No. 493, said Survey No. 158, said 160 acre tract, the called 186 acre tract described in a deed recorded in Volume 271, Page 99 of said Deed Records, the called 24.6 acre tract described in a deed recorded in Volume 331, Page 211 of said Official Public Records for the northwest corner hereof.

THENCE North 88° 48' 07" East a distance of 881.33 feet along the common line of said Survey No. 1048 and said Survey 158, said 24.6 acre tract to a calculated point in the south right-of-way line of County Road 304;

THENCE along the general meanders of a fence for the south right-of-way line of County Road 304, the following 8 courses: South 36° 26' 22" East a distance of 38.84 feet to an 18 inch oak fence corner post found; South 52° 18' 47" East a distance of 63.21 feet to a 4 inch cedar post found; South 60° 20' 06" East a distance of 185.54 feet to a 6 inch cedar post found; South 87° 23' 10" East a distance of 374.67 feet to an 8 inch cedar post found; South 89° 26' 29" East a distance of 55.40 feet to an 8 inch cedar post found; North 84° 20' 53" East a distance of 58.94 feet to a 4 inch cedar post found; North 71° 21' 29" East a distance of 490.77 feet to a 13 inch cedar post found; North 88° 48' 49" East a distance of 194.59 feet to a 4 inch cedar post found;

THENCE South 05° 44' 59" East a distance of 5325.65 feet across said 627.16 acre tract to a 4 inch cedar post found in the south line of said Survey No. 158 and the said 627.16 acre tract for the northwest corner of the A. Dumzlaief Survey No. 1042, Abstract No. 226, the northeast corner of said Survey No. 1043, the northwest corner of the called 169.34 acre tract described in a deed recorded in Volume 331, Page 211 of the Official Public Records, the northeast corner of said 163.7 acre tract, and the southeast corner hereof.

THENCE South 88° 56' 58" West a distance of 2794.79 feet with the north line of said Survey 1043 and the north line of said 163.7 acre tract of land to the **POINT OF BEGINNING**, containing 306.162 acres, more or less.

Note: Bearings and distances are grid, NAD 83 US TX Central Zone.

WIND ENERGY GROUND LEASE
12276585v2

EXHIBIT "A"

MOORE/CARRAWAY

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of the following described land in McCulloch County, Texas, to-wit:

All of H. & T. C. R.R. Co. Survey 81, Patent 184, Volume 44, Certificate 33/3240, Abstract 645, SAVE AND EXCEPT THE FOLLOWING TRACTS:

229.04 acres, more or less, all of the West one-half (W 1/2) of H. & T. C. R.R. Co. Survey 81, Abstract 645, Cert. 33/3240, patented to H. & T. C. R.R. Co. by Patent 184, Volume 44; Said land being the same land described in a deed from W. J. Fullagar and wife, Nita Fullagar to Michael Lloyd Fullagar dated January 10, 1978, recorded in Volume 199, page 502, Deed Records, McCulloch County, Texas.

A strip of land 60 feet wide, as described in a Road Deed from W. J. Fullagar to McCulloch County, dated April 23, 1909, recorded in Volume 14, Page 259, Deed Records, McCulloch County, Texas.

A strip of land 40 feet wide off and along the North line of said Survey 81, as described in a Partition Deed from W. J. Fullagar, et al to W. S. L. Fullagar, et al, dated July 1, 1912, recorded in Volume 34, Page 170, Deed Records, McCulloch County, Texas.

20.96 acres, more or less, out of the Northwest part of H. & T. C. R.R. Co. Survey 81, Abstract 645, Cert. 33/3240, patent No. 184, Volume 44, as described in a deed from W. J. Fullagar et ux to Sterling Fullagar dated May 8, 1969, recorded in Volume 174, Page 92, Deed Records, McCulloch County, Texas.

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EXHIBIT "A"

PATTON, CHARLES B. AND ALICE K.

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

212.69 acres, more or less, out of the East part of the H.Z. Berge Survey No. 1245, Abstract No. 144, McCulloch County, Texas, and being the same land referred to as (5) in a Deed to Noble M. Johnson recorded in Volume 144, Page 529 of the McCulloch County Deed Records, which said land is described by metes and bounds as follows:

BEGINNING at a 1/2" steel stake set in the South line of County Road No. 128, for the Northeast corner hereof and the Northwest corner of that certain tract described as 218.234 acres in a Deed to Tony Wilson, recorded in Volume 313, Page 328 of the McCulloch County Official Public Records, and being in the East line of said Survey No. 1245;

THENCE with the East line of Survey No. 1245 and West line of the G. & B.N. Company Survey No. 32 and West line of said 218.234 acre tract, South 01° 10' 32" West 1009.54 feet, a 120d nail found; South 01° 04' 22" West 1069.17 feet a 120d nail found by a T fence corner post, fence bears East; and South 01° 23' 44" West 542.48 feet to a 1/2" steel stake found by a T fence corner post, fence bears South for the Southeast corner hereof and the Northeast corner of that certain tract described as 210 acres in a Deed from Noble M. Johnson, et ux, to A. F. Schwertner, recorded in Volume 215, Page 658 of said Deed Records, being the occupational common easterly corner of said Survey No. 1245 and the H. Z. Berge Survey No. 1244, Abstract No. 143;

THENCE with the South line hereof, being on or near the common lines of said Surveys No. 1245 and 1244 and North line of said 210 acre tract, North 87° 42' 45" West 244.59 feet, a 3/8" steel stake set, North 87° 40' 17" West 1331.80 feet, a 3/8" steel stake set by a T fence corner post, fence bears South, and North 87° 40' 11" West 2020.08 feet to a 1/2" steel stake found by a T fence corner post, fence bears South for the Northwest corner of said 210 acre tract, Southwest corner hereof and being in the East line of that certain land described in a Deed to John H. Edwards, et ux, (Dorothy) recorded in Volume 299, Page 648 of said Official Public Records;

THENCE with the West line hereof and the East line of said Edwards tract, North 01° 12' 20" East 1021.43 feet, a 3/8" steel stake set; North 01° 16' 18" East 928.66 feet, a 3/8" steel stake set, and North 01° 19' 09" East 581.93 feet to a 1/2" steel stake found in said South line of County Road No. 128 for the Northwest corner hereof and Northeast corner of said Edwards tract;

THENCE with said South line of County Road No. 128 for the North line hereof, South 89° 05' 21" East 1115.69 feet, a 3/8" steel stake set; South 89° 07' 31" East 1661.5 feet, a 3/8" steel stake set, and South 89° 02' 15" East 815.20 feet to the PLACE OF BEGINNING.

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12975047v.2

EXHIBIT "A"

PEEL, LARRY G. AND MARCO S.

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

TRACT ONE: 238.33 acres, more or less, part of H. & T. C. R. Co. School Section No. 16, Certificate 33/3207, Abstract 2236, originally purchased from the State by, and patented to S. E. McKnight by Patent No. 487, Volume 21, said land being originally patented for 640 acres, but upon a resurvey it was found to contain 718.38 acres, and being all of said survey, excepting therefrom, two tracts described as follows:

(a). 409.80 acres out of said survey conveyed by G. S. Johnson and wife, Kate Johnson to J. A. Henton by deed dated July 1, 1909, and recorded in Vol. 14, Page 395, Deed Records of McCulloch County, Texas, described by metes and bounds as follows:

BEGINNING at a rock mound in the East line of said Survey No. 16, set for the S.W. Corner of the H. Baltmer Survey 1349, for the S.E. Corner of said tract, from which a L.O. 8' brs N. 80 Deg. E. 18 varas (old bearings).

THENCE North 86 Deg. W. 2110 varas to a rock mound on top of Brady Mountain for the S.W. Corner of this tract from which a L.O. 16' brs. S. 2-3/4 Deg. W. 38-3/4 varas; do. 4' brs S. 53-3/4 E. 26-1/2 varas;

THENCE North 1050 varas with the West line of said Survey 16, to a rock mound for the N.W. Corner of this tract from which a Mes. 6' brs. S. 33-1/2 Deg. W. 77 vrs; do. 3' brs North 43 Deg 10' W. 12 varas;

THENCE East 2043-1/2 varas to a rock mound from which a Mes. 6' brs. S. 49-1/2 Deg. E. 17-1/4 varas; do. 4' brs. N. 52 Deg. E. 22-1/4 varas;

THENCE South 3 Deg. E. 1181 varas to the place of beginning; and

(b). 50-1/4 acres, conveyed by G. S. Johnson and wife Kate Johnson to J. A. Henton by deed dated December 18, 1913, and recorded in Vol. 29, Page 394, Deed Records of McCulloch County, Texas, and described by metes and bounds as follows:

BEGINNING at the S.E. Corner of Carl User Survey 1352, the N.E. Corner of H. & T. C. R. Co. one half section 17-1/2, the N.W. Corner of Anton Nauendorf Sur. 1353, for the S.W. Corner of this tract from which a S.O. 3' dia. brs. S. 62 E. 6-1/4 varas; do. 3' brs. S. 43 W. 4-9/10 varas;
THENCE with the East line of said Survey No. 1352, North 860 varas to a stake and mound for the N.W. Corner of this tract.

THENCE South 86 East 330 varas to a stake from which a L.O. 12' brs. N. 39-1/2 Deg. E. 29-3/5 varas; do. 10' brs. 40-1/4 East 30 varas;

THENCE South 860 varas to a stake and mound on South line of said Sec. No. 16, for the S.E. Corner of this tract.

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12274980v.4

EXHIBIT "A"

PRICE

THENCE with the South line of said Sec. 16, North 86 West 330 varas to the place of beginning.

TRACT TWO: 677.75 acres, more or less, and being all of:

(a). Anton Nauendorf Survey 1353, Abstract 1067, Certificate No. 720, patented to Jacob De Cordova by Patent 276, Vol. 15;

(b). Anton Nauendorf Survey 1354, Abstract 1068, Certificate No. 720, patented to Jacob De Cordova by Patent 286, Vol. 15;

(c). Anton Nauendorf Survey 1356, Abstract 1069, Certificate No. 720, patented to Jacob De Cordova by Patent 285, Vol. 15;

(d). Anton Nauendorf Survey 1355, Abstract 1070, Certificate No. 720, patented to Jacob De Cordova by Patent 290, Vol. 15.

TRACT THREE: 162.1 acres described in two tracts as follows:

(a). 159.7 acres, all of J. C. Peter dec'd. Survey 1357, Abstract 1103, Certificate 187, patented to the Heirs of Johann C. Peter by Patent No. 1077, Vol. 13;

(b). 2.4 acres, out of the North part of S.E. McKnight Survey M-1, Abstract 2304, patented to S.E. McKnight by Patent 286, Vol. 29.

Said two tracts of land are contiguous and form a solid body of land described by metes and bounds as follows:

BEGINNING at a rock mound set for the N.W. Corner of Survey 1357, and the North end of said McKnight Sur. No. M-1 from which a L.O. 6' brs. N. 67 West 51 varas; do. 12' brs. S. 85 W. 61 varas (old bearings);

THENCE N. 88-1/2 Deg. East 955 varas to a stake and mound set for the N.E. Corner of said Survey 1357, and the N.W. Corner of Survey 1358, from which a Mes. 4' brs. S. 2-1/2 Deg. W. 10 varas;

THENCE South 944 varas to a stake and mound set for the S.W. Corner of Sur. 1358, the N.W. Corner of Survey 1359.

THENCE South 88 West 978 varas (at 949-1/2 varas passing the South West corner of said Survey 1357, and the E. line of said McKnight Survey M-1) to a stake in the West line of said McKnight Survey No. M-1 from which a L.O. 12' brs. N. 61-1/2 W. 38 varas;

THENCE N. 2 E. 951 varas to the place of beginning.

TRACT FOUR: 640 acres, all of W. H. R. & O. T. Melvin Survey 16, Abstract 1569, Certificate 16/115, patented to S. E. McKnight by Patent 16, Vol. 30, which patent is here referred to and

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made part hereof for all purposes.

Tracts One through Four above are the same tracts described as Tracts Nos. One, Two, Three and Five in a deed from G. S. Johnson to Kate Irene Johnson et al, dated May 29, 1936, recorded in Vol. 96, page 126, Deed Records of McCulloch County, Texas, and said deed and record are here referred to and made part hereof for all purposes.

TRACT FIVE: 320 acres, more or less, described in two tracts as follows:

- (a). All of Heinrich Brandis Survey 1361, Abstract 52, Certificate 1069, patented to Heinrich Brandis by Patent 355, Vol. 30.
- (b). All of Heinrich Brandis Survey 1362, Abstract 53, Certificate 1069, patented to Heinrich Brandis by Patent 356, Vol. 30.

Being the same land described in deed from G. S. Johnson to Kate Irene Johnson et al, dated May 29, 1936, recorded in Vol. 96, page 125, Deed Records of McCulloch County, Texas, and said Deed and record are here referred to and made part hereof for all purposes.

TRACT SIX: 332.6 acres, all of W. H. & O. T. Melvin Survey 18, Certificate 33/3208, Abstract 1571, patented to O. T. Melvin and W. H. Melvin by Patent 389, Vol. 16, which patent is here referred to and made part hereof for all purposes. The said survey here conveyed is described by metes and bounds as follows:

BEGINNING at a rock mound set for N.E. Corner of State Survey 18, the S.E. Corner of F. Mueller Sur. 1674, the N.W. Corner of H. Brandis Survey 1362, and S.W. Corner of this survey from which a L.O. 10' brs. N. 69-1/2° W. 44 varas (old bearings);

THENCE with the East line of said Survey 1674, North 964 varas to a stake and mound set for the N.E. Corner of said Survey 1674 and the S.E. Corner of Survey 1675, the S.W. Corner of H. & T. C. R. Co. one half section 17, and the N.W. Corner of this survey from which a L.O. 12' brs. S. 3-1/2° W. 54-3/4 varas; do. 12' brs. S. 8-1/2° Deg. E. 51-1/4 varas;

THENCE with the South line of said Survey 17, S. 88-1/4° E. 1951 varas to a stake and mound set for the S.W. Corner of Survey 1353, the N.W. Corner of Survey 1355, and S.E. Corner of said Survey 17, and N.E. Corner of this Survey from which a S.O. 4' brs. N. 54-1/2° Deg. W. 1-3/5 varas; do. 3' brs. S. 30-1/2 varas;

THENCE with the West line of said Survey 1355, South 968 varas to a rock mound set for the S.E. Corner of said Survey 1355, the N.W. Corner of I.R.R. Co. Survey 15, and the N.E. Corner of survey 1361, and the S.E. Corner of this survey from which a L.O. 14' brs. N. 12-1/2° E. 33-2/5 ; do. 10' brs. S. 58-20' W. 10 varas;

THENCE with North line of said Surveys Nos. 1361 and 1362 North 88-1/4° W 1951 varas to the place of beginning.

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Said land is the same land described in deed from G. S. Johnson to Kate Irene Johnson et al, dated May 19th, 1944, recorded in Vol. 113, page 373, Deed Records of McCulloch County, Texas, and said deed and record are here referred to and made part hereof for all purposes.

TRACT SEVEN: All that certain land situated in McCulloch County, Texas, and being 320 acres, all of Carl Schmiedekne Survey No. 1350, Certificate No. 737, Abstract No. 1195, patented to F. Berkemeyer by Patent No. 625, Vol. 44, patented June 23, 1879 and which patent and record thereof in Volume 54, Page 210 of the Deed Records of McCulloch County, Texas, being here referred to and made part hereof for description.

TRACT EIGHT: 301 acres, more or less, the North one half (N. 1/2) of Indianola R. R. Co. Survey 15, Certificate 16/115, Abstract 760, patented to G. W. & W. F. Nortonby Patent 70, Volume 22, and which patent is here referred to and made part hereof for description. Said tract is described by metes and bounds as follows:

BEGINNING at a stake set for the NE. Corner of said Survey 15, from which a L.O. 6' in brs. N. 67 Deg. W. 51 varas; do. 12 in brs. S. 85 deg. W. 61 varas (old bearings);

THENCE S. 2 Deg. W. 826-1/2 varas to a stake set in the middle of the East line of said Survey No. 15, from which stake a L.O. 10 in dia. brs. N. 43 Deg. W. 54-1/2 varas; a mesq. 4' brs. S. 50 Deg. W. 2-3/4 varas;

THENCE in a westerly direction across said Survey 15, to a stake in the West boundary line of said Survey No. 15, which stake is set 906 varas North of the S.W. Corner of said Survey No. 15.

THENCE North 1004 varas to the Northwest corner of said Survey No. 15, the Northeast corner of Survey 1361, the S.W. Corner of Survey No. 1356, from which a L.O. 14 brs. N. 12-1/2° Deg. East 33-3/5 varas do. 10 in brs. S. 58 Deg. and 10 minutes W. 10 varas.

THENCE S. 82 Deg. and 45 minutes East 2030 varas to the place of beginning, and being the same land conveyed by J. E. Shopshire et al, to L. A. Patton, by deed dated September 2, 1937, recorded in Vol. 96, page 578, Deed Records of McCulloch County, Texas, and said deed and record are here referred to and made part hereof for description.

TRACT NINE: 617.7 acres, more or less, described in three tracts as follows:

(a). 160 acres, more or less, all of J. A. Scherfius Survey 1254, Abstract 1980, Certificate 1073, Patent No. 237, Vol. 46;

(b). 160 acres, more or less, all of C. Schmidt Survey No. 1255, Abstract 1235, Certificate 1094, Patent No. 91, Vol. 19;

(c). 297.7 acres, more or less, out of the South part of Survey 39, Block 60, H. & T. C. R. Co. Abstract 621, Certificate 33/3219, Patent 533, Vol. 18, described by metes and bounds as follows:

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BEGINNING at the Southeast corner of Survey 39.

THENCE with the East line of said Survey, North to the S.E. Corner of a 37.8 acre tract described in deed from J. A. Johnson to E. W. Harris, dated January 15, 1911, recorded in Vol 28, page 465, Deed Records of McCulloch County, Texas.

THENCE in a Northwesterly direction with the South line of said 37.8 acre tract, to a point in the West line of Survey 39 and the Southwest corner of said 37.8 acre tract.

THENCE with the West line of said Survey 39, south to its Southwest corner.

THENCE with the South line of said Survey 39, East to the place of beginning.

Said land is the same land described in deed from Ollie M. Johnson et al to W. C. Johnson, dated July 12, 1952, recorded in Vol. 136, Page 346, Deed Records of McCulloch County, Texas, and said deed and the record thereof are here referred to and made part hereof for all purposes.

TRACT TEN: 105.81 acres, more or less, the east part of H. & T. C. R. Co. Survey No. 17, Abstract No. 609, Certificate No. 33/3208, patented to H. & T. C. R. Co. by Patent No. 147, Vol. 44, which patent is here referred to and made part hereof for description.

The land here conveyed begins at a stone mound in the North line of said Survey 17, and the South line of Survey 1352, at a point of Brady Mountain, and which stone mound is set North 87 degrees West 650 varas from the N.E. Corner of said Survey No. 17.

THENCE with the South line of said Survey 1352, and the North line of said Survey 17, South 87 degrees E. 650 varas to planted stone marked "X" for the S.E. Corner of Survey 1352, the Northeast corner of W. H. & O. T. Melvin Survey 18, the Northwest corner of Survey 1353, and S. W. Corner of S. E. McKnight Survey No. 16, and the Northwest corner of Survey 1353, and the Northeast corner of said Survey 17.

THENCE with the West line of said Survey 1353, and the East line of said Survey 17, South 3-1/2 Deg. East 915 varas to planted stone marked "X" for southwest corner of said Survey 1353, the Northeast corner of W. H. & O. T. Melvin Survey 18, the Northwest corner of Survey 1353, and Southeast corner of Survey 17, from which stone mound a Spanish Oak 6' bears North 77-1/2 degrees East 4 varas; a spotted oak 6' bears South 51-1/2 degrees West 7 varas.

THENCE with the North line of said Survey No. 18, and the South line of said Survey 17, North 88-1/4 degrees West 650 varas to a stone mound from which a Live Oak 24' bears North 29-1/2 degrees East 70 varas; a Live Oak 30' bears South 32 degrees West 104-1/2 varas;

THENCE parallel with the East line of said Survey 17, and 650 varas West therefrom, North 3-1/2 degrees West 923 varas to the place of beginning.

Said land is the same land described in deed from Jess Sherman et ux to W. C. Johnson et al, dated August 28, 1941, recorded in Vol. 107, Page 177, Deed Records of McCulloch County, Texas, and said deed and the record thereof are here referred to and made part hereof for all

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purposes.

TRACT ELEVEN: 100 acres, more or less, lying about four miles Northeast of the town of Melvin, and described as follows, to-wit:

Being 100 acres off of the North side of J. C. Peter, dec'd Survey No. 1358, Certificate No. 187, Patent No. 1079, Vol. 13, Abstract No. 1105. The 100 acres here conveyed begins at a rock set for the N.W. Corner of H. & T. C. R. Co. Survey No. 37, the S.W. Corner of Survey No. 1253, the S.E. Corner of Survey No. 16, and the N.E. Corner of this tract, from which a L.O. 13' dia brs. S. 87 Deg. W. 56 varas;

THENCE S. 592 varas to a stake and mound in the East line of said Survey No. 1358, for the S.E. Corner of this tract from which a Mes. 6' brs. N. 23-3/4 Deg. W. 2-3/5 varas; a L.O. 14' brs. S. 81 Deg. E. 18-1/4 varas;

THENCE S. 88-1/2 Deg. W. 952-1/2 varas to a stake in West line of said Survey No. 1358, for the S.W. Corner of this tract.

THENCE N. 592 varas to a stake and mound set for the N.E. Corner of Survey No. 1357, and N.W. Corner of said Survey No. 1358, from which a Mes. 4' brs. S. 2-1/2 Deg. W. 10 varas;

THENCE N. 88-1/4 Deg. E. 955 varas with N. line of said Survey No. 1358, to the place of beginning.

TRACT TWELVE: 150.5 acres, out of and a part of I.R.R. Co. Survey No. 15, Certificate No. 16/115, Abstract No. 760 patented to G.W. and W.F. Norton by Patent No. 70, Volume 22, and described by metes and bounds as follows:

BEGINNING at a stake set on West line of said Survey No. 15, which stake is 451 1/4 varas North of the S.W. Corner of said Survey No. 15, and from which stake a L.O. 12 in. dia. bears North 17° East 16 varas, a L.O. 9 in. dia. bears North 34° West 20 varas;

THENCE North 454-3/4 varas to a stake set for the SW corner of a portion of said Survey formerly owned by Mrs. Sallie Willis;

THENCE South 88° East along South side of said Willis tract, 1965 varas to stake set in the East line of said Survey No. 15, and from which a L.O. 10 in. dia. bears North 43° West 54 1/2 varas to a stake, a Mesquite 4 in. dia. bears 50° East 2-3/4 varas;

THENCE South 413-1/4 varas with East line of said Survey No. 15, to stake in said East line which stake is set for the NE corner of a portion of said Survey formerly owned by J.B. Nichols;

THENCE North 89° West with North line of said Nichols tract, 1965 varas to the place of BEGINNING.

WIND ENERGY GROUND LEASE
12274980v.4

EXHIBIT "A"

PRICE

EXHIBIT A TO OPTION AGREEMENT: LEGAL DESCRIPTION OF PROPERTY

All of that certain land situated in McCulloch County, Texas, described as follows:

TRACT I: All that certain lot, tract, or parcel of land more particularly described as 160.55 acres, more or less, of land in McCulloch County, Texas, being out of G. & B. N. Co. Survey No. 34, Certificate No. 83, Abstract No. 443, also being the East 160.55 acres of that certain tract of land conveyed to CHAS. VOGT by O.P. BEVERS, ET UX by deed of record in Volume 40, Page 380, Dead Records of McCulloch County, Texas, said tract of land is said to contain 238.9 acres, but on resurvey found to contain only 227.22 acres of land and said 160.55 acre tract of land being described by metes and bounds as follows: BEGINNING at a fence corner in the East line of said Survey No. 34 for the Southwest corner of E. Eilers Survey No. 1224, and Northwest corner of Survey No. 1227, for the Northeast corner of said 238.9 acre tract of land and for the Northeast corner hereof; THENCE with a fence and East line of said Survey No. 34, S 01 deg. 42 min. W 526 varas to a fence corner for the recognized Southeast corner of said 238.9 acre tract of land and for the Southeast corner hereof; THENCE with a fence and recognized South line of said 238.9 acre tract of land, S 63 deg. 04 min. W 1659.4 varas to a stake and iron pin set for the Southeast corner of the West 66.67 acres of said 227.22 acre tract of land and for the Southwest corner hereof; THENCE with the East line of said 66.67 acre tract of land, North 601.4 varas to a stake and iron pin set in a fence and North line of said 238.9 acre tract of land for the Northeast corner of said 66.67 acre tract of land for the Northwest corner hereof; THENCE with a fence, N 62 deg., 37 min. E 1687 varas to the place of beginning; containing 160.55 acres of land.

Said land being the same land described in deed from ROY L. MOOS AND WIFE, MARGARET MOOS to WILBUR L. BROWN AND WIFE, DOROTHY NEEL BROWN, dated May 12, 1979, and recorded in Volume 204, Page 312, of the Deed Records of McCulloch County, Texas, and said deed and record are here referred to and made part hereof for all purposes.

TRACT II: All that certain lot, tract, or parcel of land more particularly described as 66.67 acres, more or less, of land in McCulloch County, Texas, being out of G. & B. N. Co. Survey No. 34, Certificate No. 83, Abstract No. 443, McCulloch County, Texas, also being the West 66.67 acres of that certain tract of land conveyed to CHAS. VOGT by O.P. BEVERS, ET UX by deed of record in Volume 40, Page 380, Dead Records of McCulloch County, Texas, said tract of land is said to contain 238.9 acres, but on resurvey found to contain only 227.22 acres of land and said 66.67 acre tract of land being described by metes and bounds as follows: BEGINNING at a stake and iron pin set in a fence corner located 334.8 varas North of the recognized Southwest corner of said Survey No. 34 for the Southwest corner of said 238.9 acre tract of land and for the Southwest corner hereof; from said fence corner an 18'-1.0. bears S 88 deg. 45 min. W 93 varas; THENCE on and along a fence and West line of said Survey No. 34, North 595.2 varas, to a stake and iron pin set in a fence corner for the recognized Northeast corner of J. Klock Survey No. 1249 and Southeast corner of Survey No. 1250, for the Northwest corner of said 238.9 acre tract of land and for the Northwest corner hereof; THENCE with a fence and recognized North line of said 238.9 acre tract of land, N 62 deg. 37 min. E 708.4 varas to a stake and iron pin set in said fence for the Northwest corner of the East 160.55 acres of said 227.22 acre tract of land and for the Northeast corner hereof; THENCE with the West line of said 160.55 acre tract of land, South 601.4 varas to a stake and iron pin set in a fence and recognized South line of said 238.9 acre tract of land for the Southwest corner of said 160.55 acre tract of land for the Southeast corner hereof; THENCE with a fence, S 63 deg. 04 min. W 705.5 varas to the place of beginning.

Said land being the same land described in deed from ROY L. MOOS AND WIFE, MARGARET MOOS to WILBUR L. BROWN AND WIFE, DOROTHY NEEL BROWN, dated May 12, 1979, and recorded in Volume 204, Page 312, of the Deed Records of McCulloch County, Texas, and said deed and record are here referred to and made part hereof for all purposes.

EXHIBIT A**LEGAL DESCRIPTION OF EASEMENT PROPERTY**

The following lands situated in McCulloch County, Texas

(1) 640 acres, more or less, all of H. & T.C. R.R. Co. Survey No. 45, Abstract No. 624, Certificate No. 33/3222, patented to H. & T.C. R.R. Co. by Patent No. 534, Volume 18;

(2) An undivided one-fifth (1/5), being all of our right, title and interest in and to 100 acres, more or less, described as follows:

(A) Out of and a part of H. & T.C. R.R. Co. Survey No. 43, Abstract No. 623, Certificate No. 33/3221, patented to H. & T.C. R.R. Co. by Patent No. 535, Volume 18; and

(B) Out of H. Schneider Survey No. 1274, Abstract No. 1310, Certificate No. 298, patented to Evan Shelby by Patent No. 830, Volume 12; and

said 100 acre tract is described by metes and bounds as follows:

BEGINNING at a stake and mound on the West line of Survey No. 1274, set for the NW corner of a 260 acre tract conveyed by W.C. Sellers by G.V. Gansel by Deed dated November 25, 1905, recorded in Volume 7, Page 549, Deed Records of McCulloch County, Texas, from which stake and mound a Mes. 3° brs. S. 42-3/4 deg. East 9-1/4 varas; and which stake and mound is 115 varas North of the SW corner of said Survey No. 1274;

THENCE South 281-9/10 varas with the west line of said Survey No. 1274, and Survey No. 43, to a stake in the West line of said Survey No. 43;

THENCE South 87 deg. 27 min. East 2005 varas to a stake in the East line of Survey No. 43;

THENCE North with the East line of said Survey No. 43 and Survey No. 1274, 281-8/10 varas to a stake and mound in the East line of said Survey No. 1274, from which a Mes. 4° bears North 13-3/4 deg. East 20-1/5 varas; a Mes. 4° bears North 89-1/2 deg. West 38 varas, and which stake and mound is 115 varas North of the SE corner of said Survey No. 1274, and which stake and mound was set for the NE corner of said 260 acre tract conveyed to W.C. Sellers by G.V. Gansel;

THENCE with the North line of said tract so conveyed to W.C. Sellers, North 87 deg. 27 min. West 2005 varas to the place of **BEGINNING**.

(3) The North 295 acres of H. Schneider Survey No. 1274, Abstract No. 1310, Certificate No. 298, patented to Evan Shelby by Patent No. 830, Volume 12 (This land, together with all of the land out of said survey described in paragraph (b) above, is all of Survey No. 1274).

(4) The South 295 acres of H. Schneider Survey No. 1275, Abstract No. 1309, Certificate No. 298, Patented to Evan Shelby by Patent No. 829, Volume 12, being all of the land out of said Survey owned by Grantors.

TRANSMISSION FACILITIES EASEMENT AGREEMENT

Between
12/26/95

WIND ENERGY GROUND LEASE
12/26/95

EXHIBIT "A"

ROSS

A-1

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

The certain property situated in McCulloch County, Texas and being all of H. & T. C. R.R. Co. Survey No. 82, Abstract No. 2178, Certificate No. 33/3240, patented to W. I. Fullager by Patent No. 210, Volume 25, McCulloch County, Texas.

EXHIBIT A

LEGAL DESCRIPTION OF EASEMENT PROPERTY

The following lands situated in McCulloch County, Texas

The West 89 acres, more or less, of Carl Bahr Survey No. 1270, Abstract No. 47, McCulloch County, Texas, more particularly described by metes and bounds on Exhibit "A-1" attached hereto and made a part hereof for all purposes; and

A portion of the Northwest one-quarter (NW-1/4) and South one-half (S-1/2) of Benjamin Henton Survey No. 42, Abstract No. 1667, McCulloch County, Texas, containing 531.11 acres of land, more or less, more particularly described by metes and bounds on Exhibit "A-2" attached hereto and made a part hereof for all purposes; and

A portion of H. & T.C.R.R. Co. Survey No. 44, Abstract No. 1765, McCulloch County, Texas, containing 374.09 acres of land, more or less, more particularly described by metes and bounds on Exhibit "A-3" attached hereto and made a part hereof for all purposes; and

A portion of Carl Bahr Survey No. 1270, Abstract No. 47, McCulloch County, Texas, containing 7.62 acres of land, more or less, more particularly described by metes and bounds on Exhibit "A-4" attached hereto and made a part hereof for all purposes; and

A portion of Carl Bahr Survey No. 1270, Abstract No. 47, McCulloch County, Texas, containing 12.98 acres of land, more or less, more particularly described by metes and bounds on Exhibit "A-5" attached hereto and made a part hereof for all purposes;

EXHIBIT "A-1"

FIELD NOTES DESCRIPTION FOR 89.00 ACRES OF THE FORMER J.E. WHITE LAND IN MCCULLOCH COUNTY, TEXAS

Being all of a certain tract or parcel of land out of Carl Bahr Survey No. 1270, Abstract No. 47, in McCulloch County, Texas; the same land conveyed as 3⁴/₄ Tract, to Ella Jean Woods, et al, from Josephine Madella White by a Correction Oil Deed executed the 22nd day of September, 1999 and recorded in Volume 206 at Page 777 of the Deed Records of McCulloch County, Texas; and being more particularly described by metes and bounds as follows (record calls shown in parentheses):

Beginning at a 1/2" iron stake set in the east right-of-way line of a public road designated as C. R. 330 for the southwest corner of the herein described tract and said 3⁴/₄ Tract, the southeast corner of a 1/2" iron stake set for the northeast corner of the herein described tract and said 3⁴/₄ Tract, the southwest corner of 357 acres conveyed to Dennis B. Kasberg from Delmon Bradley by a Warranty Deed executed the 31st day of March, 1993 and recorded in Volume 231 at Page 166 of the Deed Records of McCulloch County, Texas; which point is at or near the southwest corner of said Survey No. 1270;

THENCE, with the west line of said 3⁴/₄ Tract and said Survey No. 1270, the east line of said forty (40) ft. wide strip, the east right-of-way line of said C. R. 330, west of and generally parallel with a fence, N.09°00'06"E, 2720.13 ft. to a 1/2" iron stake set for the northwest corner of the herein described tract and said 3⁴/₄ Tract, the southwest corner of 357 acres conveyed to Dennis B. Kasberg from Delmon Bradley by a Warranty Deed executed the 31st day of March, 1993 and recorded in Volume 231 at Page 166 of the Deed Records of McCulloch County, Texas, at or near the northwest corner of said Survey No. 1270;

THENCE, with the common line between said 3⁴/₄ Tract and said 357 acres, S.85°50'07"E, at 7.85 ft. passing a three-way fence cornerpost, then along a fence for a total distance of 1423.91 ft. to a 1/2" iron stake set for the northeast corner of the herein described tract and said 3⁴/₄ Tract, the northwest corner of 267 acres conveyed as Tract 3 to Chris W. McDonald from Leta White Casey by a Warranty Deed executed the 14th day of April, 1994 and recorded in Volume 265 at Page 6 of the Deed Records of McCulloch County, Texas;

THENCE, with the common line between said 3⁴/₄ Tract and said 267 acres, S.89°00'06"W, at 1449.14 ft. passing a 1/2" iron stake set in a fence, at 1680.88 ft. passing a 1/2" iron stake set in a fence, then continuing for a total distance of 2727.07 ft. to a 1/2" iron stake set for the southeast corner of the herein described tract, the southerly common corner of said 3⁴/₄ Tract and said 267 acres, in the north line of 1772.2 acres conveyed to James E. White, Jr., et al, by a deed executed the 29th day of March, 1930 and recorded in Volume 126 at Page 672 of the Deed Records of McCulloch County, Texas;

THENCE, with the south line of said 3⁴/₄ Tract, N.88°13'27"W, with the north line of said 1772.2 acres, at 1404.10 ft. passing a 1/2" iron stake set at the northwest corner of said 1772.2 acres, the northeast corner of a forty (40) ft. wide strip of land conveyed for road purposes from Mary A. Henton to McCulloch County by a deed executed the 10th day of May, 1910 and recorded in Volume 25 at Page 159 of the Deed Records of McCulloch County, Texas; then continuing with the north line of said forty (40) ft. wide strip for a total distance of 1424.11 ft. to the PLACE OF BEGINNING containing 89.00 acres of land, more or less, within these metes and bounds.

Exhibit "A-2"

FIELD NOTES DESCRIPTION FOR 311.1 ACRES OF THE FORMER J. E. WHITE LAND IN MCCULLOCH COUNTY, TEXAS

Being all of a certain tract or parcel of land out of Benjamin Houston Survey No. 42, Abstract No. 1667, in McCulloch County, Texas; parts of (1) 355.5 acres conveyed as 2nd Tract to Rilla Jean Forns, et al, from Josephine Moseley White by a Correlation Gift Deed executed the 2nd day of September, 1989 and recorded in Volume 306 at Page 777, and (2) 177.2 acres conveyed to James E. White, Jr., et al, by a deed executed the 29th day of May, 1910 and recorded in Volume 126 at Page 632, both recordings in the Deed Records of McCulloch County, Texas; and being more particularly described by metes and bounds as follows (record calls shown in parentheses):

Beginning at a three-way fence cornerpost in the east right-of-way line of a public road designated as C.R. 330 for the southwest corner of the herein described tract in the common line between said 355.5 acres and 356.4 acres conveyed to R. L. Braddock, Jr., et al, from James E. White, et al, by a deed executed the 18th day of November, 1963 and recorded in Volume 164 at Page 539, the southwest corner of a forty (40) ft. wide strip of land conveyed to McCulloch County from Mary A. Henlon, for road purposes, by a deed executed the 10th day of May, 1910 and recorded in Volume 25 at Page 159, both deeds recorded in the Deed Records of McCulloch County, Texas; which point bears approximately 206.6 ft. S. 86°52'24"E. from a point in the approximate center of said C.R. 330 believed to be at or near the southwest corner of said Survey No. 42;

THENCE, along or near a fence with the east right-of-way line of said C.R. 330, N. 00°00'06"E. at 2036.1 ft. passing 34.3 ft. west of the approximate center of a 21 ft. diameter concrete water storage tank, at 1957.8 ft. passing 76.9 ft. west of a water well, then continuing for a total distance of 5438.06 ft. to a 1/2" iron stake set for the northwest corner of the herein described tract in the common line between said 177.2 acres and 89 acres conveyed as 3rd Tract in said White to Rents deed, Volume 306, Page 777;

THENCE, with the common line between said 177.2 acres and said 89 acres, S. 88°13'22"E. (S. 88°30"E.) 1404.10 ft. to a 1/2" iron stake set at the southeast corner of said 89 acres; the southwest corner of 367 acres conveyed as Tract 3 to Chris W. McDonald from Lesa White Casey by a Warranty Deed executed the 14th day of April, 1994 and recorded in Volume 263 at Page 6 of the Deed Records of McCulloch County, Texas;

THENCE, with the common line between said 177.2 acres and said 207 acres, S. 88°13'22"E. (S. 88°30"E.) 117.27 ft. to a fence endpoint; and along a fence, S. 86°26'27"E. (S. 88°30"E.) 862.55 ft. to a three-way cornerpost and S. 87°47'21"E. (S. 88°30"E.) 431.31 ft. to a three-way cornerpost for the northerly northeast corner of the herein described tract at the southeast corner of said 177.2 acres; the northwest corner of 180 acres conveyed as Tract 1 to Chris W. McDonald in said deed in Volume 265 Page 6;

THENCE, along a fence with the common line between said 177.2 acres and said 180 acres, S. 00°14'00"W. 2757.51 ft. (South 7346.9 ft.) to a cornerpost for a rearward corner of the herein described tract, the southerly common corner of said 177.2 acres and said 180 acres, in the north line of said 355.5 acres;

THENCE, along a fence with the common line between said 355.5 acres and said 180 acres, S. 87°21'43"E. (S. 87°13'E.) 2794.26 ft. to a three-way cornerpost for the easterly northeast corner of the herein described tract in the occupied west right-of-way line of a public road designated as C.R. 340;

THENCE, along a fence, partly along the occupied west right-of-way line of said C.R. 340: S. 00°00'29"W. 1334.81 ft. to a three-way cornerpost; S. 00°09'29"W. 1436.05 ft. to an anglepost; S. 24°43'01"W. 14.28 ft. to an anglepost; and S. 65°15'40"W. 31.20 ft. to a four-way cornerpost for the southeast corner of the herein described tract, the occupied northeast corner of said 356.4 acres;

THENCE, along a fence with the common line between said 355.5 acres and said 356.4 acres: N. 86°24'53"W. (N. 87°W.) 2770.29 ft. to a four-way cornerpost; and N. 86°15'28"W. (N. 87°W.) 2757.12 ft. to the PLACE OF BEGINNING containing 311.1 acres of land, more or less, within these metes and bounds.

Exhibit "A-3"

FIELD NOTES DESCRIPTION FOR 374.09 ACRES OF THE FORMER J. E. WHITE LAND IN MCCULLOCH COUNTY, TEXAS

Being all of a certain tract or parcel of land out of H. & T.C. R.R. Co. Survey No. 44, Abstract No. 1765, in McCulloch County, Texas; the same land conveyed 164 acres, at 1100 ft. to Rilla Jean Forns, et al, from Josephine Moseley White by a Correlation Gift Deed executed the 2nd day of September, 1989 and recorded in Volume 306 at Page 777 of the Deed Records of McCulloch County, Texas; and being more particularly described by metes and bounds as follows (record calls shown in parentheses):

Beginning at a three-way fence cornerpost in the occupied east right-of-way line of a public road designated as C.R. 350 for the southwest corner of the herein described tract in the common line between said 308 acres and 315 acres conveyed to Larry Donip, et ux, from U.S. Title Company, Inc. by a Special Warranty Deed recorded in Volume 263 at Page 789 of the Deed Records of McCulloch County, Texas; which point bears approximately 213 ft. N. 85°11'46"E. from a point in the approximate center of said C.R. 350 believed to be at or near the southwest corner of said Survey No. 44;

THENCE, along a fence and the occupied east right-of-way line of said C.R. 350, N. 00°23'04"E. at 3122.39 ft. passing an anglepost for reference, then continuing out along a fence for a total distance of 3128.32 ft. to an unmarked point for the northwest corner of the herein described tract in the common line between said 308 acres and 315.5 acres conveyed to Albert R. Crumley, et ux, from J. L. Parker, et ux, by a deed executed the 15th day of June, 1943 and recorded in Volume 111 at Page 83 of the Deed Records of McCulloch County, Texas;

THENCE, with the common line between said 308 acres and said 315.5 acres, N. 88°56'19"E. (N. 88°E.) at 8.67 ft. passing an anglepost for reference, then along a fence for a total distance of 5469.71 ft. to a three-way cornerpost for the northeast corner of the herein described tract in the west right-of-way line of a public road designated as C.R. 330, the northwest corner of a forty (40) ft. wide strip of land conveyed to McCulloch County from Lesa White Casey by a deed executed the 5th day of May, 1910 and recorded in Volume 25 at Page 166 of the Deed Records of McCulloch County, Texas;

THENCE, with the west right-of-way line of said C.R. 330, east of and diverging from a fence, S. 00°00'06"W. 2810.38 ft. to a 1/2" iron stake for the southeast corner of the herein described tract in the south line of said 308 acres, in the north line of said 335 acres (Volume 263 Page 789);

THENCE, with the common line between said 358 acres and said 335 acres, S. 85°11'46"W. (S. 84°30"W.) at 6.08 ft. passing a three-way fence cornerpost, then along a fence for a total distance of 5507.42 ft. to the PLACE OF BEGINNING containing 374.09 acres of land, more or less, within these metes and bounds.

Exhibit "A-4"

FIELD NOTES DESCRIPTION FOR 7.62 ACRES IN
MCCULLOCH COUNTY, TEXAS

Being all of a certain tract or parcel of land out of Carl Bahr Survey No. 1270, Abstract No. 47, in McCulloch County, Texas; and being more particularly described by metes and bounds as follows:

Beginning at a 1/2" iron stake set in a fence for the northwest corner of the herein described tract, the northeast corner of 89 acres conveyed as Tract 3 to Killa San Joans, et al, from Josephine Mastala, White by a Connection Gilt Deed executed the 22nd day of September, 1999 and recorded in Volume 306 at Page 777; in the south line of said 89 acres conveyed to Dennis B. Kuehler from Delmon Bradley by a Warranty Deed executed the 31st day of March, 1998 and recorded in Volume 292 at Page 197; both deeds recorded in the Deed Records of McCulloch County, Texas; which point bears 1424.51 ft. S.88°30'07"E. from the northwest corner of said Survey No. 1270;

THENCE, along a fence with the south line of said 357 acres, S.88°30'07"E. 458.29 ft. to a three-way cornerpost for the northeast corner of the herein described tract;

THENCE, along a fence, S.17°40'57"W. 1508.42 ft. to a 1/4" iron stake set for the south corner of the herein described tract in the east line of said 89 acres;

THENCE, with the east line of said 89 acres, N.00°00'00"E. 1449.14 ft. to the PLACE OF BEGINNING containing 7.62 acres of land, more or less, within these metes and bounds.

TRANSMISSION FACILITIES EASEMENT AGREEMENT
Rattlesnake
12361964v.3

A-4

Exhibit "A-5"

FIELD NOTES DESCRIPTION FOR 12.98 ACRES IN
MCCULLOCH COUNTY, TEXAS

Being all of a certain tract or parcel of land out of Carl Bahr Survey No. 1270, Abstract No. 47, in McCulloch County, Texas; and being more particularly described by metes and bounds as follows:

Beginning at a 1/2" iron stake set for the southwest corner of the herein described tract, the southeast corner of 39 acres conveyed as Tract 3 to Killa San Joans, et al, from Josephine Mastala, White by a Connection Gilt Deed executed the 22nd day of September, 1999 and recorded in Volume 306 at Page 777; in the north line of 177.2 acres conveyed to James E. White, Jr., et ux, by a deed executed the 29th day of March, 1930 and recorded in Volume 126 at Page 632; both deeds recorded in the Deed Records of McCulloch County, Texas; which point bears 1424.11 ft. S.88°13'22"E. from the southwest corner of said Survey No. 1270;

THENCE, with the east line of said 89 acres, N.00°00'00"E. 1046.19 ft. to a 1/2" iron stake set in a fence for the northwest corner of the herein described tract;

THENCE, along a fence, S.89°42'01"E. 85.49 ft. to a cornerpost for the northeast corner of the herein described tract; S.40°13'10"E. 1365.30 ft. to an anglepost; and S.02°43'37"W. 1520 ft. to a three-way cornerpost for the southeast corner of the herein described tract in the north line of said 177.2 acres;

THENCE, with the north line of said 177.2 acres; along a fence, N.88°26'27"W. (N.88°30'00"W.) 862.55 ft. to the fence endpoint; and N.88°13'22"W. (N.88°30'00"W.) 117.27 ft. to the PLACE OF BEGINNING containing 12.98 acres of land, more or less, within these metes and bounds.

TRANSMISSION FACILITIES EASEMENT AGREEMENT
Rattlesnake
12361964v.3

A-5

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

Being 105.320 acres, more or less, in McCulloch County, Texas, out of the Carl Froehlich Survey No. 1151, Abstract No. 342 and being out of that certain parent tract described as 670.359 acres in a deed to Byron E. McCollum, et ux, et al, recorded in Vol. 298, Pg. 614, McCulloch County Official Public Records.

Said 105.320 acres tract being more fully described as follows:

Beginning at a 1/2" steel stake found in the south line of the H. & T. C. R.R. Co. Survey No. 82, Abstract No. 2178, north line of said Survey No. 1151, south line of that certain tract described as 480 acres in a deed to James L. Ross recorded in Vol. 198, Pg. 483, McCulloch County Deed Records, in the north line of said parent tract, for the northeast corner of that certain tract described as 11.71 acres in a deed to Scott G. Arbuckle, et ux, recorded in Vol. 299, Pg. 144, McCulloch County Official Public Records and northwest corner hereof, from which point the northwest corner of said parent tract bears S 87° 55' 03" W. 328.52 feet;

Thence with said south line of Survey No. 82, said north line of Survey No. 1151, said south line of 480 acre tract, said north line of parent tract and north line hereof, as follows:

N 87° 55' 03" E, 190.99 feet a 1/2" steel stake found;
N 87° 47' 40" E, 926.48 feet to a 1/2" steel stake found;
N 87° 52' 03" E, 961.51 feet to a 1/2" steel stake set for the northeast corner hereof;

Thence with east line hereof, S 00° 00' 00" E, at 116.04 feet pass a 3/8" steel stake set, at 407.73 feet pass a 3/8" steel stake set, at 1455.68 feet pass a 3/8" steel stake set, at 1753.46 feet pass a 3/8" steel stake set, at 2165.76 feet pass a 3/8" steel stake set, in all a total distance of 2268.53 feet to a 1/2" steel stake set for a northerly corner of a 232.283 acre partition tract out of said parent tract and the most northerly southeast corner hereof;

Thence with north line of said 232.283 acre tract and south line hereof, as follows:

S 90° 00' 00" W, 475.00 feet a 1/2" steel stake set;
S 17° 25' 49" E, 120.34 feet to a 1/2" steel stake set for the northeast corner of a 67.037 acre partition tract out of said parent tract, the most southerly southeast corner hereof;

Thence with fence, north line of said 67.037 acre tract and continuing with said south line hereof, N 68° 33' 39" W, 690.96 feet to a 1/2" steel stake found and N 68° 28' 31" W, 1410.33 feet to a 1/2" steel stake found in the west line of said parent tract, east line of County Road No. 152, for the northwest corner of said 67.037 acre tract and southwest corner hereof;

Thence with said east line of said country road, west line of said parent tract and west line hereof, N 02° 19' 22" E, 38.47 feet to a 3" pipe post fence corner post in the south line of said 11.71 acre tract;

Thence with said south & east lines of 11.71 acre tract, continuing with said west line hereof, N 40° 25' 28" E, 485.81 feet to a 1/2" steel stake found and N 00° 00' 00" W, 1226.70 feet to the Point of Beginning containing 105.320 acres, more or less.

WIND ENERGY GROUND LEASE
12280621 v.3

EXHIBIT "A"

SCHRATO, DENNIS

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

Being 67.037 acres, more or less, in McCulloch County, Texas, consisting of approximately 22.564 acres out of the Carl Froehlich Survey No. 1151, Abstract No. 342 and approximately 44.473 acres out of the Carl Froehlich Survey No. 1148, Abstract No. 343 and being out of a combination of those certain tracts described as 670.359 acres in a deed to Byron E. McCollum, et ux, recorded in Vol. 298, Pg. 614, McCulloch County Official Public Records and described as 1299.853 acres in a deed to Byron E. McCollum, et ux, et al, recorded in Vol. 291, Pg. 3, McCulloch County Official Public Records, for the parent tract hereof.

Said 67.037 acre tract being more fully described as follows:

Beginning at a 1/2" steel stake found in the west line of said parent tract, east line of County Road No. 152, for the southwest corner of a 105.320 acre partition tract out of said parent tract and northwest corner hereof;

Thence with fence, south line of said 105.320 acre tract and north line hereof, S 68° 28' 31" E, 1410.33 feet to a 1/2" steel stake found and S 68° 33' 39" E, 690.96 feet to a 1/2" steel stake set in the west line of a 232.283 acre partition tract out of said parent tract, for the southeast corner of said 105.320 acre tract and northeast corner hereof;

Thence with said west line of 232.283 acre tract and east line hereof, S 17° 25' 49" E, 280.61 feet to a 1/2" steel stake set and S 00° 00' 00" E, at 292.77 feet pass a 3/8" steel stake set, in all total distance of 800.00 feet to a 1/2" steel stake set for an "L" corner of said 232.283 acre tract and southeast corner hereof;

Thence with north line of said 232.283 acre tract and south line hereof, N 89° 30' 34" W, at 328.58 feet pass a 3/8" steel stake set, at 705.92 feet pass a 3/8" steel stake set, at 990.65 feet pass a 3/8" steel stake set, at 1384.90 feet pass a 3/8" steel stake set, at 1780.69 feet pass a 3/8" steel stake set, in all a total distance of 2060.61 feet to a 1/2" steel stake set in the east line of said county road, said west line of parent tract, for the northwest corner of said 232.283 acre tract and southwest corner hereof;

Thence with said east line of county road, said west line of parent tract and west line hereof, as follows:

N 00° 35' 26" E, 474.38 feet to a 1/2" steel stake found;
N 00° 43' 23" E, 435.62 feet a 3" pipe post;
N 00° 43' 23" E, 105.25 feet a 1/2" steel stake found;
N 00° 41' 10" E, 804.97 feet to the Point of Beginning containing 67.037 acres, more or less.

WIND ENERGY GROUND LEASE
12280654 v.2

EXHIBIT "A"

SCHRATO, MATTHEW

EXHIBIT A**LEGAL DESCRIPTION OF EASEMENT PROPERTY**

The following lands situated in McCulloch County, Texas

TRACT 1:

320 acres, more or less, all of J.C. Doebner Survey No. 1325, Abstract No. 199, Certificate No. 746, patented to James R. Sweet by Patent No. 661, Volume 13.

TRACT 2:

Being a 350.0 acre tract in and a part of J.C. Doebner Survey 1326, A-200, McCulloch County, Texas; said 350.0 acre tract also being part of a "320" acre tract described in Deed from Bryson to Gansel dated December 2, 1907 and recorded in Volume 13, Page 623 of the Deed Records of McCulloch County; said 350.0 acre tract being described by metes and bounds as follows:

Beginning at a 5/8" iron rod set near the center of a north-south lane for the apparent N.W. corner of Survey 1326 and S.W. corner of J.C. Doebner Survey 1325.

Thence with the apparent north line of Survey 1326 and south line of Survey 1325, N.89°45'49"E, at 22.5 feet set a 5/8" iron rod in the fenced east line of the lane, and continuing along or near a line of fence posts at 5465.47 feet set a 5/8" iron rod at a fence corner post in the fenced west line of a county road, and continuing in all 5478.03 feet to a point in said road for the N.W. corner of a 20 feet wide strip described in Deed from Gansel to McCulloch County dated May 10, 1910 and recorded in Volume 25, Page 163 of the Deed Records of McCulloch County from which a 5/8" iron rod set near the center of said road bears N.89°45'49"E, 20.00 feet.

Thence with the west line of the 20 feet wide strip, S.0°15'00"E, 2712.63 feet to a point in another county road for the S.W. corner of the 20 feet wide strip from which a 5/8" iron rod set at a fence corner post bears N.8°11'W, 14.5 feet and a 5/8" iron rod set in the intersection of said roads bears N.88°27'00"E, 20.01 feet.

Thence along and in the last mentioned county road and with the apparent south line of Survey 1326 and north line of A.M. Jamison Survey 44, S.88°27'00"W, 5510.00 feet to a 5/8" iron rod set in the intersection said county road with another road to the south for the apparent S.W. corner of Survey 1326, N.W. corner of Survey 44 and S.E. corner of H. & T.C. Ry. Co. Survey 9.

Thence with the apparent west line of Survey 1326 and east line of Survey 9, N.0°22'00"E, at 25.79 feet set a 5/8" iron rod from which a fence corner post bears N.88°28'40"E, 18.9 feet, and continuing along and in the aforementioned lane in all 2839.13 feet to the point of beginning and containing 350.0 acres of land and including 3.3 acres in said county roads as currently fenced.

Courses, distances and areas are of the Texas Coordinate System of 1983 - Central Zone per GPS observations.

TRANSMISSION FACILITIES EASEMENT AGREEMENT

Rattlesnake
12364956v.5

A-1

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

Tract One:

164.7 acres, more or less, out of J.H. Lockmann Survey No. 1133, Abstract No. 940, Certificate No. 741, patented to Johann H. Lockmann by Patent No. 545, Volume 17, McCulloch County, Texas, described by metes and bounds as follows:

BEGINNING at a stake and mound set 30 ft. North of the South line of said Survey No. 1133, and set 44.7 feet North 63° 23' 23" West from the East line of said Survey;

THENCE North 955.2 varas parallel with East line of said Survey No. 1133 to stake and mound in North line said Survey, set 44.7 ft. North 63° 23' West from the Northeast corner of said Survey;

THENCE with North line of said Survey No. 1133, North 63° 23' West, 1087.60 varas to stake and mound from which a L.O. 8" bears South 18 1/4° West 16 varas; a L.O. 12" bears South 41 1/2° West 44 1/2 varas;

THENCE South 956 varas to stake and mound set 30 ft. North of South line of said Survey and set on North side of Brady-Eden Public Road from which stake and mound a Mesquite 10" bears North 73° West 86 1/2 varas;

THENCE South 63° 23' East with North line of said Road, and parallel with South line of said Survey No. 1133, 1085.40 varas to the PLACE OF BEGINNING, and being the same land conveyed by O.F. Linstrum and wife, to John Hanson by Deed dated December 26, 1907, recorded in Volume 17, Page 43, Deed Records of McCulloch County, Texas, being the same land noted in Correction Deed from J.H. White to O.F. Linstrum dated January 12, 1924, recorded in Volume 65, Page 464, Deed Records, McCulloch County, Texas.

Tract Two:

2.42 acres, more or less, off the East end of J.H. Lockmann Survey No. 1133, Abstract No. 940, Certificate 741, patented to John H. Lockmann by Patent 545, Volume 17, McCulloch County, Texas, described by metes and bounds as follows:

BEGINNING at the Southeast corner of said Survey;

THENCE with East line of said Survey, North 950 varas to the Northeast corner of said Survey;

THENCE with the North line of said Survey North 63° 23' West 44.7 feet;

THENCE parallel with and 40 ft. West from the East line of said Survey, South 950 varas to South line of said Survey;

WIND ENERGY GROUND LEASE
12983467v.1

EXHIBIT "A"

SCHWEITNER, CALVIN EUGENE

THENCE with South line of said Survey, South 63° 23' East 44.7 feet to the PLACE OF BEGINNING.

Tract Three:

4.4 acres, more or less, out of and a part of J. H. Lockmann Survey No. 1133, Abstract No. 940, and being the portion of said Survey that was formerly used as right of way and road bed for Eden and Brady Road, conveyed by W. M. Deans, Commissioner, to H. John Hanson by Deed dated June 17, 1942, recorded in Volume 109, Page 125, Deed Records of McCulloch County, Texas.

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

TRACT ONE: 131.6 acres, more or less, out of the North part of C. E. Anderson Survey 1038, Abstract 1729, patented to C. E. Anderson by Patent 415, Volume 4.

TRACT TWO: 138-3/4 acres, more or less, out of the North part of H. & T. C. R.R. Co. Survey 133, Abstract 670, Certificate 33/3265, patented to H. & T. C. R.R. Co. by Patent 243, Volume 44.

WIND ENERGY GROUND LEASE
1298467v.1

EXHIBIT "C"

SCHWERTNER, CALVIN EUGENE

WIND ENERGY GROUND LEASE
1233074v.2

EXHIBIT "A"

SMITH, JACK BOB JR.

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

TRACT THREE: 555.3 acres, more or less, part of the S. T. Ward Survey 134, Abstract 2084, Certificate 33/3265, patented to W. B. White by Patent 64, Volume 17.

TRACT FOUR: 141.4 acres, more or less, all of Johann Buhlmann Survey 1125, Abstract 136, Certificate 839, patented to Wash L. Hill by Patent 130, Volume 17.

TRACT FIVE: 141.4 acres, more or less, all of Johann Buhlmann Survey 1126, Abstract 137, Certificate 839, patented to Wash L. Hill by Patent 403, Volume 16.

TRACT SIX: 100.45 acres, more or less, out of the Johann Buhlmann Survey 1124, Abstract 134, Certificate 839, patented to Jacob DeCordova by Patent 772, Volume 9.

TRACT SEVEN: 100.45 acres, more or less, out of the Johann Buhlmann Survey 1127, Abstract 135, Certificate 839, patented to Jacob DeCordova by Patent 772, Volume 9.

All of said Tracts One through Seven are contiguous, forming a solid body of land described by metes and bounds as follows:

BEGINNING at the N.W. Corner of Johann Buhlmann Survey 1124;

THENCE N. 38 45° E 1900 varas, along North lines of Johann Buhlmann Surveys Nos. 1124 and 1125 to stake set for the N.E. corner said Survey 1125, the N.W. corner S.T. Ward Survey 134, and from which a stake a Rock Oak 4 in. Dia. Brs. N. 7 varas;

THENCE South 65 10' E. 2172 varas, along North line said S. T. Ward Survey 134 to stake set for N.E. corner said Ward Survey 134, and from which stake a L.O. 10 in. Dia. Brs. S 78-3/4 E. 18-1/2 varas.

THENCE South 956 varas, along East line said Survey 134, to stake set in said East line, and from which stake a L.O. 6 in. Brs. N 50 E. 74-1/2 varas, a L.O. 5 in. Dia. Brs. N 18 E 80 varas;

THENCE South 85 W. 836 varas to rock mound, and which rock mound is set for the part of said survey 134 conveyed by D. F. Savage and S. W. Colton to B. J. Fitzgerald.

THENCE South 964 varas, (at 597 varas, crossing South line said Survey 134 and North line C. E. Anderson Survey No. 1038) to stake.

THENCE West 1116.4 varas to stake set in West line Survey 1038 and East line H. & T.C.R.R. Survey No. 133, and which stake is set 964 varas South from N.E. corner said Survey No. 133.

THENCE West (across said Survey 133) 1625 varas to stake set for N.W. corner said Survey No. 133, the N.E. corner Survey No. 108, the S.E. corner H. & T.C.R.R. Co. Survey No. 107 and S.W. corner Johann Buhlmann Survey No. 1127, and from which stake a L.O. 10 in. Dia. Brs. S

WIND ENERGY GROUND LEASE
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SMITH, JACK BOB

41 W. 4 varas, a L.O. 8 in. Dia. Brs. N 2 E. 30 varas, and which stake is set in North line of the Brady and Boradmoor public road.

THENCE with the West lines of Johann Buhlmann Surveys 1127 and 1124, North to the place of beginning.

SAVE AND EXCEPT the West 40.95 acres of said Survey 1124 and the West 40.95 acres of said Survey 1127 as conveyed and described in a Warranty Deed from Manelita Shelton to J. T. Woodward, Latitia Woodward, Manelita Mitchell and Jym Mitchell, by deed dated August 21, 1965 recorded in Volume 166, Page 625, Deed Records, McCulloch County, Texas.

TRACT EIGHT: 163.7 acres, more or less, all of Adam Dumzlaief Survey 1043, Abstract 225, Certificate 835, patented to Wash L. Hill by Patent 408, Volume 16. Said land is the same land described in deed from Beulah V. Festervand et al to J. K. Shelton, dated August 10, 1928, recorded in Volume 80, Page 632, Deed Records of McCulloch County, Texas.

TRACT NINE: Being the North one-half (1/2) of the Adam Dumzlaief Survey No. 1040, Certificate No. 835, Abstract No. 227, containing 160 acres of land, more or less, patented to M. D. Conklin, assignee of Adam Dumzlaief under Patent No. 411, Vol. 16 issued December 1, 1857, being in the Fisher and Miller Colony land, and containing 80 acres of land, more or less, and being the same tract of land conveyed by deed from Thomas A. Conklin, et al., to Cornelia E. Burney dated January 1, 1897, recorded in Volume 9, page 79, and in Volume 146, page 521 of the McCulloch County Deed Records.

TRACT TEN: A 30 foot strip off of the South side of Adam Dumzlaief Survey No. 1042, Abstract 226, in McCulloch County, Texas, beginning at a stake and mound set for the S.E. Cor. of said Sur. 1042. Thence with the South line of said Survey 1042 West to a stake and mound set for the S.W. corner of said Survey No. 1042. Thence with the West line of said Survey 1042, North 30 feet to a stake. Thence parallel with the South line of said Survey 1042, and 30 feet North therefrom, East to a stake and mound set in the East line of said Survey 1042. Thence with the East line of said Survey 1042, South 30 feet to the place of beginning.

Being part of the same land conveyed by A. H. Broad et ux to Manelita Shelton by Deed dated March 22, 1939 recorded in Volume 100, Page 303, Deed Records of McCulloch County, Texas, said deed and record are here referred to and made part hereof for description.

SAVE AND EXCEPT 0.03 acres of land, more or less, conveyed by Jack Bob Smith et ux to the State of Texas by Deed dated January 5, 1982 recorded in Volume 214, Page 19, Deed Records, McCulloch County, Texas and said 0.03 acres of land being described as follows:

0.03 acres of land out of the A. Dumzlaief Survey 1042, Abstract No. 226, as conveyed by Manelita Shelton to Jack Bob Smith by deed dated December 20, 1965, recorded in Volume 168, Page 138, Deed Records, McCulloch County, Texas; said 0.03 acres being out of a 30 foot wide strip of land and referred to in said deed as Parcel (3) of Tract One, and more particularly described as follows:

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SMITH, JACK BOB

BEGINNING at a stake in the south boundary line of the A. Dumzlatef Survey 1042, Abstract No. 226, being North 90° 00' West, 100 feet from its apparent southeast corner; said stake also being in the south boundary line of said 30 foot wide strip of land, 100 feet westerly opposite proposed U.S. Highway 283 centerline Station 312+42.8, for the southwest corner of this;

THENCE North 00° 27' West, 30.00 feet to a stake being 100 feet westerly opposite proposed centerline Station 312+72.8, for the northwest corner of this;

THENCE South 90° 00' East, along the north boundary line of said 30 foot wide strip of land, 50.00 feet to a point in the existing west right of way of said highway, for the northeast corner of this;

THENCE South 00° 27' East, along said existing west right of way, 30.00 feet to a point in the south boundary line of said Survey 1042, for the southeast corner of this;

THENCE North 90° 00' West, along said south boundary line, 50.00 feet to the PLACE OF BEGINNING.

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EXHIBIT "A"

SMITH, JACK BOB

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

PARCEL 1:

(1) 158.8 acres, more or less, all of J.C. Peters Survey No. 1360, Abstract No. 1104, Certificate No. 187, Patent No. 1078, Volume 13, which patent is here referred to and made part hereof, said patent calls for 160 acres, but by actual survey, the same is found to contain 158.8 acres of land.

(2) 7.2 acres, more or less, the South part of the S.E. McKnight Survey No. M-1, Abstract No. 2304, patented to S.E. McKnight by Patent No. 268, Volume 29, which patent is here referred to and made a part hereof.

Said land lies contiguous forming a solid body of land described by metes and bounds as follows:

BEGINNING at a stake and mound set for the SW corner of Survey No. 1359, and SE corner of said Survey No. 1360;

THENCE North 944 varas to a stake and mound set for the SW corner of Survey No. 1358;

THENCE West 978 varas to a stake and mound in West line of the McKnight Survey No. M-1, from which a L.O. 12' brs. N. 61-1/2° W. 38 varas;

THENCE South 2° West 951 varas, with the West line of the said McKnight Survey to a stake and mound;

THENCE East 57 varas to the SW corner of said Survey No. 1360;

THENCE North 87-1/2° East 944 varas to the place of BEGINNING.

Said land is the same land described in deed from A.P. Waldrep, et ux, to W.L. Satterfield and Oulita Satterfield, dated July 17, 1967, recorded in Volume 170, page 424, Deed Records of McCulloch County, Texas, and said deed and record are here referred to and made part hereof for all pertinent purposes.

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EXHIBIT "A"

SPARKS, BRYAN AND LAURA JEAN

PARCEL 2:

Tract 1: Being 132.61 acres, more or less, consisting of two (2) parcels described as follows:

A. The North 72.93 acres, more or less, out of J. C. Peter Survey No. 1359, Abstract No. 1106, Certificate No. 187, patented to Heirs of J. C. Peter by Patent No. 1080, Volume 12, McCulloch County, Texas; and

B. The South 59.68 acres, more or less, out of J. C. Peter Survey No. 1358, Abstract No. 1105, Certificate No. 187, patented to Heirs of J. C. Peter by Patent No. 1079, Volume 13, McCulloch County, Texas;

And which tracts lie contiguous and form a solid body surveyed by Abner G. Trigg, registered public surveyor on October 8, 1963, and described by metes and bounds as follows:

Beginning at a 1" iron pipe set for the Northwest corner of the South 83.99 acres of Survey No. 1359 and set for the Southwest corner of this 132.61 acres, from which the Southwest corner of Survey No. 1359 has South 00° 17' East 506.36 varas;

Thence North 00° 17' West at 433 varas the Northwest corner of Survey No. 1359 the Southwest corner of Survey No. 1358, continuing to 789 varas in all to a 1" iron pipe set at a fence corner post for the Northwest corner of this tract;

Thence with fence along the North line of this tract, North 88° 29' 25" East 957.63 varas to a 1" iron pipe set at a fence corner post for the Northeast corner of this tract;

Thence with fence along the East line of Survey No. 1358 South 00° 22' West at 349.5 varas the Southeast corner of Survey No. 1358, the Northeast corner of Survey No. 1359, continuing along the East line of Survey No. 1359 to 782.5 varas in all to a 1" iron pipe set for the Southeast corner of this tract, and set to the fence along the East line of Survey No. 1359 and set for the Northeast corner of a 30 foot road;

Thence parallel with the South line of Survey No. 1359 South 88° 05' West at 10.8 varas to a 1" iron pipe set for the Northwest corner of the 30 foot road and set for the Northeast corner of the 83.99 acre tract out of the South part of Survey No. 1359, continuing 948.9 varas in all to the place of beginning.

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EXHIBIT "A"

SPARKS, BRYAN AND LAURA JEAN

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

BEING an area of 649.172 acres of land, in McCulloch County, Texas, more or less, comprised of 239.624 acres out of H. W. A. Bothmer Survey 1247, Abstract 77, 177.999 acres out of H. W. A. Bothmer Survey 1246, Abstract 76, 231.159 acres out of H. & T. C. Survey 37, Abstract 620, 0.160 acres out of Jacob Klock Survey 1248, Abstract 821, 0.230 acres out of Fisher And Miller Survey 2591, Abstract 268, McCulloch County, Texas, and said 649.172 acre tract being out of 2554 acres conveyed by deed from Ollie M. Johnson, a widow, and Noble M. Johnson to Joe Dale Johnson, described and recorded May 15th, 1953, in Volume 144, Page 526, Deed Records of McCulloch County, Texas, and out of 317.10 acres described in Volume 227, Page 81, Deed Records of McCulloch County, Texas, and said 649.172 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 4x4 concrete monument found, being the Southwest corner of 317.10 acre tract, in the East line of S. E. McKnight Survey M-2, Abstract 2305, in the West line of Survey 1246, and at the Northeast corner of an intersection of County Rd. 148 and County Rd. 128, and being the Southwest corner of this herein described tract of land;

THENCE with the East line of Survey M-2 and West line of Survey 1246, with a fence, N0°09'15"E, 2444.95 feet (Call S 00° 26' W 880 varas), to a 4X4 concrete monument found, being the Southwest corner of Survey 1247 and the Northwest corner of Survey 1246, Abstract 76, in the East line of Survey M-2, and in the East line of County Rd. 148, and being the Southwest corner of 2554 acre Johnson tract, being the Western most Northwest corner of this tract, from which a fence corner post bears N86°23'22"W, 0.94 feet;

THENCE upon and across Survey 1247, with a fence, N87°58'23"E, 913.69 feet, to a fence corner post, N1°46'06"W, 243.58 feet, to a fence corner post, N83°14'12"E, 292.89 feet, to a fence corner post, N4°56'26"E, 851.02 feet, to a fence corner post, N29°43'28"E, 630.13 feet, to a fence corner post, N40°29'16"E, 684.45 feet, to a fence corner post, N33°11'58"W, 180.74 feet, to a fence corner post, S55°51'06"W, 691.71 feet, to a fence corner post, N7°42'40"W, 641.69 feet, to a fence corner post, S89°51'58"W, 214.44 feet, to a 1/2" iron rod with cap marked "SKG Engineers", set in a fence, for an exterior corner of this tract;

THENCE N0°33'04"W, passing at 45.54 feet the South line of H. & T. C. Survey 37, Abstract 620, and the North line of Survey 1247, continuing a total distance of 2701.55 feet, to a 1/2" iron rod with cap marked "SKG Engineers", set in a fence, for an exterior corner of this tract;

THENCE with a fence, S82°09'20"E, 2168.10 feet to a 1/2" iron rod with cap marked "SKG Engineers", set at a fence intersection, for an exterior angle of this tract;

THENCE with a fence, S82° 03' 31"E, passing at 2257.92 feet the West line of Jacob Klock Survey 1248, Abstract 821, and the East line of Survey 37, continuing for a total distance 2265.15 feet to a 1/2" iron rod set with cap marked "SKG ENGINEERS" at a fence corner for an exterior angle of this tract;

THENCE with a fence, S0° 06' 43"W, 1948.15 feet, to a cedar fence corner post, being the Northeast corner of Survey 1247, the Northwest corner of Fisher and Miller Survey 2591,

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SUTTON, JOEEN

Abstract 268, the Southwest corner of Jacob Klock Survey 1248, Abstract 821, the Southeast corner of H. & T. C. Survey 37, Abstract 620, from which a large Oak tree bears N2° 14' 49"E, 43.62 feet;

THENCE with a fence, S0° 00' 43"W, 1997.47 feet, to a 2 1/2" pipe fence corner post for an exterior corner of this tract;

THENCE with a fence, N88° 14' 04"W, at 10.04 feet crossing the East line of Survey 1247 and the West line of Survey 2591, continuing for a total distance 294.31 feet to a 2 1/2" pipe fence corner post for an interior corner of this tract;

THENCE with a fence, S5° 06' 00"E, 612.16 feet to a 2 1/2" pipe fence corner post, in the North line of 139,534 acres described in a Warranty Deed from Leslie M. Sellers and wife, Mary Patricia Sellers, to Glen R. Kent III and wife, Donna S. Kent, recorded in Volume 354, Page 949, Deed Records McCulloch County, Texas, and the South line of 2554 acre Johnson tract, for an exterior corner of this tract;

THENCE generally, with the North line of Survey 1246, and the South line of Survey 1247, with the North line of 139,534 acre Kent tract, the South line of 2554 acre Johnson tract, and the South line of this tract, with a fence, S88° 11' 12"W (Call N 88° 35' 24"E), 1528.54 feet to a 4x4 concrete monument found in the South line of Survey 1247, being an exterior angle for this tract;

THENCE generally, with the North line of Survey 1246, and the South line of Survey 1247, with the North line of 139,534 acre Kent tract, the South line of 2554 acre Johnson tract, and the South line of this tract, S88° 08' 43"W, 400.97 feet (Call N 88° 33' 13"E 400.98 feet) to a 1/2" iron rod found with cap marked "ROSS", being the Northeast corner of the remainder of 317.10 acre tract, the Northwest corner of 139,534 acre Kent tract, being an interior corner of this tract, from which a fence corner post bears N25° 41' 13"E, 0.87 feet;

THENCE with the West line of 139,534 acre Kent tract, and the East line of this tract with a fence, S6° 58' 17"W (Call N 07° 22' 56"E), crossing at 2.40 feet, the South line of Survey 1247 and the North line of Survey 1246, continuing a total distance of 2594.60 feet (Call 2595.21 feet) to a 1/2" iron rod found with cap marked "ROSS", in the North line of County Rd. 128, in the South line of 317.10 acre tract, being the Southwest corner of 139,534 acre Kent tract, and the Southeast corner of this tract, from which a fence corner post bears S8° 54' 49"W, 5.11 Feet;

THENCE with the North line of County Rd. 128 and the South line of 317.10 acre tract, generally North of a fence, N89° 35' 06"W, 2939.13 feet (Call S 89° 20' E, 668.0 varas and S 89° 20' E 651.8 varas) to the PLACE OF BEGINNING containing an area of 649.172 acres of land.

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EXHIBIT "A"

SUTTON, JOEEN

EXHIBIT A

LEGAL DESCRIPTION OF EASEMENT PROPERTY

The following lands situated in McCulloch County, Texas:

TRACT ONE:

509.223 acres of land out of the Fisher & Miller Survey No. 2596, Abstract No. 287, in McCulloch County, Texas and also being a portion of that certain 2947.884 acre tract as described in Volume 366, Page 252 of the Official Public Records of McCulloch County, Texas and a portion of a called 160 acre tract described in a deed recorded in Volume 228, Page 811 of the Deed Records of McCulloch County, Texas. Said 509.223 acre tract being more particularly described as follows and as surveyed under the supervision of Watson Professional Group Inc;

BEGINNING at a 4 inch pipe post found in the record common line of said Survey No. 2596, and the H. Buescher Survey No. 1343, Abstract No. 33 and the east line of that certain 319.79 acre tract as described in Volume 335, Page 218 of said Official Public Records and the west line of said 2947.884 acre tract for the northwest corner of that certain 1000.000 acre tract described in Volume 382, Page 764 of said Official Public Records and the southwest corner hereof and from which the record southeast corner of said Abstract No. 33 bears South 00° 05' 43" West a distance of 122.23 feet;

THENCE North 00° 27' 41" West a distance of 2632.56 feet along the record common line of said Survey No. 2596, said Survey No. 1443 and the east line of said 319.79 acre tract to a point in the south line of F. M. Highway No. 504 for the northeast corner of said 319.79 acre tract, the northwest corner of said 2947.884 acre tract and the northwest corner hereof, and from which a pipe fence corner post found bears South 00° 27' 48" East a distance of 1.10 feet

THENCE along the south line of said F. M. Highway No. 504 and the north line of said 2947.884 acre tract, the following seven (7) courses:

1. South 85° 48' 04" East a distance of 539.49 feet to a point;
2. South 86° 02' 28" East a distance of 1035.38 feet to a point;
3. South 85° 58' 21" East a distance of 1584.10 feet to a point;
4. South 85° 58' 12" East a distance of 579.99 feet to a point;
5. South 85° 53' 50" East a distance of 758.72 feet to a point at the beginning of a curve to the left;
6. Along said curve to the left with a radius of 20135.86 feet, central angle of 2° 54' 26" and an arc length of 1021.68 feet to a point;
7. South 88° 47' 55" East a distance of 57.72 feet to a point for the northwest corner of that certain 12.872 acre tract as surveyed this same day by Watson Professional Group Inc for a portion of said 2947.884 acre tract and the northeast corner hereof;

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THENCE crossing said Survey No. 2596 and said 2947.884 acre tract along the west line of said 12.872 acre tract, the following two (2) courses:

1. South 00° 19' 57" East a distance of 2743.90 feet to a point;
2. South 00° 13' 33" East a distance of 2872.44 feet to a point in the record common line of said Survey No. 2596 and the Heinrich Herder Survey No. 1259, Abstract No. 511 and the most easterly northeast corner of said 1000.000 acre tract for the southeast corner hereof;

THENCE North 83° 04' 38" West a distance of 2548.29 feet along the record common line of said Survey No. 1259 and said Survey No. 2596 and a north line of said 1000.000 acre tract to a 6 inch cedar fence corner post found for an ell corner of said 1000.000 acre tract and the most southerly southwest corner hereof;

THENCE crossing said Survey No. 2596 and said 2947.884 acre tract along the north line of said 1000.000 acre tract, the following three (3) courses:

1. North 00° 32' 37" West a distance of 2727.08 feet to a point from which a 6 inch cedar post fence corner found bears South 00° 32' 37" East a distance of 1.99 feet and a concrete monument found bears South 86° 21' 50" East a distance of 312.34 feet;
2. North 86° 21' 50" West a distance of 780.70 feet to a concrete monument found;
3. North 83° 09' 38" West a distance of 2251.91 feet to the POINT OF BEGINNING, containing 509.223 acres, more or less, as shown on certified plat prepared herewith.

Note: Bearings and distances are grid, NAD 83 US TX Central Zone.

Iron rods set are 1/2 inch rebar with plastic caps marker "WATSON 1989" or

"WATSON 5740"

Being the same land as described in a Deed from Beakley Cattle Company, LLC to Michael Mund and Blaine Mund dated June 30, 2009, recorded in Volume 388, page 988, Official Public Records, McCulloch County, Texas.

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TRACT TWO:

1000.000 acres of land, more or less, out of the Fisher & Miller Survey No. 2596, Abstract No. 287, the Heinrich Herder Survey No. 1259, Abstract No. 511, the Heinrich Herder Survey No. 1258, Abstract No. 510, the H. & T. C. RR Co. Survey No. 39, Abstract No. 621, in McCulloch County, Texas, and being a portion of a called 4369.319 acre tract described in a deed recorded in Volume 366, Page 252 of the Official Public Records of McCulloch County, Texas; Said 1000.000 acre tract being more particularly described as follows and shown on the attached survey plat:

BEGINNING at a 1/2 inch iron rod set in the common line of said Survey No. 1258 and Survey No. 39, for the southeast corner hereof, from which a 8-inch cedar fence corner post found for the southeast corner of said Survey No. 1258, the southwest corner of the H. & T. C. RR Co. Survey No. 61, Abstract No. 633, the northwest corner of the Thomas Kreiker Survey No. 1257, Abstract No. 813, the northeast corner of said Survey No. 39, also being the southeast corner of a 1212.285 acre tract described in Volume 338, Page 285 of the Official Public Records of McCulloch County, Texas and an interior corner of said 4369.319 acre tract, bears South 83° 32' 31" West a distance of 503.39 feet;

THENCE North 83° 32' 31" West, along the common line of said Survey No. 1258 and Survey No. 39, a distance of 814.68 feet to a 1/2 inch iron rod set, for a corner hereof;

THENCE leaving the north line, and crossing through said Survey No. 39, the following two (2) courses:

1. South 59° 25' 24" West a distance of 1509.73 feet to a 1/2 inch iron rod set for a corner hereof;
2. South 88° 50' 06" West a distance of 3429.40 feet to a 6-inch cedar fence post found in the common line of said Survey No. 39 and the S. Balmert Survey No. 1349, Abstract No. 63, being also the west boundary line of said 4369.319 acre tract, being also the east boundary line of a called 1324.75 acre tract described in a deed recorded in Volume 262, Page 540 of the Deed Records of McCulloch County, Texas, for the southwest corner hereof;

THENCE North 00° 33' 06" West, along the general meanders of a fence for the common line of said Survey No. 39 and Survey No. 1349, being also the west boundary line of said 4369.319 acre tract and the east boundary line of said 1324.75 acre tract, passing at a distance of 22.67 feet a 12-inch pine gate post at the south end of a 12-foot gate, and continuing a total distance of 1374.58 feet to a 12-inch pine gate post at the south end of a 14-foot gate at the northwest corner of said Survey No. 39, the northeast corner of said Survey No. 1349, the southeast corner of the H. & T. C. R.R.

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Survey No. 40, Abstract No. 1671, and said Survey No. 1259, also being the northeast corner of said 1324.75 acre tract and the southeast corner of a 677.78 acre tract described in a deed recorded in Volume 47, Page 508 of the Deed of Trust of McCulloch County, Texas;

THENCE along the general meanders of a fence for the common line of said Survey No. 40, said Survey No. 1259, and said Survey No. 1258, being also the west boundary line of said 4369.319 acre tract, and the east boundary line of said 677.78 acre tract, the following two (2) courses:

1. North 00° 31' 20" West a distance of 2791.97 feet to a 3-inch cedar fence corner post found, for a corner hereof;
2. North 00° 07' 33" West a distance of 2776.64 feet to a 10-inch cedar fence corner post found for the northwest corner of said Survey No. 1259, the northeast corner of said Survey No. 40, the southeast corner of the H. Buescher Survey No. 1344, Abstract No. 34, the southwest corner of said Survey No. 2596, being also the northeast corner of said 677.78 acre tract and the southeast corner of a 320 acre tract described in a deed recorded in Volume 156, Page 132 of the Deed Records of McCulloch County, Texas;

THENCE North 00° 05' 43" West, along the general meanders of a fence for the common line of said Survey No. 2596, said Survey No. 1344, and the H. Buescher Survey No. 1343, Abstract No. 33, being also the west boundary line of said 4369.319 acre tract, the east boundary line of said 320 acre tract and the east line of a 319.79 acre tract described in a deed recorded in Volume 335, Page 218 of the Official Public Records of McCulloch County, Texas, a distance of 2689.99 feet to a 4-inch pipe fence corner post, for the northwest corner hereof;

THENCE leaving the west line and crossing through said Survey No. 2596, being also said 4369.319 acre tract, the following 2 courses:

1. South 83° 09' 46" East, a distance of 2251.91 feet to a concrete monument found for a corner hereof;
2. South 86° 21' 50" East, a distance of 780.70 feet to a 1/2 inch iron rod set, for an interior corner of said 4369.319 acre tract, being also the northwest corner of a 166.256 acre tract described in a deed recorded in Volume 367, Page 641 of said Official Records, for the most northerly northeast corner hereof, from which a concrete monument found bears South 86° 21' 50" East, a distance of 314.38 feet;

THENCE South 00° 32' 37" East a distance of 2727.08 feet along the easterly boundary line of said 4369.319 acre tract, being also the west boundary line of said 166.256 acre tract to a 6-inch cedar fence corner post found on the common line of said Survey No. 2596 and said Survey No. 1259, at an interior corner of said 4369.319 acre tract, being also the southwest corner of said 166.256 acre tract, for an interior corner hereof;

THENCE South 83° 04' 38" East a distance of 2548.28 feet along the common line of said Survey No. 2596 and said Survey No. 1259, being also the easterly boundary line of said 4369.319 acre tract, being also the south boundary of said 166.256 acre tract, to a 1/2 inch iron rod set, for the most easterly northeast corner hereof, from which a 14-inch cedar fence corner post found at the northeast corner of said Survey No. 1259, the southeast corner of said Survey No. 2596, the southwest corner

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Recorded in
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Exhibit "A"

of the A. Hoelscher Survey No. 1260, Abstract No. 500, and the northwest corner of said Survey No. 61, being also in the west boundary line of said 1212.285 acre tract at a corner in the easterly boundary of said 4369.319 acre tract, the southeast corner of said 166.256 acre tract, bears South 83° 04' 38" East a distance of 50.38 feet;

THENCE South 00° 11' 03" East, parallel and 50 foot perpendicular to the common line of said Survey No. 1258, said Survey No. 1259, and said Survey No. 61, being also the easterly boundary line of said 4369.319 acre tract and the west boundary line of said 1212.285 acre tract, a distance of 5535.14 feet to the POINT OF BEGINNING, containing 1000.000 acres, more or less.

Being the same land as described in a Deed from Beakley Cattle Company, LLC to Michael Mund and Elaine Mund dated October 15, 2008, recorded in Volume 382, page 764, Official Public Records, McCulloch County, Texas.

TRACT THREE: Being a 50 foot wide easement on, over and across Grantor's property which is more particularly described as follows:

Being out of the H. & T. C. RR Co. Survey No. 39, Abstract No. 621, out of the Heinrich Herder Survey No. 1258, Abstract No. 510, out of the Heinrich Herder Survey No. 1259, Abstract No. 511 and out of the Fisher & Miller Survey No. 2596, Abstract No. 287, also being a portion of a called 4369.319 acre tract of land described in a deed recorded in Volume 366, Page 252 and a portion of a called 166.256 acre tract described in a deed recorded in Volume 367, Page 641 of the Official Public Records of McCulloch County, Texas; Said tract more particularly described as follows:

BEGINNING at a 8 inch cedar fence corner post found for the southeast corner of said Survey No. 1258, the southwest corner of the H. & T. C. RR Co. Survey No. 61, Abstract No. 633, the northwest corner of the Thomas Kreiker Survey No. 1257, Abstract No. 813, the northeast corner of said Survey No. 39, being also the southwest corner of a called 1212.285 acre tract described in Volume 338, Page 329 of the Official Public Records of McCulloch County, Texas, and an interior corner of said 4369.319 acre tract, for an corner hereof;

THENCE crossing through said 4369.319 acre tract, the following two (2) courses;

3. North 00° 20' 14" West a distance of 55.96 feet to a 1/2 inch iron rod set on the common line of said Survey No. 39 and said Survey No. 1258, for a corner hereof;
4. North 00° 11' 03" West leaving the south line and crossing through said Survey No. 1258 and said Survey 1259, a distance of 5535.14 feet to a 1/2 inch iron rod set in the common line of said Survey 1259 and said Survey 2596, being also in the easterly line of said 4369.319 acre tract, being also the south boundary line of said 166.256 acre tract, for a corner hereof;

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Exhibit "A"

THENCE North 00° 13' 32" West leaving the south line and crossing through said 166.256 acre tract, a distance of 2872.45 feet to a 1/2 inch iron rod set in the north boundary line of said 166.256 acre tract, being also the easterly boundary line of said 4369.319 acre tract, for a corner heretof;

THENCE North 00° 19' 57" West leaving the easterly boundary line and crossing through said 4369.319 acre tract, a distance of 2743.04 feet to a 1/2 inch iron rod set in south right-of-way line of Farm-to-Market Road 504 (70' ROW width) (FM 504), being also the north boundary line of said 4369.319 acre tract, for the northwest corner heretof;

THENCE South 89° 38' 59" East along the north boundary line of said 4369.319 acre tract, being also the south right-of-way line of said FM 504, a distance of 50.00 feet to a 1/2 inch iron rod set in the common line of said Survey No. 2596 and the A. Hoelscher Survey No. 1261, Abstract No. 501, at the most northerly northeasterly corner of said 4369.319 acre tract, being also the northwest corner of said 1212.285 acre tract, for the northeast corner heretof;

THENCE South 00° 19' 57" East, along the common line of said Survey No. 2596 and said Survey No. 1261, being also the easterly boundary line of said 4369.319 acre tract and the west boundary line of said 1212.285 acre tract, a distance of 2745.96 feet and 1/2 inch iron rod found with a plastic cap marked "WATSON 5740" at the southwest corner of said Survey No. 1261 and the northwest corner of A. Hoelscher Survey No. 1260, Abstract No. 500. Being also at the northeast corner of said 166.256 acre tract and a corner in the easterly line of said 4369.319 acre tract, for a corner heretof;

THENCE South 00° 13' 32" East with the common line of said Survey No. 2596 and said Survey No. 1260, being also the east boundary line of said 166.256 acre tract and the west boundary line of said 1212.285 acre tract, a distance of 2875.34 feet to a 14 inch cedar fence corner post found for the southeast corner of said Survey No. 2596, the southwest corner of said Survey No. 1260, the northwest corner of said Survey No. 61, and the northeast corner of said Survey No. 1259, also being the southeast corner of said 166.256 acre tract, and a corner in the easterly line of said 4369.319 acre tract, for a corner heretof;

THENCE South 00° 11' 03" East with the common line of said Survey No. 61, said Survey No. 1259 and said Survey No. 1258, also being the easterly line of said 4369.319 acre tract and the west line of said 1212.285 acre tract a distance of 5484.73 feet to the POINT OF BEGINNING.

Being the same easement as described in an Access and Utility Easement from Beakley Cattle Company, LLC to Michael Mund and Elaine Mund dated October 15, 2008, recorded in Volume 382, page 762, Official Public Records, McCulloch County, Texas.

TRANSMISSION FACILITIES EASEMENT AGREEMENT
Rattlesnake
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A-1

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows

Tract One:

215.41 acres, more or less, in McCulloch County, Texas and being:

109.52 acres, more or less, in the H. Z. Borge Survey No. 1264, Abstract No. 143; and

105.89 acres, more or less, in the H. Z. Borge Survey No. 1245, Abstract No. 144;

Said tract is that land that W. N. Townsend, et ux, decided to Sam A. Blumentritt by Deed dated February 3, 1958, recorded in Volume 149, Page 636, Deed Records, McCulloch County, Texas, described by metes and bounds as follows:

Beginning at a set iron stake and corner post located on the North line of U. S. Highway 87 and on the West line of said Survey No. 1244, said point is located 7 varas North 3° 00' East of the Southwest corner of Survey No. 1244;

Thence North 3° 00' 00" East 4964.2 ft. (4967 ft. - Deed call) along a fence line located on the West line of said Surveys No. 1244 and No. 1245 to a found iron stake and corner post, said point is also located approximately 12 varas South 3° 00' West of the Northwest corner of said Survey No. 1245;

Thence South 89° 43' 32" East 1772.8 ft. (South 89° 44' East 1773.1 ft. - Deed call) along the general course of a fence line located on the South line of County Road 128 to a corner post with a set iron stake;

Thence South 00° 42' 57" West 5062.6 ft. (South 0° 42' West 5064.5 ft. - Deed call) along a fence line to a set iron stake and corner post located on the North line of said U. S. Highway 87;

Thence North 86° 44' 13" West 1972.5 ft. (North 86° 45" West 1973.9 ft. - Deed call) along a fence line located on the North line of said U. S. Highway 87 to the place of beginning.

Tract Two:

Situated in McCulloch County, Texas, and being 146.951 acres out of the W. H. & O. T. Melvin Survey No. 14, Abstract No. 1570, Cert. No. 16114, out of the N. E. corner of said Survey 14, and being the same land as described in deeds from W. R. Yates to E. A. Gossett dated December 19, 1929, recorded in Vol. 60, Pg. 258 of the McCulloch County Deed Records, and from E. A. Gossett to Carl Lundquist dated April 18, 1936, recorded in Vol. 96, Pg. 248 of said Deed Records.

BEGINNING at a 1/2-inch steel stake set at the intersection of the south line of a public road with the east line of said Survey No. 14, set by a "T" corner post being South 03° W 33.3 feet from the N.E. Corner of said Survey No. 14, and being the N.W. corner of a 215.61-acre tract described in a deed from W. N. Townsend to Sam A. Blumentritt, recorded in Vol. 149, Pg. 636 of said Deed Records, for the N.E. corner heretof;

WIND ENERGY GROUND LEASE
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EXHIBIT "A"

TINSLEY, HOWARD N.

THENCE with the south line of said road, N 89 34 51 W 2712.4 feet to a 1/2-inch steel stake set by a "T" corner post for the N.W. corner hereof;

THENCE with a fence and the west line hereof, S 01 59 08 W 1571.42 feet, a 1/2-inch steel stake, S 02 02 W 870.37 feet to a 1/2-inch steel stake set by a "T" corner post for the S.W. corner hereof;

THENCE with a fence and the south line hereof, N 87 37 E 747.84 feet, a 1/2-inch steel stake, N 87 46 E 1600.65 feet, a 1/2-inch steel stake, and N 87 34 14 E 330.08 feet to a 1/2-inch steel stake set in the east line of said Survey No. 14, the west line of said 215.61-acre tract, for the S.E. corner hereof and being the approximate N.W. corner of the H.Z. Berge Survey No. 1244;

THENCE with a fence and the east line hereof, the east line of Survey No. 14, N 03 08 34 E 1159.41 feet, a 1/2-inch steel stake, and N 02 51 34 E 1156.77 feet to the place of beginning.

EXHIBIT A

LEGAL DESCRIPTION OF EASEMENT PROPERTY

The following lands situated in McCulloch County, Texas:

320 acres, more or less, being all of H & TC RR Co Survey No. 53, Block 60, Abstract No. 628, McCulloch County, Texas.

Said tract of land being described in that certain Warranty Deed, dated March 24, 1986, by and between Bill J. Mikeska and wife, Candice K. Mikeska and Karl and Charollette Waishunn, recorded in volume 230, page 228, Deed Records of McCulloch County, Texas.

WIND ENERGY GROUND LEASE
12991780v.1

EXHIBIT "A"

TINSLEY, HOWARD N.

TRANSMISSION FACILITIES EASEMENT AGREEMENT
Rattlesnake
1233272N.3

A-1

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

TRACT ONE: Situated in McCulloch County, Texas and being a 160 acre tract of land described as the Heinrich Eilers Survey No. 1224, Abstract No. 244, Certificate No. 730, patented to John H. Herndon by Patent No. 797, Volume 16, Deed Records, McCulloch County, Texas.

TRACT TWO: Situated in McCulloch County, Texas and being a square parcel of land, 150 feet by 150 feet, lying in the northwest corner of a 160 acre tract of land described as the Heinrich Eilers Survey No. 1227, Abstract No. 245, Certificate No. 730, patented to John H. Herndon by Patent No. 798, Volume 16, Deed Records of McCulloch County, Texas.

WIND ENERGY GROUND LEASE
12490247v.5

EXHIBIT "A"

WILLEMS, PATTI E.

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

TRACT ONE: Being 232.283 acres, more or less, in McCulloch County, Texas, consisting of approximately 2.312 acres out of the Carl Froehlich Survey No. 1151, Abstract No. 342 and approximately 115.408 acres out of the Carl Froehlich Survey No. 1148, Abstract No. 343, Approximately 101.417 acres out of the Carl Froehlich Survey No. 1149, Abstract No. 345, approximately 11.778 acres out of the I. & G.N. R.R. Co. Survey No. 36, Abstract No. 769, approximately 1.368 acres out of the H. & T.C. R.R. Co. Survey No. 107, Abstract No. 637 and being out of a combination of those certain tracts described as 670.359 acres in a deed to Byron E. McCollum, et ux, et al, recorded in Vol. 298, Pg. 614, McCulloch County Official Public Records and described as 1299.853 acres in a deed to Byron E. McCollum et ux, et al, recorded in Vol. 291, Pg. 3, McCulloch County official Public Records, for the parent tract hereof.

Said 232.283 acre tract being more fully described as follows:

BEGINNING at a 1/2" steel stake found in the east line of County Road 152, west line of said parent tract, for the northwest corner of a 244.385 acre partition tract out of said parent tract and southwest corner hereof;

THENCE with a fence, said east line of county road, said west line of parent tract and the most southerly west line hereof, N 00° 33' 44" E, 1425.03 feet to a 1/2" steel stake found and N 00° 35' 26" E, 693.56 feet to a 1/2" steel stake set for the southwest corner of a 67.037 acre partition tract out of said parent tract and the most southerly northwest corner hereof;

THENCE with south line of said 67.037 acre tract and north line hereof, S 89° 30' 34" E, at 279.92 feet pass a 3/8" steel stake set, at 675.71 feet pass a 3/8" steel stake set, at 1069.96 feet pass a 3/8" steel stake set, at 1354.69 feet pass a 3/8" steel stake set, at 1732.03 feet pass a 3/8" steel stake set, in all a total distance of 2060.61 feet to a 1/2" steel stake set for the southeast corner of said 67.037 acre tract and an "L" corner hereof;

THENCE with east line of said 67.037 acre tract, east line of a 105.320 acre partition tract out of said parent tract and the most northerly west line hereof, N 00° 00' 00" W, at 507.23 feet pass a 3/8" steel stake set, in all a total distance of 800.00 feet to a 1/2" steel stake set and N 17° 25' 49" W, at 280.61 feet pass a 1/2" steel stake set for the northeast corner of said 67.037 acre tract and southeast corner of said 105.320 acre tract, in all a total distance of 400.95 feet to a 1/2" steel stake set for an "L" corner of said 105.320 acre tract and the most northerly northwest corner hereof;

THENCE with south line of said 105.320 acre tract and most northerly north line hereof, N 90° 00' 00" E, 475.00 feet to a 1/2" steel stake set for a southeast corner of said 105.320 acre tract and most northerly northeast corner hereof;

THENCE with the most northerly east line hereof, S 00° 00' 00" E, at 262.38 feet pass a 1/2" steel stake found for the northwest corner of that certain tract described as 191.664 acres in a deed to Scott Arbuckle, et ux, recorded in Vol. 297, Pg. 296, McCulloch County Official Public Records,

WIND ENERGY GROUND LEASE
13074959v.2

EXHIBIT "A"

YOUNGBLOOD, GORDON

an "L" corner of said parent tract, in all a total distance of 287.38 feet to a 1/2" steel stake found for the southwest corner of said 191.664 acre tract, an "L" corner of said parent tract and an "L" corner hereof;

THENCE with a fence, south line of said 191.664 acre tract, a north line of said parent tract and most southerly north line hereof, as follows:

S 68° 24' 37" E, 1539.31 feet a 1/2" steel stake found;
 S 68° 35' 48" E, 586.26 feet a 1/2" steel stake found;
 S 54° 54' 59" E, 790.48 feet a 1/2" steel stake found;
 S 57° 02' 15" E, 179.36 feet a 1/2" steel stake found;
 S 90° 00' 00" E, 73.52 feet a 1/2" steel stake found;
 S 57° 02' 15" E, at 24.80 feet pass a calculated point in the east line of said Survey No. 1149, west line of the H. & T.C. R.R. Co. Survey No. 107, Abstract No. 657 in all a total distance of 51.41 feet a 1/2" steel stake found;
 S 52° 59' 32" E, 682.91 feet a 1/2" steel stake found;
 S 52° 59' 44" E, 787.32 feet a 1/2" steel stake found;
 S 24° 41' 47" W, 64.70 feet to a 1/2" steel stake found for an "L" corner of said parent tract, an "L" corner of said 191.664 acre tract, an "L" corner of that certain tract described as 500.523 acres in a partition deed to Tom J. Sammons, Sr., et ux, recorded in Vol. 280, Pg. 198, McCulloch County Official Public Records and an "L" corner hereof;

THENCE with fence, the most easterly south of said parent tract, north line of said 550.523 acre tract and most easterly south line hereof, as follows:

N 15° 21' 12" W, 38.01 feet a 3" pipe post;
 N 52° 59' 44" W, 771.01 feet a 3" pipe post;
 N 52° 56' 31" W, 681.95 feet to a 3" pipe post in the said east line of said Survey No. 1149, said west line of Survey No. 107, for an "L" corner of said parent tract, an "L" corner of said 550.523 acre tract and an "L" corner hereof,

THENCE with fence, west line of said 550.523 acre tract, said east line of said Survey No. 1149, said west line of Survey No. 107, an east line of said parent tract and an east line hereof, S 00° 45' 33" W, at 47.16 feet pass a 1/2" steel stake set, in all a total distance of 720.79 feet to a 1/2" steel stake set for the northeast corner of said 244.385 acre tract and southeast corner hereof;

THENCE with north line of said 244.385 acre tract and south line hereof, S 80° 31' 59" W, at 195.51 feet pass a 3/8" steel stake set, at 650.69 feet pass a 3/8" steel stake set, at 1222.49 feet pass a 3/8" steel stake set, at 1652.33 feet pass a 3/8" steel stake set, at 1828.86 feet pass a 3/8" steel stake set, at 2190.78 feet pass a 3/8" steel stake set, at 2604.53 feet pass a 3/8" steel stake set, at 3079.62 feet pass a 3/8" steel stake set, at 3444.31 feet pass a 3/8" steel stake set, at 3877.35 feet pass a 3/8" steel stake set, at 4254.14 feet pass a 3/8" steel stake set, at 4640.33 feet pass a 3/8" steel stake set, at 4960.65 feet pass a 3/8" steel stake set, at 5225.34 feet pass a 3/8" steel stake set, in all a total distance of 5368.34 feet to the POINT OF BEGINNING and containing 232.283 acres, more or less.

WIND ENERGY GROUND LEASE
 13074959v.2

EXHIBIT "A"

YOUNGBLOOD, GORDON

TRACT TWO: A 30' wide nonexclusive access and utility easement the beginning point being on the East line of County Road 152. Said beginning point being the Northwest corner of the 1299.853 acre tract in McCulloch County, surveyed by Kenneth H. Ross, R.P.L.S. No. 2012, dated October 23, 1997. The said tract transferred from Lori L. Noonan, dba Texas Ranching Company and husband, T.A. Noonan, Jr. to Byron E. McCollum and wife, Vera Ellen McCollum, and Charles R. McCollum and wife, Deborah Lynn McCollum, as recorded in Volume 291, Page 3 of the McCulloch County Deed Records. Said beginning point also being in the Northwest corner of the Carl Frohlich Survey No. 1148, Abstract No. 343 of the McCulloch County Deed Records; from beginning point said easement to be the 30 feet South of and parallel to a line being the North boundary line of the above described tract, bearing South 89° 49' 24" East 2,403.05'; The East most 130' of said easement to be 60' wide to allow meandering through gates of existing cattle pens; the East end being or extended to meet the West boundary line of the 232.283 acre tract conveyed by this General Warranty Deed to Gordon R. Youngblood and Wife, Linda J. Youngblood.

WIND ENERGY GROUND LEASE
 13074959v.2

EXHIBIT "A"

YOUNGBLOOD, GORDON

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

120 acres, off the South side of G. & B.N. Co. Survey No. 34, Abstract No. 443, Certificate No. 83, patented to Noah N. John by Patent No. 6, Volume 20, and which 120 acres is a strip the entire length of said Survey on the South, and described as follows:

BEGINNING at a rock set for the Southwest corner of said Survey No. 34, for the Southwest corner of this tract, from which a Live Oak 10 in. in diameter bears North 45 1/2 degrees East 25 varas; do. 12 in. in diameter bears North 49 degrees West 25 varas;

THENCE North 63 degrees East 2343 varas to a rock mound for the Southeast corner of said Survey 34, from which a Live Oak 16 in. in diameter bears North 27 1/2 varas; do. 12 in. in diameter bears North 10 degrees East 33 1/2 varas; do. 8 in. in diameter bears North 4 degrees West 29 varas;

THENCE North 326.2 varas to a rock mound in East line of said Survey 34, for the Northeast corner of this tract, from which a Live Oak 4 in. in diameter bears North 41 degrees West 6-4/5 varas; do. 4 in. in diameter bears North 75 degrees West 13 varas;

THENCE South 63 degrees West 2343 varas to a rock mound in the West line of said Survey 34, from which a Live Oak 14 in. in diameter bears South 68 3/4 degrees West 93 varas;

THENCE South 326.2 varas with said West line to the Place of Beginning.

Being the same land described in a deed dated April 30, 1974, from the Veterans Land Board of Texas to Owen L. Nance, recorded in Volume 186, page 351, Deed Records, McCulloch County, Texas, to which deed and the record thereof reference is here made for all pertinent purposes.

WIND ENERGY GROUND LEASE
13372346v.2

EXHIBIT "A"

NANCE, HARLAN AND DEBORAH

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas described as follows:

PARCEL 1:

332.4 acres, all of W. H. & O. T. Melvin Survey No. 12, I.R. Co. Certificate No. 16/13, Abstract No. 1572, purchased from the State and patented to W. H. & O. T. Melvin, by Patent No. 390, Volume 16, as 320 acres, but upon re-survey of the same under field notes approved by the General Land Office of Texas, under Patent No. 131, Volume 17, said tract was found to contain 332.4 acres, described by metes and bounds as follows:

BEGINNING at a stake set in a public road for the Southeast corner of the I.R.R. Co. corner of the I.R.R. Co. Survey 13, for the Northeast corner hereof, from which evidence of the original Live Oak bears South 31° West 98 varas and the Northeast corner of said Survey 15 and the North corner of said Survey M-1 bears North 1° 57' East 1654 varas; THENCE South 86° 30' West with a fence, the South line of said Survey 15, 1983.1 varas to a fence corner for the recognized Southwest corner of said Survey 15, the Northeast corner of the I.R.R. Co. Survey 17, the Southeast corner of the Heinrich Brandis Survey 1364, for the Northwest corner hereof, from which a 20" Live Oak bears South 52° 30' West 27 varas, a 12" Live Oak stump bears North 37° 45' West 9.2 varas (same bearings trees called for at said corner in a deed from H. H. Sessions to H. P. Jordan, dated October 27, 1908), the original Northeast corner of said Survey 1364 bears North 0° 30' West 961.9 varas and the original Northwest corner of said Survey 15 bears North 0° 30' West 1919.2 varas; THENCE South 1° 03' East with a fence, the East line of said Survey 17, 935.9 varas to a stake set in said fence for the Northwest corner of the I.R.R. Co. Survey 11 and for the Southwest corner hereof, from which a 6" Mesquite bears South 11° 15' West, 20.3 varas and a 12" Mesquite bears South 10° West 30.2 varas and the original Southwest corner of said Survey 11 and the Southeast corner of said Survey 17 bears South 1° 03' East 935.9 varas;

THENCE North 87° 27' East with the North line of said Survey 11, 1958.2 varas to a stake set in the West line of said Survey 13 for the Northeast corner of said Survey 11 and for the Southeast corner hereof, from which the Southwest corner of said Survey 13, and the Southeast corner of said Survey 11 bears South 0° 28' West 970 varas; THENCE North 0° 28' East 970 varas to the place of beginning.

PARCEL 2:

328.2 acres, all of I.R.R. Co. Survey No. 11, Certificate No. 16/113, Abstract No. 758, patented to Geo. W. and W. F. Norton by Patent No. 69, Volume 22, as 320 acres, but upon re-survey of the same under field notes approved by the General Land Office of Texas, under Patent No. 130, Volume 17, said tract was found to contain 328.2 acres, described by metes and bounds as follows:

BEGINNING at a stake set in a fence, 6.2 varas North of a fence corner for the Northwest corner of Fisher & Miller Survey 2633, the Northeast corner of the George Dietrich Survey 1369, the Southeast corner of the I.R.R. Co. Survey 17, the West corner of the S. E. McKnight Survey M-2, for the Southwest corner hereof, from which a Mesquite stump bears North 74° West 13 varas, and a 14" Mesquite bears North 82° West 27 varas (old bearings);

THENCE North 88° 26' East with the North line of said Survey M-2, 1932 varas to a stake for the Southwest corner of the I.R.R. Co. Survey 13, and for the Southeast corner hereof, from which the original Southeast corner of said Survey 13 bears South 89° 40' East 1930 varas and the Northeast corner of said Survey 2633 bears South 62° 10' East 113.1 varas;

THENCE North 0° 28' East, with the West line of said Survey 13, 970 varas to a stake set for the Southeast corner of the W.H. & O.T. Melvin Survey 12, and for the Northeast corner hereof, from which the Northwest corner of said Survey 13, and the Northeast corner of said Survey 12 bears North 0° 28' East 970 varas;

THENCE South 87° 27' West with the South line of said Survey 12, 1958.2 varas to a stake set in a fence, the East line of the I.R.R. Co. Survey 17, for the Southwest corner of said Survey 12, and for the Northwest corner hereof, from which a 6" Mesquite bears South 11° 15' West 20.3 varas and a 12" Mesquite bears South 10° West 30.2 varas and the Northwest corner of said Survey 12 and the Northeast corner of said Survey 17 bears North 1° 03' West 935.9 varas;

THENCE South 1° 03' East with a fence, 935.9 varas to the place of beginning.

EXHIBIT A**Description of Property**

1421.435 acres of land, being 184.663 acres out of the Hans Christian Schaefer Survey No. 1223, Abstract No. 1218, 799.327 acres out of the Hans Christian Schaefer Survey No. 1220, Abstract No. 1217, 613.342 acres out of the E.W. Harris Survey No. 33, Abstract No. 2232, 171.390 acres out of the J.R. Backhouse Survey No. 1153, Abstract No. 121, 164.634 acres out of the J.R. Backhouse Survey No. 1154, Abstract No. 119; 10.570 acres out of the J.R. Backhouse Survey No. 1155, Abstract No. 120 and 77.599 acres out of the J.R. Backhouse Survey No. 1152, Abstract No. 118 in McCulloch County, Texas and being a portion of that certain 4324.878 acre tract described in Volume 213, Page 859 of the Deed Records of McCulloch County, Texas; Said 1421.435 acre tract more particularly described by metes and bounds in **Exhibit "A-1"** attached hereto and incorporated herein by this reference.

EXHIBIT A-1

Description of Property

LEGAL DESCRIPTION: 162.65 acres of land, being 156.65 acres out of the Hans Christian Schaefer Survey No. 1223, Abstract No. 1215, 179.07 acres out of the Hans Harris Survey No. 1220, Abstract No. 1217, 653.542 acres out of the B.W. No. 1153, 145 No. 33, Abstract No. 1222, 171.990 acres out of the J.R. Backhouse Survey No. 1154, Abstract No. 1154, 121.154.624 acres out of the J.R. Backhouse Survey No. 1154, Abstract No. 1154, 120 and 77.559 acres out of the J.R. Backhouse Survey No. 1153, Abstract No. 1153, McCulloch County, Texas, and being a portion of that certain 620.879 acre tract described in Volume 213, Page 859 of the Deed Records of McCulloch County, Texas; Said 162.65 acres tract is more particularly described as follows and as surveyed under the supervision of Wilson & Associates of Mason in November, 2006:

BEGINNING at a wood fence corner post found for the southwest corner of that certain 663.5 acre tract described in Volume 32, Page 299 of said Deed of Trust Records, the southwest corner of the Friedrich P. Schaefer Survey No. 1219, Abstract No. 314, the southeast corner of said Survey No. 33, the northeast corner of said Survey No. 1220, the southeast corner of the H. & T. C. R. Co. Survey No. 53, Abstract No. 634, the Associates of Mason and a corner hereof;

THENCE along the general meanders of a fence for the south line of said 663.5 acre tract the following 4 courses:

1. South 89°16'27" East a distance of 4122.20 feet along the common line of said Survey No. 1219 and said Survey No. 33 to a wood fence corner post found;
2. South 89°14'44" East a distance of 1213.08 feet along the common line of said Survey No. 1219 and said Survey No. 33 to a wood fence corner post found for the common corner of said Survey No. 33 to a wood fence corner post found for the common corner of said Survey No. 1219, the E. 1/4 of Harris Survey No. 84, Abstract No. 1150, said Survey No. 1154 and said Survey No. 53;
3. South 89°11'52" East a distance of 1574.28 feet along the common line of said Survey No. 84 and said Survey No. 1154 to a wood fence corner post found for the southeast corner of said 663.5 acre tract;
4. South 85°39'22" East a distance of 607.94 feet along the common line of said Survey No. 84 and said Survey No. 1154 to a wood fence corner post found in the west line of that certain public road known as County Road No. 308 for an old corner hereof;

EXHIBIT A-1

Description of Property

THENCE along the general meanders of a fence for the west line of said County Road, the following 7 courses:

1. South 25°12'56" East a distance of 701.88 feet to a wood fence corner post found;
 2. South 24°59'59" East a distance of 1053.03 feet to a wood fence corner post found;
 3. South 24°30'15" East a distance of 1053.03 feet to a wood fence corner post found;
 4. South 24°30'15" East a distance of 84.31 feet to a wood fence corner post found;
 5. South 24°32'26" East a distance of 1095.51 feet to a wood fence corner post found;
 6. South 24°30'15" East a distance of 971.10 feet to a wood fence corner post found;
 7. South 24°30'15" East a distance of 1159.86 feet to a wood fence corner post found;
- In the north line of the H. & T. C. R. Co. Survey No. 84, Abstract No. 648 and the north line of that certain 640 acre tract described in Volume 243, Page 720 of said Deed Records for the southeast corner hereof;

THENCE along the general meanders of a fence for the common line of said Survey No. 61 and said Survey No. 1152, the common line of said Survey No. 84 and said Survey No. 1153, the common line of said Survey No. 33 and the Johann D. Hattenstein Survey No. 1225, Abstract No. 599 and the common line of said Survey No. 33 and the Hattenstein Survey No. 1224, Abstract No. 224, the following 4 courses:

1. North 88°00'19" West a distance of 1795.28 feet to a wood fence corner post found;
2. North 87°44'17" West a distance of 8165.96 feet to a pipe fence corner post found;
3. North 89°21'15" West a distance of 1493.57 feet to a wood fence corner post found;
4. North 89°28'22" West a distance of 1116.64 feet to a 1/4 inch iron rod found for the northwest corner of said Survey No. 1224, the northeast corner of the G. & B. N. Company Survey No. 34, Abstract No. 443, the northeast corner of that certain 346.43 acre tract described in Volume 352, Page 871 of said Official Public Records, the southeast corner of said Survey No. 1225, the southwest corner of said Survey No. 33 and an iron stake corner hereof;

THENCE along the general meanders of a fence for the northwest line of said 346.43 acre tract and along the common line of said Survey No. 34 and said Survey No. 1223, the following 4 courses:

1. South 69°44'19" West a distance of 627.43 feet to a 3/8 inch iron rod found;
2. South 68°47'39" West a distance of 690.24 feet to a 3/8 inch iron rod found;
3. South 69°49'09" West a distance of 1167.03 feet to a 3/8 inch iron rod found;
4. South 69°44'19" West a distance of 922.87 feet to a 1/4 inch iron rod found for the southeast corner of that certain 346.43 acre tract described in Volume 352, Page 871 of said Official Public Records, the southeast corner of the Hans Christian Schaefer Survey No. 1222, Abstract No. 1214, the southwest corner of said Survey No. 1223 and a corner hereof and from which a live oak stump found bears South

EXHIBIT A-1

Description of Property

54°32'18" E - a distance of 88.56 feet and a ten 1/2 inch iron rod set South
18°57'13" East a distance of 82.54 feet;

THENCE along the general boundaries of a fence for the common line of said Survey No. 1223 and said Survey No. 1222 and the common line of said Survey No. 1220 and the Hens Christian School Survey No. 1221, Abstract No. 1221 and the east line of said 340.992 acre tract, the following courses:

1. North 07°16'22" West a distance of 469.89 feet to a wood fence corner post found;
2. North 07°12'33" West a distance of 1110.77 feet to a 1/2 inch iron rod found;
3. North 02°19'43" West a distance of 3444.17 feet to a 3/8 inch iron rod found;

the southeast line of said Survey No. 63 and the south line of said 2947.884 acre tract Survey No. 1221, the northwest corner of said Survey No. 1221, the northeast corner of said corner hereof;

THENCE North 57°29'43" East a distance of 3330.89 feet along the common line of said Survey No. 63 and said Survey No. 1220 and the south line of said 2947.884 acre tract to the POINT OF BEGINNING, containing 1427.435 acres, more or less, as shown on certified plat prepared hereon.

Note: Bearings are grid, NAD 83 US TO Central Zone and are obtained by natural GPS techniques. Iron rods set are 1/2 inch rebar with plastic caps marked "WATSON 5710".

December 20, 2006

Mark E. Watson, RPLS #5740
JOB 040661877 1421.435ac

EXHIBIT A

LEGAL DESCRIPTION: 24.651 acres of land, more or less, being portion of the Hensburgh Brothers Survey No. 1621, Abstract No. 1621, located in McCulloch County, Texas, and being a portion of a tract described in a deed recorded in Volume 207, Page 513 of the Deed Records of McCulloch County, Texas; said 24.651 acre tract being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod set at the centerline of a 345 KV transmission line in a 160 foot wide electric easement recorded in Volume 321, Page 606 of the Official Public Records of McCulloch County, Texas, for the most northerly northeast corner hereof and from which a 1/2 inch iron rod found in the west line of the Ludwig Erdhart Survey No. 1258, Abstract 285 for the common east corner of the Johann Leyendecker Survey No. 1258, Abstract No. 962 and said Survey No. 54 bear North 72° 13' 38" East a distance of 233.46 feet;

THENCE South 08° 09' 21" East a distance of 411.59 feet to a 1/2 inch iron rod set for an interior corner hereof;

THENCE North 89° 51' 39" East a distance of 254.12 feet to a 1/2 inch iron rod set in a fence line for the west line of said County Road No. 368 (CR 368) and the east line of said 320 acre tract for the most easterly northeast corner hereof;

THENCE South 09° 30' 14" East a distance of 1200.03 feet along the general boundaries of said fence line for the west line of said CR 368 and the east line of said 320 acre tract to a 1/2 inch iron rod set for the southeast corner hereof;

THENCE South 89° 51' 39" West a distance of 450.00 feet to a 1/2 inch iron rod set for the most southerly southwest corner hereof;

THENCE North 08° 09' 21" West a distance of 400.00 feet to a 1/2 inch iron rod set for an interior corner hereof;

THENCE South 89° 51' 39" West a distance of 450.00 feet to a 1/2 inch iron rod set for the most westerly southwest corner hereof;

THENCE North 08° 46' 10" West a distance of 800.04 feet to a 1/2 inch iron rod set for the most westerly northwest corner hereof;

THENCE North 89° 51' 39" East a distance of 220.88 feet to a 1/2 inch iron rod set for an interior corner hereof;

THENCE North 08° 09' 21" West a distance of 410.30 feet to a 1/2 inch iron rod set at the southeast corner hereof for the common line for the most northerly northeast corner hereof and from which a 1/2 inch iron rod found in the west line of the Ludwig Erdhart Survey No. 1258, Abstract 285, the north boundary line of said 320 acre tract (V207 P213) and the south boundary line of a called 320 acre tract described in a deed recorded in Volume 238, Page 241 of said Deed Records bears North 87° 57' 52" West a distance of 2323.74 feet;

THENCE North 89° 42' 47" East a distance of 425.00 feet along the said 345 KV transmission line to the POINT OF BEGINNING, containing 24.651 acres, more or less.

000426

01012016
**RESOLUTION OF THE
MCCULLOCH COUNTY COMMISSIONERS COURT**

A RESOLUTION DESIGNATING THREE SEPARATE AREAS AS REINVESTMENT ZONES FOR TEXAS TAX CODE CHAPTER 312 TAX ABATEMENT IN PORTIONS OF MCCULLOCH COUNTY, TEXAS, EACH TO BE KNOWN AS THE "HEART OF TEXAS" REINVESTMENT ZONE 2, 3, AND 4 RESPECTIVELY; ESTABLISHING THE BOUNDARIES THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, McCulloch County, Texas, desires to promote the development or redevelopment of three certain contiguous geographic areas within its jurisdiction by the creation of three reinvestment zones as authorized by the Property Redevelopment and Tax Abatement Act, as amended (V.T.C.A. Texas Tax Code § 312.401), for the purpose of authorizing a Tax Abatement Agreement, as authorized by Chapter 312 of the Texas Tax Code; and,

WHEREAS, McCulloch County, Texas, (the "County") desires to encourage the retention or expansion of primary employment and to attract major investment in the County that would be a benefit to property in reinvestment zones created by the County and that would contribute to the economic development of the County;

WHEREAS, on March 22, 2016, the McCulloch County Commissioners Court held a hearing, such date being at least seven (7) days after the date of publication of the notice of such public hearing, and the delivery of written notice to the respective presiding officers of each taxing entity which includes within its boundaries real property that is to be included in the proposed reinvestment zones as described on **EXHIBIT A, EXHIBIT B, AND EXHIBIT C** HERETO, all as and mapped on **EXHIBIT D**; and,

WHEREAS, the McCulloch County Commissioners Court at such public hearing invited any interested person to appear and speak for or against (1) the creation of the reinvestment zones, and whether all or part of each separate contiguous area described should be included in the three proposed reinvestment zones, and (2) acceptance of an Application for Tax Abatement by Heart of Texas, LLC, for McCulloch County to consider entering into a Tax Abatement Agreement;

WHEREAS, the proponents of the reinvestment zones offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment zones and opponents, *[if any, of the reinvestment zones appeared to contest the creation of the reinvestment zone-- evaluate whether there is any opposition at the hearing]*;

WHEREAS, the County wishes to :

(1) create three reinvestment zones consisting of the same real property as described on **EXHIBIT A** to be named Heart of Texas Reinvestment Zone 2, **EXHIBIT B** to be named Heart of Texas Reinvestment Zone 3, and **EXHIBIT C** to be named Heart of Texas Reinvestment Zone 4 as each is mapped on **EXHIBIT D**; and

(2) accept the Application for Tax Abatement by Heart of Texas Wind, LLC, which includes proposed improvements in each of the three new reinvestment zones and in the Rattlesnake Reinvestment Zone previously created by the County on or about August 17, 2015.

NOW THEREFORE, BE IT RESOLVED BY THE MCCULLOCH COUNTY COMMISSIONERS COURT:

SECTION 1. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

SECTION 2. That the McCulloch County Commissioners Court, after conducting such hearing and having heard such evidence and testimony, has made the following findings and determinations based on the evidence and testimony presented to it:

(a) That the public hearing on the adoption of **Heart of Texas Reinvestment Zone 2, Heart of Texas Reinvestment Zone 3, and Heart of Texas Reinvestment Zone 4** has been properly called, held, and conducted, and that notices of such hearing have been published as required by law and mailed to the respective presiding officers of the governing bodies of all taxing units overlapping the territory inside the proposed reinvestment zone; and,

(b) That the boundaries of **Heart of Texas Reinvestment Zone 2, Heart of Texas Reinvestment Zone 3, and Heart of Texas Reinvestment Zone 4** be and, by the adoption of this Resolution, are each declared and certified to be, the separate contiguous areas as described in the descriptions attached hereto as "**EXHIBIT A,**" "**EXHIBIT B,**" AND "**EXHIBIT C**" respectively; and,

(c) That the map attached hereto as "**EXHIBIT D**" is declared to be and (by the adoption of this Resolution) is certified to depict and to show accurately the boundaries of **Heart of Texas Reinvestment Zone 2, Heart of Texas Reinvestment Zone 3, and Heart of Texas Reinvestment Zone 4**, which is normatively described in "**EXHIBIT A,**" "**EXHIBIT B,**" AND "**EXHIBIT C**" respectively, and further certifies that the property described in "**EXHIBIT A,**" "**EXHIBIT B,**" AND "**EXHIBIT C**" respectively is inside the boundaries shown on "**EXHIBIT D**," and,

(d) That creation of the **Heart of Texas Reinvestment Zone 2, Heart of Texas Reinvestment Zone 3, and Heart of Texas Reinvestment Zone 4**, with boundaries as described in **EXHIBIT A,** "**EXHIBIT B,**" AND "**EXHIBIT C**" respectively and as all mapped in "**EXHIBIT D**" will result in benefits to McCulloch County and to land included in the zone, and that the improvements sought are feasible and practical; and,

(e) That the **Heart of Texas Reinvestment Zone 2, Heart of Texas Reinvestment Zone 3, and Heart of Texas Reinvestment Zone 4** with boundaries as described

in EXHIBIT A," EXHIBIT B," AND "EXHIBIT C" respectively and as all mapped in "EXHIBIT D" meet the criteria set forth in Texas Tax Code §312.401 for the creation of a reinvestment zone as set forth in the Property Redevelopment and Tax Abatement Act, as amended, in that it is reasonably likely that the designation will contribute to the retention or expansion of primary employment, and/or will attract major investment in the zone that will be a benefit to the property to be included in the reinvestment zone and would contribute to the economic development of McCulloch County, Texas.

SECTION 3. That pursuant to the Property Redevelopment and Tax Abatement Act, as amended, the McCulloch County Commissioners Court, hereby creates three (3) reinvestment zones under the provisions of Texas Tax Code §312.401, encompassing the area described by the descriptions in EXHIBIT A," EXHIBIT B," AND "EXHIBIT C" respectively and as all mapped in "EXHIBIT D" and such reinvestment zones are hereby designated and shall hereafter be referred to as Heart of Texas Reinvestment Zone 2, Heart of Texas Reinvestment Zone 3, and Heart of Texas Reinvestment Zone 4.

SECTION 4. That Heart of Texas Reinvestment Zone 2, Heart of Texas Reinvestment Zone 3, and Heart of Texas Reinvestment Zone 4 shall each take effect upon adoption by the County Commissioners Court and shall remain designated as a commercial-industrial reinvestment zone for a period of five (5) years from such date of such designation.

SECTION 5. That the McCulloch County Commissioners Court already has found and resolved that McCulloch County is eligible to enter into tax abatement agreements.

SECTION 6. That the McCulloch County Commissioners Court accepts the Application for Tax Abatement submitted by Heart of Texas Wind, LLC.

SECTION 7. That if any section, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this resolution.

SECTION 8. That it is hereby found, determined, and declared that a sufficient notice of the date, hour, place, and subject of the meeting of the McCulloch County Commissioners Court, at which this resolution was adopted, was posted at a place convenient and readily accessible at all times, as required by the Texas Open Government Act, Texas Government Code, Chapter 551, as amended; and that a public hearing was held prior to the designation of such reinvestment zone, and that proper notice of the hearing was published in newspapers of general circulation in McCulloch County of the State of Texas; and that, furthermore, such notice was in fact delivered to the presiding officer of any effected taxing entity as prescribed by the Property Redevelopment and Tax Abatement Act.

PASSED, APPROVED, AND ADOPTED on this 25th day of March, 2016.

MCCULLOCH COUNTY, TEXAS

By: Danny Neal
The Honorable Danny Neal
County Judge

By: Jim Quinn
Commissioner, Precinct 1

By: Jim Ross
Commissioner, Precinct 3
Did Not Vote

By: Gene Edmiston
Commissioner, Precinct 2

By: Brent Deeds
Commissioner, Precinct 4

EXHIBIT A
LEGAL DESCRIPTION OF "HEART OF TEXAS
REINVESTMENT ZONE #2"

Insert Legal Description

Additional Reinvestment Zone 1

All of that certain land situated in McCulloch County, Texas, described as follows:

BEING a 150.00 acre, more or less, tract of land out of a called 670.359 acre tract in the S.W. Colton Survey No. 63 1/2, Abstract No. 2259, and the H. & T.C. Railroad Co. Survey No. 107, Abstract No. 657, McCulloch County, Texas, and being out of the south part of that certain tract of land described as 1536.047 acres in a deed from Lori L. Noonan and T.A. Noonan, Jr. to Donald and Tracey Kiesling, recorded November 4, 1997 in Vol. 289, Page 550 of the McCulloch County Official Public Records.

COMMENCING at a 1/2" steel stake found by a "T" fence corner post in the Carl Froelich Survey No. 1148, Abstract No. 343, said point being the N.W. corner of that certain tract described as 1299.853 acres on a survey by K.H. Ross, R.P.L.S. No. 2012, dated October, 1997 to be conveyed to Byron E. McCollum, et al, being in the east line of County Road No. 152, from which point the calculated N.W. corner of said Survey No. 1148 bears N 44 12 19 W 35.40 feet,

THENCE with a fence and west line of said 1536.047 acres,

N 00 43 23 E 105.25 feet, a 1/2" steel stake,

N 00 41 10 E 804.97 feet, a 1/2" steel stake,

N 02 19 22 E 38.47 feet to a 3" pipe "L" fence corner post in a northerly line of said County Road No. 152,

S 89 12 42 W 42.73 feet to a 1/2" steel stake set by a "T" fence corner post, being on or near the west line of the Carl Froelich Survey No. 1151, Abstract No. 342 and being in the east line of that certain land described in a deed from W.J. Fullager, et ux to Charles D. Patton, et ux, recorded March 16, 1990 in Vol. 245, Page 730 of the McCulloch County Deed Records;

THENCE with said fence and occupational east line of said "Patton" tract,

N 00 20 33 W 879.02 feet, a 1/2" steel stake,

N 01 26 12 E 672.61 feet, a 1/2" steel stake, leaving said east line of "Patton" tract,

N 27 49 31 E 38.20 feet, a 1/2" steel stake set on the approximate north line of said Survey No. 1151 and being in the south line of that certain land described as 480 acres in a deed from Mary Lee Littlepage, et vir to James L. Ross, recorded October 21, 1977 in Vol. 198, Pg. 483 of said deed records, from which point the calculated N.W. corner of Survey No. 1151 bears, S 87 52 31 W 38.93 feet;

THENCE with a fence along the south line of said 480 acres, being on or near the north line of the Froelich Surveys No. 1151 and 1150,

N 87 55 03 E 519.51 feet, a 1/2" steel stake,

N 87 47 40 E 926.48 feet, a 1/2" steel stake,

N 87 52 03 E 1082.20 feet, a 1/2" steel stake

N 87 53 02 E 1265.32 feet, a 1/2" steel stake set, and "T" fence corner post, fence bears east, west and north for the occupational S.E. corner of said 480 acres, an interior corner of said 1536.047 acres and being the common corner of the G.H. & S.A. Railroad Co. Survey No. 63, said Survey No. 63 1/2, said Survey No. 107, and said Survey No. 1150 and the H. & T.C. Railroad Co. Survey No. 82;

THENCE continuing with a fence for the north line, being on or near the north line of said Survey No. 63 1/2,

S 89 26 41 E, 707.07 feet to the POINT OF BEGINNING;

THENCE S 89 26 41 E 597.86 feet to a point;

THENCE S 89 34 49 E, 1566.56 feet to a point;

THENCE S 89 31 47 E, 222.35 feet to a point for a corner;

THENCE S 00 10 36 W, 2732.18 feet to a point for a corner;

THENCE N 89 49 24 W, 2386.75 feet to a point for a corner;

THENCE N 00 10 36 E, 2743.93 feet to the POINT OF BEGINNING and containing 150.00 acres of land, more or less.

All of that certain land situated in McCulloch County, Texas, described as follows:

Being 75 acres, more or less, consisting of 68.5 acres, more or less, out of the S.W. Cotton Sliver No. 63 1/2, Abstract No. 2259, and 6.5 acres, more or less, out of the H. & T.C. Railroad Co. Survey No. 107, Abstract No. 657; all in McCulloch County Texas; and

being out of the east part of that certain tract described as 670.349 acres in a deed from Donald and Tracey Keeling to Byron E. & Vera Ellen McCollum & Charles R. & Deborah Lynn McCollum, recorded September 25, 1988 in Volume 284, Page 614 of the McCulloch County Official Public Records, described

by metes and bounds as follows;

From a 1/2" steel stake bound by a "T" fence corner post in the Carl Fossilich Survey No. 1149 being a survey of said 670.359 acre tract and Northwest corner of that certain tract described as 1269.053 acres on a survey by K.H. Ross, R.F.L.S., No. 2012, dated October, 1907, which was conveyed to Byron E. McCollum, et al, being in the east line of county road No. 152, from which point the calculated Northwest corner of said survey No. 1149 bears North 44 12 15" West 35.40 feet

Thence with a fence for the West line of said 670.359 acres, North 00 43 21" East 100.00 feet, a 1/2" steel stake set, North 00 41 10" East 604.07 feet, a 1/2" steel stake set, North 00 38 47 feet to a 3" pipe fence corner post in a northerly line of said County Road No. 152.

Thence North 40 29 28" East, 465.81 feet a 1/2" steel stake set, Thence North 00 00 00" West 1228.70, being the Northwest corner of said 670.359 acre tract, a 1/2" steel stake set on the approximately horizontal line of said survey No. 1151 and being in the South line of that certain land described as 800.00 acres in a survey by K.H. Ross, et al, being in the east line of county road No. 152, from which point the calculated Northwest corner of said survey No. 1151 bears South 87 55 02" West 326.52; 1/2" steel stake set, and South 87 56 31" West 355.33 feet

Thence with a fence for the occupational North line of 670.359 acre tract and South line of said 480 acres, being on or near the North line of the Fossilich Surveys

No. 1151 & 1150, North 07 55 00" East 160.00 feet, a 1/2" steel stake set, North 87 47 07" East 102.00 feet, a 1/2" steel stake set, North 87 52 03" East 961.32 feet, a 1/2" steel stake set, North 87 52 03" East 120.00 feet, North 87 53 02" East 1255.32 feet, a 1/2" steel stake set, North 87 52 28" East 1971.03 feet to a 1/2" steel stake set by a "T" fence corner post, fence corner post being the common corner of the occupational Southeast corner of said 480 acres and being the common corner of the G.H. & S.A. Railroad Co. Survey No. 63 1/2, said Survey No. 107, said Survey No. 1150 and the H. & T.C. Railroad Co. Survey No. 82.

Thence continuing with a fence for the North line hereof, being on or near the North line of said Survey No. 63 1/2, South 89 28 41" East 707.07 feet, a 1/2" steel stake set, South 89 28 41" East 1566.56 feet to a point, so as to leave feet to a point, S 09 31 47" E 222.35 feet, S 89 31 47" E 1197.10 feet To the point of Beginning, being the northwest corner hereof.

Thence S 89 31 47" E 544.047 feet to a point, S 89 38 55" E 637.19 feet, to a point being the northeast corner hereof,

Thence S 00 31 03" E 1186.50 feet to point, S 00 51 58" E 700.41 feet to a point, S 00 06 33" E 750.83 feet to a corner, being the southeast corner hereof,

Thence N 89 49 24 W 1214.26 feet to a corner, being the southwest corner hereof,

Thence N 00 10 36 E 2728.07 feet to a point of beginning, and containing 75 acres of land more or less.

All of that certain land situated in McCulloch County, Texas, described as follows:

BEING 75 acres, more or less, consisting of:

53.64 acres, more or less, out of the S.W. Colton Survey No. 63½, Abstract 2259; and

21.96 acres, more or less, out of the H. & T.C. Railroad Co. Survey No. 107, Abstract No. 657; all in McCulloch County, Texas;

Being out of the East part of that certain tract described as 670.359 acres in a Deed from Donald Kiesling and Tracey Kiesling to Byron E. McCollum and Vera Ellen McCollum and Charles R. McCollum and Debroah Lynn McCollum, recorded September 9, 1998 in Volume 298, Page 614 of the McCulloch County Official Public Records, described by metes and bounds as follows:

BEGINNING at a ½" steel stake found by a T fence corner post in the Carl Froelich Survey No. 1148 being the Southwest corner of said 670.359 acres and Northwest corner of that certain tract described as 1299.853 acres on a survey by K.H. Ross, R.P.L.S. No. 2012, dated October, 1997 conveyed to Byron E. McCollum, et al, being in the East line of County Road No. 132, from which point the calculated Northwest corner of said Survey No. 1148 bears North 44° 12' 19" West 33.40 feet;

THENCE with a fence for the West line of said 670.359 acres, North 00° 43' 23" East 105.25 feet, a ½" steel stake set, North 00° 41' 10" East 804.97 feet, a ½" steel stake set, North 02° 19' 22" East 38.47 feet to a 3" pipe fence corner post in a northerly line of said County Road No. 152;

THENCE North 40° 25' 28" East, 485.81 feet a ½" steel stake set;

THENCE North 00° 00' 00" West 1226.70', being the Northwest corner of said 670.359 acre tract, a ½" steel stake set on the approximate North line of said Survey No. 1151 and being in the South line of that certain land described as 480 acres in a Deed from Mary Lee Littlepage, et vir, to James L. Ross, recorded October 21, 1977 in Volume 198, Page 483 of said Deed Records, from which point the calculated Northwest corner of said Survey No. 1151 bears South 87° 55' 03" West 328.52, ½" steel stake set, and South 87° 52' 31" West 38.93 feet;

THENCE with a fence for the occupational North line of 670.359 acre tract and South line of said 480 acres, being on or near the North line of the Froelich Surveys Nos. 1151 and 1150, North 87° 55' 03" East 190.99 feet, a ½" steel stake set, North 87° 47' 40" East 926.48 feet, a ½" steel stake set, North 87° 52' 03" East 961.52 feet, a ½" steel stake set, North 87° 52' 03" East 120.68 feet, North 87° 53' 02" East 1265.32 feet, a ½" steel stake set and North 87° 54' 28" East 1571.83 feet to a ½" steel stake set by a T fence corner post, fence bears East, West and North for the occupational Southeast corner of said 480 acres, and being the common corner of the G.H. & S.A. Railroad Co. Survey No. 63, said Survey No. 63½, said Survey No. 107, said Survey No. 1150 and the H. & T.C. Railroad Co. Survey No. 82;

THENCE continuing with a fence for the North line hereof, being on or near the North line of

said Survey No. 63½, South 89° 26' 41" East 707.07 feet, a ½" steel stake set, South 89° 26' 41" East 597.86 feet to a point, South 89° 34' 49" East 1566.56 feet to a point, South 89° 31' 47" East 222.35 feet to the point of beginning, being the Northwest corner hereof;

THENCE South 89° 31' 47" East 1197.10 feet to a point for corner;

THENCE South 00° 10' 36" West 2726.07 feet to a point for a corner;

THENCE North 89° 49' 24" West 1197.08 feet to a point for a corner;

THENCE North 00° 10' 36" East 2732.18 feet to the POINT OF BEGINNING.

All of that certain land situated in McCulloch County, Texas, described as follows:

TRACT ONE: Being 226.84 acres, more or less, consisting of 2.84 acres, more or less, out of the S. W. Colton Survey No. 63 1/2, Abstract No. 2259; 43.667 acres out of the H. & T. C. Railroad Co. Survey No. 107, Abstract No. 657; 160.0 acres, more or less, out of the Carl Froelich Survey No. 1150, Abstract No. 344; and 20.332 acres out of the Carl Froelich Survey No. 1151, Abstract No. 342; all in McCulloch County, Texas; and being out of the center part of that certain tract described as 670.359 acres in a deed from Donald and Tracey Kiesel to Byron E. and Vera Ellen McCollum and Charles R. and Deborah Lynn McCollum, recorded September 9, 1998 in Volume 298, Page 614 of the McCulloch County Official Public Records, described by metes and bounds as follows:

From a 1/2" steel stake found by a "T" fence corner post in the Carl Froelich Survey No. 1148 for the Southwest corner hereof and Northwest corner of that certain tract described as 1299.853 acres on a survey by K. H. Ross, R.P.L.S. No. 2012, dated October, 1997 to be conveyed to Byron E. McCollum, et al, being the east line of County Road No. 152, from which point the calculated Northwest corner of said Survey No. 1148 bears North 44 12'19" West 35.40 feet;

Thence with a fence for the West line hereof and the West line of said 670.359 acres, North 00 43'23" East 105.25 feet, a 1/2" steel stake set, North 00 41'10" East 804.97 feet, a 1/2" steel stake set, North 02 19'22" East 38.47 feet to a 3" pipe fence corner post in a northerly line of said County Road No. 152;

Thence North 40 25'28" East, 485.81 feet a 1/2" steel stake set, Thence North 00 00'00" West 1226.70" being the Northwest corner of said 670.359 acre tract, a 1/2" steel stake set on the approximately North line of said Survey No. 1151 and being in the South line of that certain land described as 480 acres in a Deed from Mary Lee Littlepage, et vir to James L. Ross, recorded October 21, 1977 in Volume 198, Page 483 of said Deed Records, from which point the calculated Northwest corner of said Survey No. 1151 bears South 87 55'03" West 328.52-1/2" steel stake set, and South 87 52'31" West 34.93 feet.

Thence with a fence for the occupational North line hereof and South line of said 480 acres, being on or near the North line of the Froelich Surveys No. 1151 and 1150, North 87 55'03" East 190.99 feet, a 1/2" steel stake set, North 87 47'40" East 926.48 feet, a 1/4" steel stake set, North 87 52'03" East 961.52 feet, a 1/2" steel stake set.

To the point of Beginning, Thence North 87 52'03" East 120.68 feet, Thence North 87 53'02" East 1265.32 feet, a 1/2" steel stake set and North 87 54'28" East 1571.83 feet to a 1/2" steel stake set by a "T" fence corner post, fence bears East, West and North for the occupational Southeast corner of said 480 acres, and being the common corner of the G. H. & S. A. Railroad Co. Survey No. 63, said Survey No. 63 1/2, said Survey No. 107, said Survey No. 1150 and the H. & T. C. Railroad Co. Survey No. 82;

Thence continuing with a fence for the North line hereof, being on or near the North line of said Survey No. 63 1/2, South 89 26'41" East 707.07 feet, a 1/2" steel stake set, being the Northeast corner of 226.84 acre tract;

Thence South 00 10'36" West, 2743.93 feet, a 1/2" steel stake set, being the Southeast corner of 226.84 acre tract;

Thence with a division line for the South line hereof and the North line of said 1299.853 acres, North 89 49'24" West, 3654.43 feet to a 1/2" steel stake set for the most northerly Northwest corner of a 191.664 acre tract out of said 1299.853 acre parent tract thereof, and being the southwest corner of this 226.84 acre tract;

Thence North 00 00'00" East 2630.90 feet to the place of beginning, and containing 226.84 acres of land, more or less.

TRACT TWO: A 30' wide nonexclusive access and utility easement on, over and along an existing road the beginning point being on the East line of County Road 152. Said beginning point being the Northwest corner of the 1299.853 acres tract in McCulloch County, Texas, surveyed by Kenneth H. Ross, R.P.L.S. No. 2012, dated October 23, 1997. The said tract transferred from Lori L. Noonan, dba Texas Ranching Company and husband, T.A. Noonan, Jr. to Byron E. McCollum and wife, Vera Ellen McCollum and Charles R. McCollum and wife, Deborah Lynn McCollum, as recorded in Volume 291, Page 3 of the McCulloch County Deed records. Said beginning point also being in the Northwest corner of the Carl Froelich Survey No. 1148, Abstract No. 343 of the McCulloch County Deed Records; from beginning point said easement to be the 30 feet South of and parallel to a line, being the North boundary line of the above described tract, bearing South 89 deg. 49' 24" East 2,405.05; The east most 130' of said easement to be 60' wide to allow meandering through gates of existing cattle pens; The east end being or extended to meet the West end of a 191.664 acre tract as surveyed by Kenneth H. Ross, R.P.L.S. No. 2012 in February, 1998 to be conveyed to Scott Arbuckle, et al.

EXHIBIT B

LEGAL DESCRIPTION OF "HEART OF TEXAS
REINVESTMENT ZONE #3"

Insert Legal Description

Additional Reinvestment Zone 2

All of that certain land situated in McCulloch County, Texas, described as follows:

TRACT ONE: Being 244.385 acres, more or less, in McCulloch County, Texas, consisting of approximately 0.054 acres out of the Carl Froehlich Survey No. 1148, Abstract No. 343, approximately 15.081 acres out of the Carl Froehlich Survey No. 1149, Abstract No. 345, approximately 229.250 acres out of the I. & G.N. R.R. Co. Survey No. 36, Abstract No. 769 and being out of that certain parent tract described as 1299.853 acres in a deed to Byron E. McCollum, et ux, et al, recorded in Volume 291, Page 3, McCulloch County Official Public Records.

Said 244.385 acre tract being more fully described as follows:

BEGINNING at a 1/2" steel stake found in the east line of County Road 152, west line of said parent tract, for the southwest corner of a 232.283 acre partition tract out of said parent tract and northwest corner hereof;

THENCE with south line of said 232.283 acre tract and north line hereof, N 80° 31' 59" E, at 143.00 feet pass a 3/8" steel stake set, at 407.69 feet pass a 3/8" steel stake set, at 728.01 feet pass a 3/8" steel stake set, at 1114.20 feet pass a 3/8" steel stake set, at 1490.98 feet pass a 3/8" steel stake set, at 1924.02 feet pass a 3/8" steel stake set, at 2288.71 feet pass a 3/8" steel stake set, at 2763.81 feet pass a 3/8" steel stake set, at 3177.56 feet pass a 3/8" steel stake set, at 3539.47 feet pass a 3/8" steel stake set, at 3716.01 feet pass a 3/8" steel stake set, at 4145.35 feet pass a 3/8" steel stake set, at 4717.64 feet pass a 3/8" steel stake set, at 5172.83 feet pass a 3/8" steel stake set, in all a total distance of 5368.34 feet to a 1/2" steel stake set in the east line of said Survey No. 1149, west line of the H. & T.C. R.R. Co. Survey No. 107, Abstract No. 657, west line of that certain tract described as 550.523 acres in a partition deed to Tom J. Sammons, Sr., et ux, recorded in Vol. 280, Pg. 198, McCulloch County Official Public Records, east line of said parent tract, for the southeast corner of said 232.283 acre tract and northeast corner hereof;

THENCE with fence, said east line of said Survey No. 1149, said west line of Survey No. 107, west line of the S.W. Colton Survey No. 108, Abstract No. 2168, said west line of 550.523 acre tract, said east line of parent tract and east line hereof, as follows:

S 00° 45' 33" W, 268.69 feet a 3" pipe post;
S 00° 43' 34" W, 593.17 feet a 3" pipe post;
S 00° 40' 59" W, 597.26 feet a 3" pipe post;
S 00° 32' 37" W, 595.91 feet a 3" pipe post;
S 00° 27' 29" W, 593.16 feet to a 3" pipe post for the southeast corner hereof;

THENCE with south line hereof, S 89° 29' 35" W, at 298.10 feet pass a 3/8" steel stake set, at 904.45 feet pass a 3/8" steel stake set, at 1323.70 feet pass a 3/8" steel stake set, at 1575.25 feet pass a 3/8" steel stake set, at 1976.84 feet pass a 3/8" steel stake set, at 2340.59 feet pass a 3/8" steel stake set, at 2717.99 feet pass a 3/8" steel stake set, at 3085.72 feet pass a 3/8" steel stake set, at 3440.41 feet pass a 3/8" steel stake set, at 3790.05 feet pass a 3/8" steel stake set, in all a total distance of 4030.76 feet to a 1/2" steel stake set in the said east line of county road, said west line of parent tract, for the southwest corner hereof;

MEMORANDUM OF LEASE
Error! Unknown document property name.

EXHIBIT "A"

HILMBERGER

THENCE with fence, said east line of county road, said west line of parent tract and west line hereof, N 34° 27' 30" W, 784.95 feet to a 1/2" steel stake found and N 34° 28' 14" W, 1399.15 feet to the POINT OF BEGINNING and containing 244.383 acres, more or less.

TRACT TWO: A 30' wide nonexclusive access and utility easement the beginning point being on the East line of County Road 152. Said beginning point being the Northwest corner of the 1,299.853 acre tract in McCulloch County, Texas, surveyed by Kenneth H. Ross, R.P.L.S. No. 2012, dated October 2, 1997. The said tract transferred from Lori L. Noonan, d/ba Texas Ranching Company, and husband, T.A. Noonan, Jr. to Byron E. McCollum and wife, Vera Ellen McCollum and Charles R. McCollum and wife, Deborah Lynn McCollum, as recorded in Volume 291, Page 3 of the McCulloch County Deed records. Said beginning point also being in the Northwest corner of the Carl Froelich Survey No. 1148, Abstract No. 343 of the McCulloch County Deed Records, from beginning point said easement to be the 30 feet South of and parallel to a line, being the North boundary line of the above tract, bearing South 89 degrees 49 minutes 24 seconds East 2,405.05 feet; The East most 130 feet of said easement to be 60 feet wide to allow meandering through gates of existing cattle pens; The East end being or extended to meet the West end of a 191.664 acre tract as surveyed by Kenneth H. Ross, R.P.L.S. No. 2012 in February, 1998 to be conveyed to Scott Arbuckle, et al.

EXHIBIT C
LEGAL DESCRIPTION OF "HEART OF TEXAS"
REINVESTMENT ZONE #4"

Insert Legal Description

MEMORANDUM OF LEASE
Error! Unknown document property name.

EXHIBIT "A"
HELMBERGER

Tract 1:

209.5 acres, being all of J. B. Roberts Survey No. 105, Certificate No. 33/3257, Abstract No. 2266, patented to G. R. White by Patent No. 322, Volume 12A.

Tract 2:

1. 24.6 acres out of Johann Helfrick Survey No. 1048, Certificate No. 856, Abstract No. 493, patented to Johann Helfrick by Patent No. 384, Volume 16.

2. 627.16 acres out of W. R. Herren Survey No. 158, Certificate No. 33/3277, Abstract No. 2143, patented to R. M. Elliott by Patent No. 76, Volume 31.

Containing 651.76 acres, SAVE and EXCEPT a 5.47 acre right of way out of W. R. Herren Survey No. 158, conveyed to the State of Texas by Deed dated November 20, 1982 recorded in Volume 213, Page 360, Deed Records of McCulloch County, Texas to which record reference is here made, leaving 646.29 acres of land herein conveyed. The 651.76 acres (inclusive of said right of way) together with 678.78 acres previously conveyed to the Grantees herein by Deed dated October 7, 1982, recorded in Volume 216, Page 588, Deed Records of McCulloch County, Texas, lie contiguous and form a solid body of land, described by notes and bounds in Deed from August A. Steelhammer, et al to Errett Damron, dated September 29, 1948, recorded in Volume 126, Page 73, Deed Records of McCulloch County, Texas, to which record reference is here made for description.

TRACT ONE: 169.86 acres, more or less, being all of Adam Dumzlauf Survey No. 1041, Fisher and Miller's Colony, Certificate No. 835, granted to Jacob de Cordova, Assignee, by Patent No. 412, Vol. 16, Third Class, dated December 1, 1857.

TRACT TWO: 169.34 acres, more or less, being all of Adam Dumzlauf Survey No. 1042, Abstract No. 226, patented to W.B. Hill by Patent No. 409, Vol. 16.

TRACT THREE: 168.52 acres, more or less, being all of Michael Bay Survey No. 1044, Abstract No. 145, Certificate No. 838, patented October 19, 1855, by Patent No. 377, Vol. 12, to F. Brichta, Assignee of Michael Bay.

TRACT FOUR: 171.06 acres, more or less, being all of Michael Bay Survey No. 1045, Abstract No. 146, Certificate No. 378, Vol. 12, to F. Brichta, Assignee of Michael Bay.

EXHIBIT D
MAP OF "HEART OF TEXAS"
REINVESTMENT ZONES 2, 3, AND 4

SEE ATTACHED MAP

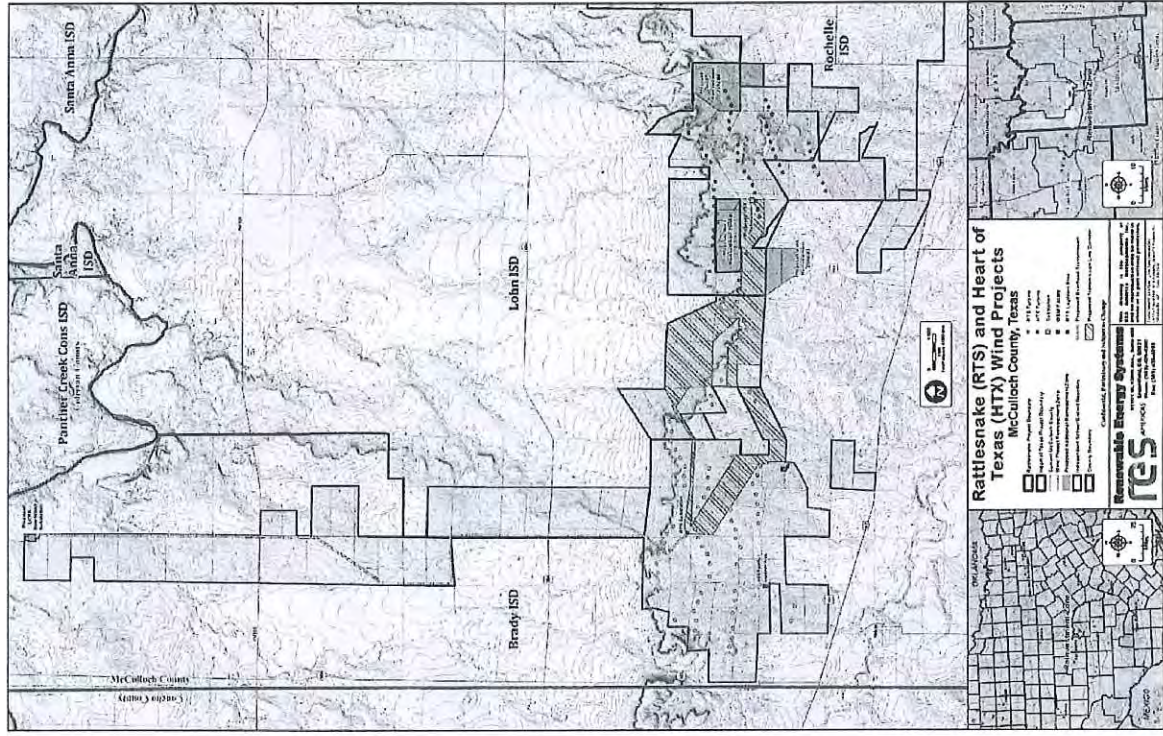


EXHIBIT B
MAP OF "RATTLESNAKE"
REINVESTMENT ZONE

Insert Map of RZ

SECTION 1

DEFINITIONS

- (a) "ABATEMENT" means the exemption from ad valorem taxation of a portion or all of the eligible value of the real property or of tangible personal property located on the real property, or both, as limited by these Guidelines and Criteria and the provisions of TEX. TAX CODE §312.402.
- (b) "AGREEMENT" means a written contractual agreement between a property owner and/or lessee and an eligible taxing jurisdiction for the purposes of a business incentive.
- (c) "APPLICANT" means the legal entity seeking tax abatement as a business incentive.
- (d) "APPRAISED VALUE" means the last certified property value as approved by the McCulloch County Appraisal Review Board.
- (e) "BASE YEAR VALUE" means the appraised value of all property owned by the TAXPAYER/applicant in the reinvestment zone as most recently determined by the McCulloch County Appraisal District immediately preceding the application, plus the agreed upon value of all property improvements made in the reinvestment zone since the last appraisal, but before the execution of the agreement.
- (f) "MCCULLOCH COUNTY" AND "COUNTY" means McCulloch County, Texas a political subdivision of the State of Texas.
- (g) "COMMISSIONERS COURT" means the Commissioners Court of McCulloch County, Texas, the governing body of McCulloch County.
- (h) "BUSINESS INCENTIVE" means an item offered of value to a business that induces the business to locate in a particular jurisdiction.
- (i) "COMMENCEMENT OF CONSTRUCTION" means the placement or construction of any improvements that are part of the project in a reinvestment zone. The storage of building materials in the reinvestment zone that are to be used in construction of the improvements does not constitute commencement of construction. Engineering, site preparation and similar activity shall not be considered commencement of

construction so long as permanent improvements that are part of the project have not been constructed and placed in the reinvestment zone.

- (j) "DESIGNATING AUTHORITY" means the taxing unit that has the authority to designate the reinvestment zone in which the proposed project is located.
- (k) "DESIGNEE" unless otherwise indicated, means any person or entity authorized by the Commissioners Court to act as the County's designee.
- (l) "ECONOMIC LIFE" means the number of years a property improvement is expected to be in service in a facility, and will continue to have value for ad valorem tax purposes throughout such term.
- (m) "ELIGIBLE JURISDICTION" includes any political subdivision that levies ad valorem taxes upon property located within the proposed or existing reinvestment zone.
- (n) "EXPANSION" means the addition of building, structures, fixed machinery or equipment for purposes of increasing production capacity.
- (o) "FACILITY" means property improvements proposed, completed, or in the process of construction which together comprise an integral whole.
- (p) "MATERIAL MISREPRESENTATION" means a false statement about a material matter which induced the Commissioners Court to take any specific action on an application for tax abatement as a business incentive, and without such misrepresentation, the Commissioners Court would either not have designated a reinvestment zone, or granted tax abatement as a business incentive or would have taken some action different than it actually did.
- (q) "MODERNIZATION" means the replacement or upgrading of existing facilities which increases the productivity input or output, updates the technology, or substantially lowers the unit cost of the operation. Modernization may result from the construction, alteration, or installation of buildings, structures, fixed machinery or equipment. It shall not be for the purpose of reconditioning, refurbishing or repairing.

- (r) "PROJECT" is a reference to the entire proposal of work and improvements to be accomplished in the reinvestment zone as described in the application and tax abatement as a business incentive agreement.
- (s) "REINVESTMENT ZONE " means any area of either McCulloch County which has been designated by the Commissioners Court as a reinvestment zone for tax abatement as a business incentive and which is not within the taxing jurisdiction of any incorporated municipality.
- (t) "RELATED ENTITY" means an entity that has (i) significant common purposes and substantial common membership with the TAXPAYER or is directly or indirectly under the direction or control of the TAXPAYER. In addition, an entity is a Related Entity if it or the TAXPAYER owns (directly or through one or more entities) a 50 percent or greater interest in the capital or profits of the other.
- (u) "RENOVATION" is a repair or improvement of an existing facility or structure.
- (v) "REPAIR" means any improvement or betterment of an existing facility or structure.
- (w) "REPLACEMENT" means the substitution of something new or different for an existing facility or structure, or portion thereof, when the replacement facility or structure is to be used for the same general purpose as the old facility or structure that is being replaced.
- (x) "SUBSTANTIAL COMPLIANCE" means that any estimate or prediction that comes within seventy-five percent (75%) of a stated amount shall be construed as compliance, but only when estimates are expressly authorized. Unless expressly authorized, strict compliance with a statement or representation shall be required.
- (y) "TAXPAYER" means the legal entity that seeks, or who has been approved for tax abatement as a business incentive. It also is a reference to the owner of the property constituting the reinvestment zone and the improvements and tangible personal property to be located therein.

SECTION 2

REINVESTMENT ZONE DESIGNATION

- (a) A reinvestment zone may only be designated in accordance with the TEXAS TAX CODE.
- (b) A reinvestment zone may only be designated by the Commissioners Court in an area of the County that does not include an area within the taxing jurisdiction of a municipality.
- (c) An area may be designated as a reinvestment zone if the Commissioners Court, after a public hearing on the proposed designation, finds that the designation would attract major investment into the reinvestment zone that would be a benefit to the property to be included in the reinvestment zone and would contribute to the economic development of the County.
- (d) A public hearing on a proposed reinvestment zone designation must be held prior to the findings and action of the Commissioners Court on the proposal. The public hearing shall be conducted in accordance with all applicable provisions of the Code. Notice of the hearing shall be given in accordance with the Code. The public hearing must also be posted as an agenda item in accordance with Chapter 551 of the Texas Government Code (the "Texas Open Meetings Act").
- (e) Property may be located both in a reinvestment zone designated by the County and in a reinvestment zone designated by a municipality.
- (f) If the Commissioners Court finds that designation of an area as a reinvestment zone is proper, such proposed designation shall be put to a vote of the Commissioners Court, and will pass if a majority of the members of the Commissioners Court in attendance vote to approve the designation. The order of the Commissioners Court designating the area as a reinvestment zone shall contain a sufficient description of the boundaries of the reinvestment Zone.
- (g) The designation of a reinvestment zone shall be for a period of five (5) years. No designation of a reinvestment zone shall exceed five (5) years, and a designation of a reinvestment zone shall automatically expire five (5) years after the date of

designation unless renewed by the Commissioners Court for one or more subsequent periods not to exceed five (5) years each. The expiration of a designation of a reinvestment zone does not affect any existing tax abatement agreement relating to property in such reinvestment zone.

- (h) Tax abatement agreements entered into by the County shall be in compliance with all applicable requirements set forth in the Code.

SECTION 3

ELIGIBILITY CRITERIA GENERALLY

- (a) General Eligibility Subject to the limitations and exceptions contained in these Guidelines and Criteria, TEX. TAX CODE, §312.402 shall govern to what extent real property and tangible personal property located in a reinvestment zone are eligible for tax abatement as a business incentives.

- (b) Property Value Eligible for Abatement Subject to the limitations and other eligibility requirements contained in these guidelines, McCulloch County may abate the value of tangible personal property located on the real property in the reinvestment zone in each year covered by the agreement, other than tangible personal property that was located on the real property at any time before the period covered by the agreement. The value of real property to the extent its value for each year during the agreement exceeds its value for the year in which the agreement was executed is eligible for abatement.

- (c) New and Existing Facilities A business incentive may be granted for both eligible new facilities and structures, as well as for expansion or modernization of existing facilities and structures.

- (d) Eligible Property to be Described The application for tax abatement as a business incentive or any other business incentive and any agreement must describe the project and improvements with such detail and certainty as required by the Commissioners Court in order to identify the property that is declared to be eligible for business incentives. Any property, even though otherwise eligible for business incentives, that is not sufficiently

described in the application, as determined by the Commissioners Court, or its designee, shall not be eligible for business incentives under such agreement.

SECTION 4

ELIGIBILITY CRITERIA AND TERMS FOR FACILITIES/INDUSTRY

- (a) Economic Qualifications. In addition to satisfying the other eligibility criteria, to be eligible for designation of a reinvestment zone and to receive tax abatement, the proposed project must be reasonably shown to have an estimated cost upon completion of at least twenty million dollars (\$20,000,000.00).
- (b) Eligibility. The Commissioners Court shall determine eligibility for abatement on a case-by-case basis.

- (c) Rate and Duration of Tax Abatement. When a determination has been made to offer tax abatement, the County will determine the percent of value abated and the length of abatement on a case-by-case basis.

- (d) Effective Date.

- (1) The effective date of the agreement shall be the date that the MCCULLOCH COUNTY executes the agreement.

- (2) Abatement applies to all eligible improvements placed in the reinvestment zone after the MCCULLOCH COUNTY and TAXPAYER execute their agreement. Taxes will be abated on eligible property for the number of years approved by the MCCULLOCH COUNTY, commencing January 1 immediately following the effective date of the agreement. Property otherwise eligible for abatement under the agreement shall be eligible for abatement only if the property is placed or constructed in the reinvestment zone after the effective date of the agreement, but on or before December 31 immediately preceding the beginning of the last full tax year that taxes are to be abated.

- (e) Taxability. From the execution of the agreement to the end of the agreement period taxes shall be payable as follows:

- (1) the value of ineligible property as provided in Section 3 shall be fully taxable,
- (2) the base year value of existing eligible property as determined each year shall be fully taxable; and
- (3) the unabated value of eligible property shall be taxable.

(f) **Limitations.** If, during the term of the business incentive period the TAXPAYER should close, cease production, or demolish any or all of a facility that was in existence on the effective date of the business incentives agreement, or take any other similar action that would have the effect of reducing or deleting the value of the facility, or portion thereof from the tax rolls that was in existence on the effective date of the business incentives agreement regardless of the reason, then the eligible value for abatement allowed in the business incentives agreement shall be reduced by the amount of existing property value owned by the TAXPAYER that is reduced or deleted from the tax roll. Depreciation, agreed to by the Chief Appraiser, or Appraisal Review Board, shall not be construed as a reduction or deletion of value for purposes of this limitation.

SECTION 5

APPLICATION

- (a) **Filing.** Any property owner of taxable property in the McCulloch County located in a designated or proposed reinvestment zone may request tax abatement as a business incentive by filing a written application with the Commissioners Court, or its designee.
- (b) **Contents.** The application shall include all information contemplated by these Guidelines and Criteria in order for the Commissioners Court to evaluate the applicant's eligibility and to determine whether to grant any business incentives. The application shall be submitted on a form provided by the McCulloch County, or alternatively, if unavailable, the contents of the application shall be in order of this subsection and respond to each element of this subsection, and shall contain such other information as required by McCulloch County, or its representative. Specifically, the application shall include the following:

McCulloch County-Guidelines and Criteria

- (1) A list of the kind, number and location of all proposed improvements of the property, including a general written description of the general nature and extent of modernization, expansion or new improvements to be undertaken.
- (2) A statement of the current and proposed uses of the property showing that planned usage is consistent with the general purpose of encouraging development or redevelopment of the reinvestment zone during the period that the property tax exemptions are in effect.
- (3) A map showing locations of existing and proposed improvements. The map should also show general uses and conditions of the real property in the reinvestment zone.
- (4) A legal description of the property.
- (5) An estimate of the project cost and new value that will result from the modernization, expansion or new improvements to be undertaken. A statement of the base year value separately stated for land and existing improvements located in the reinvestment zone, plus any improvements or changes in value in the reinvestment zone after the last appraisal and prior to the application. In any case where the value of an existing facility will be deleted or diminished as a result of the project, the application must contain verification from the Chief Appraiser of the last appraised value of any portion or all of a facility whose value will be reduced or removed from the tax rolls.
- (6) An estimate of the number of jobs that will be created or retained by the modernization, expansion or new improvements.
- (7) Estimated date of start of construction, length of construction, estimated value of new improvements to be completed during each year of construction and estimated date of completion.
- (8) An estimate of what the property value subject to abatement will be on January 1 immediately following the end of the abatement period.

McCulloch County-Guidelines and Criteria

- (9) In the case of applicants unknown to the Commissioners Court, a financial statement of the individual or corporation filing the application, complete with letters of credit and other documents which the Commissioners Court may request in order that the Commissioners Court can appropriately evaluate the financial capacity and other factors of the applicant.
- (10) The TAXPAYER shall make the following assurances in the application:
- a) That all the information contained in the application is true and correct.
 - b) That the person signing the application on behalf of the TAXPAYER has unrestricted authority to execute the application and the contract documents on behalf of the TAXPAYER, and has the unrestricted authority to obligate the TAXPAYER to all the terms, covenants and conditions that will be contained in the agreement.
 - c) That construction will not commence on any of the eligible improvements until an agreement has been executed with the designating authority, whether the designating authority is the County, or a municipality.
 - d) That the project will not be constructed without first obtaining all necessary local, state and federal environmental and construction permits, and that the TAXPAYER will abide by all conditions of the permits, laws and ordinances, rules and regulations governing the operation of the project throughout its economic life.
 - e) That the TAXPAYER will abide by all conditions of the agreement and the Guidelines and Criteria adopted by the Commissioners Court applicable to the agreement.
 - f) That the planned use of the property will not constitute a hazard to public health or safety throughout the economic life of the project.
 - g) That the applicant will make the specific improvements to the property as described in its application.

- h) That although estimates of the cost of the project and the number of jobs retained or created as a result of the project that are within seventy-five percent (75%) of actual cost and/or number of jobs may be construed to be substantial compliance, the actual total cost of the project and actual number of jobs retained or created shall not be less than the minimum amounts required in McCulloch County's Guidelines required to qualify for tax abatement as a business incentive.
- i) The applicant will identify the type of legal entity making the application, such as corporation, partnership, etc. If a corporation, the statement should include the home state of incorporation, the name and address of the registered agent for service in Texas, and a commitment to notify the McCulloch County within sixty days of any change of the registered agent or status of the corporation. Similar information will be required of a general or limited Partnership or other legal entity.
- j) The application shall contain the name, title and address of the TAXPAYER's local and corporate representatives for the purposes of giving notice.
- k) In its application, the applicant shall include a statement that it waives all rights of confidentiality with regard to the contents of its application for tax abatement as a business incentive otherwise granted under TEX. TAX CODE §312.003.
- l) The applicant shall agree to reimburse McCulloch County for all legal fees and any other expenses that McCulloch County incurs in establishing eligibility for granting business incentives and for reviewing, processing and acting on its application. Further, applicant shall agree to pay for the costs of an economic impact assessment, if McCulloch County requires one in connection with its application for

business incentives. In the event McCulloch County determines an economic impact assessment is required, the TAXPAYER shall be given notice and the opportunity to withdraw its application prior to commencement of the economic impact assessment, if applicant is unwilling to pay the total cost of the economic impact assessment. In its application, the TAXPAYER shall agree to pay for all fees and expenses incurred by McCulloch County in establishing eligibility to grant business incentives and processing the application, even though the Commissioners Court ultimately denies the application.

m) Any other information that the Commissioners Court or Applicant may deem appropriate to assist the Commissioners Court in determining whether to enter into a business incentives agreement with the Applicant.

(11) If a variance from any provision in these Guidelines and Criteria is requested, a statement describing the variance, and a detailed statement supporting the Applicant's reasons for the requested variance must be included.

(c) Completed Application. Upon receipt of a completed application, the Commissioners Court shall mail written notice to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is included in the application. Such notice shall be mailed at least seven (7) days before the Commissioners Court takes any action on the application. The notice shall include a copy of the proposed agreement.

(d) Economic impact assessment. After receipt of an application for business incentives, the Commissioners Court may cause to have prepared an economic impact assessment setting forth the impact of the proposed agreement. The study shall include, but not necessarily be limited to, an assessment of the economic effects of the abatement of taxes. McCulloch County shall give at least ten (10) days written notice to the Applicant of its intent to conduct an economic impact assessment, which notice shall include a description of the scope of the study. If the Applicant is unwilling to pay for the

economic impact assessment, it may give notice to McCulloch County within seven (7) calendar days from the date it received notice of the proposed economic impact assessment that the Applicant is withdrawing its application. The economic impact assessment may include any other issue that the Commissioners Court determines to be appropriate in considering the application, including, without limitation by enumeration, environmental issues, short term/long term effect on issues of adequacy of existing physical plants, need to increase number of employees in the County, and the impact on the County of any resulting increased costs as a result of the project and the County's ability to pay such costs during the abatement period.

(e) Environmental impact assessment. After receipt of an application for business incentives, the Commissioners Court may cause to have prepared a comprehensive environmental impact statement setting forth the environmental impact of the proposed activity. After receiving and reviewing applicant's environmental impact statement, the Commissioners Court may request additional assessments or studies as necessary based on the environmental impact statement.

SECTION 6

AGREEMENTS

(a) Order of Commissioners Court. After approval, the Commissioners Court shall formally pass an Order approving the tax abatement and execute an agreement with the owner of the facility as required, which shall include those matters contained in TEXAS TAX CODE §312.402 and any other terms and conditions in the best interests of McCulloch County.

(b) Execution/Effective Date. After making the necessary findings, McCulloch County may, in its discretion, approve and execute the agreement. The effective date of the agreement shall be the date that the originating City or County's designated representative or official executes the agreement.

SECTION 7

RECAPTURE

(a) Conditions of Default: Cure and Termination. Should the Commissioners Court determine that the TAXPAYER is in default according to the terms and conditions of its agreement, the Commissioners Court shall notify the TAXPAYER in writing at the address stated in the agreement, and if such default is not cured within sixty (60) days from the date of such notice ("Cure Period"), then the agreement may be terminated by the Commissioners Court. Provided, that upon proof of a curative effort commencing within sixty (60) days, if construction is required, the Commissioners Court may extend the time to complete the curative work, based upon reasonable construction requirements.

(b) Elements of Default. The following shall be considered elements of default, in the event that the TAXPAYER:

- (1) Allows its ad valorem taxes owed to McCulloch County to become delinquent without timely and proper protest and/or contest; or
- (2) Violates any of the terms and conditions of the abatement agreement, or any prior or subsequent agreement with McCulloch County, or any other taxing jurisdiction that has granted an agreement to the TAXPAYER for any project that the Commissioners Court has also granted business incentives; or
- (3) Discontinues producing product or service at the improvements subject to abatement and described in the application, for any reason excepting fire, explosion or other casualty or accident or natural disaster for a period of one year during the abatement period after the facility is completed and begins producing product or service.
- (4) Violates any written term, covenant, condition, agreement, or promise of a gift or donation made by the TAXPAYER to McCulloch County, although such may be extraneous to the agreement, and even though same might be otherwise legally unenforceable; or
- (5) Makes any material misrepresentations, either in the application or agreement.

(c) Termination. If, after written notice, the TAXPAYER fails to cure within the prescribed period any specified default, such failure shall be grounds for termination for cause. Termination of the agreement for cause shall be retroactive to the beginning of the agreement. Termination shall be effected by an Order of the Commissioners Court and written notice mailed to the TAXPAYER.

(d) Non Waiver. In the event the Commissioners Court fails to act on or enforce any element or breach that is identified as a default, such failure to act shall not be a waiver of McCulloch County's right to subsequently enforce the same default or any other prior or subsequent default.

(e) Recapture. On termination for cause, the TAXPAYER shall then become liable for the payment of all taxes that would have otherwise become due but for the abatement agreement for all calendar years during which the abatement agreement was in effect. Said taxes shall be paid to the County Tax Office for the credit of McCulloch County within sixty (60) days from the date of receipt of notice of termination. All such taxes due shall include statutory penalty and interest from the date they would otherwise have become delinquent but for the agreement, until the date they are actually paid.

SECTION 8

ADMINISTRATION

(a) Duties of Chief Appraiser. The Chief Appraiser of McCulloch County shall, as a normal consequence of his duties, annually determine an assessment of the real and personal property comprising the reinvestment zone. Each year, on or before April 1, the TAXPAYER receiving abatement shall furnish the Chief Appraiser with such information as may be reasonably requested. Once value has been established, the Chief Appraiser shall notify the affected taxing jurisdictions, which have granted tax abatement as a business incentive in the reinvestment zone, of the amount of the appraisal.

(b) Compliance Inspections. All compliance inspections will be made only after giving twenty-four (24) hours' notice and will only be conducted in such manner as not to unreasonably interfere with the construction and/or operation of the facility. All

inspections will be made with one or more representatives of the company or individual and in accordance with its safety standards.

(c) Annual Evaluations Upon completion of construction, the Commissioners Court, or their designees, shall annually evaluate each facility receiving abatement to ensure compliance with the agreement.

(d) Notice Requirements. Any notice required to be given to McCulloch County hereunder shall be in writing, and mailed or personally delivered to the McCulloch County Judge. Notices to the TAXPAYER shall be in writing, and addressed to its designated representative at the address provided in its application or the agreement.

SECTION 9

MISCELLANEOUS

(a) Variance. An application for a variance from the provisions of these Guidelines and Criteria may be made in written form to the Commissioners Court. The total duration of abatement shall in no instance exceed ten (10) consecutive tax years commencing January 1 following the effective date of the agreement, including any extension. Such request shall include a complete description of the circumstances explaining why the applicant should be granted such variance. Approval of a request for variance requires at least a three-fourths (3/4) vote of the Commissioners Court.

(b) Assignments. An abatement agreement may be transferred and assigned by the holder to a new owner or lessee of the same facility without the consent of County, upon twenty (20) days written notice to the County prior to such assignment, so long as each such assignee either has a net worth at least of fifty million dollars (\$50,000,000.00) or is a Related Entity. Otherwise, any such assignment shall be subject to obtaining written approval by resolution of the Commissioners Court. Approval shall be conditioned upon the assignee providing whatever proof the Commissioners Court may require to show the assignee's financial capability to carry out all the terms and conditions of the agreement. McCulloch County reserves the right to require such additional information as it may deem appropriate to determine not only the assignee's net worth and its

financial capability to carry out the terms and conditions of the agreement, but also its experience and historical record to determine that it is in fact capable of operating the project subject to the abatement in such a manner that it can reasonably be expected to strictly comply with every term, covenant, condition and assurance contained in the agreement. Further, the assignee shall agree in writing by amendment to the original agreement that it shall be bound by all the terms, covenants and conditions contained in the original agreement. No assignment or transfer shall be approved if the parties to the existing agreement, the new owner or new lessee are liable to McCulloch County or any other taxing unit affected by the agreement for delinquent taxes, or otherwise in default of any of the terms, covenants or conditions contained in the agreement. Subject to the foregoing conditions, the Commissioners Court shall not unreasonably withhold approval of any proposed assignment. Any approval of assignment of the agreement shall not release any previous TAXPAYER who has been a party to the agreement from its obligations under the agreement.

(c) Collateral Assignment. TAXPAYER may, without the consent of County, assign this Agreement to a financing party for collateral security purposes in connection with any financing or refinancing of the Project. In connection therewith, County agrees to execute a written consent to such collateral assignment in a form acceptable to County should the financing party reasonably request such an assignment.

(d) Application for Exemption. It shall be the responsibility of the TAXPAYER to perfect any right of exemption as a result of any agreements entered into with McCulloch County. For each year in which abatement has been authorized by McCulloch County under the agreement, it shall be the responsibility of the TAXPAYER to file its annual application with the proper County Appraisal District for property exemption in accordance with the Texas Tax Code and related administrative regulations.

(e) Effective Date. These Guidelines and Criteria shall be effective for two (2) years, from August 3, 2015 ("Effective Date") through August 3, 2017, inclusive.

- (f) **Sunset Provision.** At the end of the two year effective period of these Guidelines and Criteria, all agreements created pursuant to these provisions will be reviewed by the Commissioners Court to determine whether the goals have been achieved. Based upon that review, the Guidelines and Criteria may be modified, renewed or eliminated. In the event that these Guidelines and Criteria are not modified or renewed, they shall automatically terminate effective August 3, 2017.
- (g) **Effect of Modification or Termination.** The modification or termination of these Guidelines and Criteria shall have no effect upon existing agreements entered into while these Guidelines and Criteria are in effect.
- (h) **Subtitles.** The use of subtitles in these Guidelines and Criteria is strictly for convenience, and shall have no legal significance whatsoever. The use of the singular shall include the plural and the use of plural shall include the singular when appropriate. The use of any reference to gender shall include any and all other genders when appropriate.
- (i) **Severability.** In the event any paragraph, clause, phrase or other provision of these Guidelines and Criteria should be declared to be unconstitutional, void or otherwise unenforceable the remaining provisions shall remain in full force and effect as if the unconstitutional, void or otherwise unenforceable provisions had not been included.

SECTION 10 ADOPTION

At a properly noticed meeting of the McCulloch County Commissioners Court held in strict compliance with the Texas Open Meetings Act, this Order was approved by a vote of 2 for and 1 against; one abstaining

BE IT SO ORDERED.

Adopted this 3rd day of August, 2015.

MCCULLOCH COUNTY, TEXAS

Danny Neal, County Judge

Jim Quinn, Commissioner, Precinct 1

Gene Edmiston, Commissioner, Precinct 2

Jim Ross, Commissioner, Precinct 3

Brent Deeds, Commissioner, Precinct 4

ATTEST: Tina A. Smith, County Clerk

TAB 17

Signature and Certification page, signed and dated by Authorized School District Representative and Authorized Company Representative (applicant)

See Attached



Application for Appraised Value Limitation on Qualified Property

SECTION 1b. Authorized Signatures and Applicant Certification

After the application and schedules are complete, an authorized representative from the school district and the business should review the application documents and complete this authorization page. Attach the completed authorization page in Tab 17. NOTE: If you amend your application, you will need to obtain new signatures and resubmit this page, Section 1b, with the amendment request.

1. Authorized School District Representative Signature

I am the authorized representative for the school district to which this application is being submitted. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code.

print
here

Leon Freeman

Print Name (Authorized School District Representative)

sign
here

Leon Freeman

Signature (Authorized School District Representative)

Superintendent

Title

3-28-16

Date

2. Authorized Company Representative (Applicant) Signature and Notarization

I am the authorized representative for the business entity for the purpose of filing this application. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code. The information contained in this application and schedules is true and correct to the best of my knowledge and belief.

I hereby certify and affirm that the business entity I represent is in good standing under the laws of the state in which the business entity was organized and that no delinquent taxes are owed to the State of Texas.

print
here

Brian Evans

Print Name (Authorized Company Representative (Applicant))

sign
here

Brian Evans

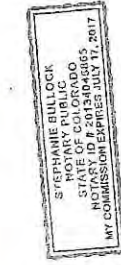
Signature (Authorized Company Representative (Applicant))

Chief Development Officer

Title

3/1/16

Date



(Notary Seal)

GIVEN under my hand and seal of office this, the

1 day of March, 2016

Stephanie Bullock

Notary Public in and for the State of Texas, Colorado

My Commission expires: July 17, 2017

If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under Texas Penal Code Section 37.10.

ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION ON
QUALIFIED PROPERTY BY HEART OF TEXAS WIND, LLC TO LOHN ISD

Attachment B

Franchise Tax Account Status

**Franchise Tax Account Status**

As of : 10/10/2016 10:18:25 AM

This Page is Not Sufficient for Filings with the Secretary of State

HEART OF TEXAS WIND, LLC	
Texas Taxpayer Number	32057445853
Mailing Address	9050 N CAPITAL OF TEXAS HWY STE 390 AUSTIN, TX 78759-7288
Right to Transact Business in Texas	ACTIVE
State of Formation	DE
Effective SOS Registration Date	06/05/2015
Texas SOS File Number	0802229766
Registered Agent Name	C T CORPORATION SYSTEM
Registered Office Street Address	1999 BRYAN ST., STE. 900 DALLAS, TX 75201

Attachment C

State Comptroller's Certification



GLENN HEGAR TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

P.O. Box 13528 • Austin, TX 78711-3528

July 12, 2016

Mr. Leon Freeman
Superintendent
Lohn Independent School District
P.O. Box 277
Lohn, Texas 76852-0277

Dear Superintendent Freeman:

On May 18, 2016, the Comptroller issued written notice that Heart of Texas Wind LLC (the applicant) submitted a completed application (Application #1129) for a limitation on appraised value under the provisions of Tax Code Chapter 313.¹ This application was originally submitted on March 28, 2016, to the Lohn Independent School District (the school district) by the applicant.

This presents the results of the Comptroller's review of the application and determinations required:

- 1) under Section 313.025(h) to determine if the property meets the requirements of Section 313.024 for eligibility for a limitation on appraised value under Chapter 313, Subchapter C; and
- 2) under Section 313.025(d), to issue a certificate for a limitation on appraised value of the property and provide the certificate to the governing body of the school district or provide the governing body a written explanation of the comptroller's decision not to issue a certificate, using the criteria set out in Section 313.026.

Determination required by 313.025(h)

Sec. 313.024(a)	Applicant is subject to tax imposed by Chapter 171.
Sec. 313.024(b)	Applicant is proposing to use the property for an eligible project.
Sec. 313.024(d)	Applicant has requested a waiver for the required number of new qualifying jobs and pay all jobs created that are not qualifying jobs a wage that exceeds the county average weekly wage for all jobs in the county where the jobs are located.
Sec. 313.024(d-2)	Not applicable to Application #1129.

Based on the information provided by the applicant, the Comptroller has determined that the property meets the requirements of Section 313.024 for eligibility for a limitation on appraised value under Chapter 313, Subchapter C.

¹ All statutory references are to the Texas Tax Code, unless otherwise noted.

Certificate decision required by 313.025(d)

Determination required by 313.026(c)(1)

The Comptroller has determined that the project proposed by the applicant is reasonably likely to generate tax revenue in an amount sufficient to offset the school district maintenance and operations ad valorem tax revenue lost as a result of the agreement before the 25th anniversary of the beginning of the limitation period. See Attachment B.

Determination required by 313.026(c)(2)

The Comptroller has determined that the limitation on appraised value is a determining factor in the applicant's decision to invest capital and construct the project in this state. See Attachment C.

Based on these determinations, the Comptroller issues a certificate for a limitation on appraised value. This certificate is contingent on the school district's receipt and acceptance of the Texas Education Agency's determination per 313.025(b-1).

The Comptroller's review of the application assumes the accuracy and completeness of the statements in the application. If the application is approved by the school district, the applicant shall perform according to the provisions of the Texas Economic Development Act Agreement (Form 50-286) executed with the school district. The school district shall comply with and enforce the stipulations, provisions, terms, and conditions of the agreement, applicable Texas Administrative Code and Chapter 313, per TAC 9.1054(i)(3).

This certificate is no longer valid if the application is modified, the information presented in the application changes, or the limitation agreement does not conform to the application. Additionally, this certificate is contingent on the school district approving and executing the agreement by December 31, 2016.

Note that any building or improvement existing as of the application review start date of May 18, 2016, or any tangible personal property placed in service prior to that date may not become "Qualified Property" as defined by 313.021(2) and the Texas Administrative Code.

Should you have any questions, please contact Korry Castillo, Director, Data Analysis & Transparency, by email at korry.castillo@cpa.texas.gov or by phone at 800-531-5441, ext. 3-3806, or direct in Austin at 512-463-3806.

Sincerely,



Mike Reissig
Deputy Comptroller

Enclosure

cc: Korry Castillo

Attachment D

Summary of Financial Impact

**CHAPTER 313 PROPERTY VALUE LIMITATION
FINANCIAL IMPACT OF THE PROPOSED HEART OF TEXAS
WIND PROJECT IN THE LOHN INDEPENDENT SCHOOL
DISTRICT
(PROJECT # 1129)**

PREPARED BY



July 27, 2016

Executive Summary

Heart of Texas Wind (Company) has requested that the Lohn Independent School District (LISD) consider granting a property value limitation under Chapter 313 of the Tax Code, also known as the Texas Economic Development Act. In an application submitted to LISD on March 28, 2016, the Company plans to invest \$178.6 million to construct a renewable electric wind energy facility. Moak, Casey & Associates (MCA) has been retained to prepare an analysis of this value limitation and help the district navigate the overall application and agreement process.

The Heart of Texas project is consistent with the state's goal to "encourage large scale capital investments in this state." When enacted as House Bill 1200 in 2001, Chapter 313 of the Tax Code granted eligibility to companies engaged in manufacturing, research and development, and renewable electric energy production to apply to school districts for property value limitations. Subsequent legislative changes expanded eligibility to clean coal projects, nuclear power generation and data centers, among others.

Under the provisions of Chapter 313, LISD may offer a minimum value limitation of \$15 million. This value limitation, under the proposed application, will begin in the 2018-19 school year and remain at that level of taxable value for Maintenance and Operations (M&O) tax purposes for ten years. The entire project value will remain taxable for I&S or debt service purposes for the term of the agreement.

MCA's initial school finance analysis is detailed in this report, incorporating the major legislative changes adopted in May. The overall conclusions are as follows, but please read all of the subsequent details in the report below for more information.

Total Revenue Loss Payment owed to LISD	\$2.65 million
Total Savings to Company after Revenue Loss Payment. (This does not include any supplemental benefit payments to the district.)	\$11.0 million

Application Process

After the school district has submitted an application to the Comptroller's Office (Comptroller), the Comptroller begins reviewing the application for completeness. The purpose of this review is to ensure all necessary information and attachments are included in the application before moving forward with the formal review process. The Comptroller issued a Completeness Letter for the project on May 18, 2016.

The issuance of a Completeness Letter is important because it sets the timeline for the rest of process. From the date of issuance, the Comptroller has 90 days to conduct its full review of the project and provide its certificate for a limitation on appraised value. The Certification package was issued on July 12, 2016.

Each value limitation agreement is unique and to ensure the proper revenue-loss protection and maximum supplemental benefits are in place, an understanding of the school district's finances and a thorough knowledge of the Ch. 313 statute are required. MCA and O'Hanlon, McCollom & Demerath will ensure the best interests of LISD are secured. After the Comptroller's certificate is received, O'Hanlon, McCollom & Demerath a value limitation agreement is negotiated on behalf of the District. A final version of the agreement must be submitted to the Comptroller for review 30 days prior to final adoption by the school district's board of trustees.

At the final board meeting, the school board will review the Value Limitation Agreement and Findings of Fact that detail the project's conformance with state law. The school board may also be required to adopt a job waiver or create a reinvestment zone during this meeting, although only the job waiver will be required in the board's consideration of the Heart of Texas application. Prior to this meeting, O'Hanlon, McCollom & Demerath will provide the district with the necessary agenda language and any additional action items.

How the 313 Agreement Interacts with Texas School Finance

M&O funding for Texas schools relies on two methods of finance: local school district property taxes and state aid. State aid consists of three components: Tier I, Tier II and additional state aid for tax reduction (ASATR), although ASATR is currently scheduled to be eliminated by the 2017-18 school year. (For more detailed information on the school finance funding system, please review the Texas Education Agency's [School Finance 101: Funding of Texas Public Schools](#).)

Tier I provides state funding based on ADA and special student populations, as well as transportation. The local funds for Tier I are M&O taxes raised at the compressed tax rate—\$1.00 per \$100 of taxable value for most school districts (less any recapture payments owed to the state from high property-wealth school districts).

Tier II guarantees a specific amount of funding per student in weighted average daily attendance for each penny of a school district's tax effort above a specified level. There are two levels of Tier II funding—funding under the six so-called golden pennies and the eleven so-called copper pennies. Voter approval is required in most cases to access the last two golden pennies and the eleven copper pennies.

Additional State Aid for Tax Reduction (ASATR) guarantees a school district a set amount of state and local M&O funds per student in weighted average daily attendance to compensate for the mandatory reduction in, or compression of, the local M&O tax rate that was adopted in 2005 or 2006. ASATR funding is expected to be eliminated by the 2017-18 school year under current law. It is not a factor in the funding of LISD under any scenario shown below.

For a school district that approves a Chapter 313 value limitation, the first year is often problematic financially. The implementation of the value limitation often results in an M&O revenue loss to the school district in the first year of the limitation that would not be reimbursed by the state, but require some type of compensation from the Company under the revenue protection provisions of the agreement. This is because the general school

finance formula system calculates state aid entitlements using the property value for the preceding year as certified by the Comptroller.

In most instances smaller revenue losses would be anticipated in years 2-10 of the limitation when the state M&O property values are aligned at the minimum value established by the Board on both the local tax roll and the corresponding state property value study. **If the full value of the project increases significantly during the value limitation period, the revenue losses may be greater than originally estimated.**

A taxpayer receiving a value limitation pays M&O taxes on the reduced value for the project in years 1-10 and receives a tax bill for I&S taxes based on the full project value throughout the qualifying and value limitation period (and thereafter).

Future legislative action on school funding could potentially affect the impact of the value limitation on the school district's finances and result in revenue-loss estimates that differ from the estimates presented in this report.

Underlying School District Data Assumptions

A key element in any analysis of the school finance implications of a Chapter 313 agreement is the provision for revenue protection in the agreement between the school district and the applicant. The agreement calls for a calculation of the revenue impact of the value limitation in years 1-10 of the agreement, under whatever school finance and property tax laws are in effect in each of those years. This meets the statutory requirement under Section 313.027(f)(1) of the Tax Code to provide school district revenue-protection language in the agreement. This approach also reduces guess work as to future changes in school finance and property tax laws.

The general approach used here to analyze the future revenue stream of the school district under a value limitation is to maintain static enrollment and property values in order to isolate the effects of the value limitation under the school finance system. Student enrollment counts are held constant at 83 students in average daily attendance (ADA) in analyzing the effects of the project on the finances of LISD. The District's local tax base reached \$27.7 million for the 2015 tax year (the most recent year available) and is maintained at that level for the forecast period in order to isolate the effects of the property value limitation. An M&O tax rate of \$1.17 per \$100 is used throughout this analysis. The impact of any previously-approved Chapter 313 projects is factored into the M&O tax bases used for both models presented below.

LISD has estimated 2015-16 state property wealth per weighted ADA or WADA of approximately \$92,815. As a result, LISD is not considered a Chapter 41 or recapture district under the school finance system. (It is interesting to note that if the project is constructed in the absence of a value limitation agreement, LISD would become a recapture district under current law.) Table 1 summarizes the enrollment and property value assumptions for the 15 years that are the subject of this analysis.

Recent legislative changes are incorporated into these estimates. The basic allotment was raised from \$5,040 to \$5,140 per WADA, which is used throughout the state aid

calculations. The Tier II guaranteed yield level for up to six cents of tax effort was increased from \$61.86 in 2014-15 to \$74.28 and \$77.53, respectively, for the 2015-16 and 2016-17 school years.

In addition, LISD is eligible for a “fractional” funding adjustment, since it imposed less than \$1.50 M&O tax rate for the 2006 tax year. Given the analysis shown below, it appears that LISD would benefit from shifting tax effort to take advantage of the fractional funding fix approved by legislators and that change is not incorporated in these estimates.

The mandated school district homestead exemption increase from \$15,000 to \$25,000 has been incorporated into the analysis. Given that the models below focus exclusively on the Heart of Texas Wind project values, however, the homestead exemption change does not have a significant impact on this analysis.

The M&O tax rate for 2015 is maintained at \$1.17 per \$100. Although the impact of the Chapter 313 project value returning to the total tax roll for M&O funding purposes could result in a lower M&O tax rate in the 2029-30 school year under current law, that analysis is beyond the scope of this revenue report.

Table 1 – Base District Information with Heart of Texas Project Value and Limitation Values

Year of Agreement	School Year	ADA	WADA	M&O Tax Rate	I&S Tax Rate	CAD Value with Project	CAD Value with Limitation	CPTD with Project	CPTD With Limitation	CPTD Value with Project per WADA	CPTD Value with Limitation per WADA
QTP0	2016-17	82.72	166.47	\$1.1700	\$0.0570	\$27,665,040	\$27,665,040	\$27,109,119	\$27,109,119	\$162,848	\$162,848
QTP1	2017-18	82.72	166.47	\$1.1700	\$0.0570	\$27,665,040	\$27,665,040	\$27,109,119	\$27,109,119	\$162,848	\$162,848
QTP2/VL1	2018-19	82.72	166.47	\$1.1700	\$0.0570	\$206,270,040	\$42,665,040	\$27,109,119	\$27,109,119	\$162,848	\$162,848
VL2	2019-20	82.72	166.47	\$1.1700	\$0.0570	\$208,768,040	\$57,665,040	\$205,714,119	\$42,109,119	\$1,235,750	\$252,955
VL3	2020-21	82.72	166.47	\$1.1700	\$0.0570	\$197,141,040	\$57,665,040	\$208,212,119	\$57,109,119	\$1,250,756	\$343,062
VL4	2021-22	82.72	166.47	\$1.1700	\$0.0570	\$186,328,040	\$57,665,040	\$196,585,119	\$57,109,119	\$1,180,911	\$343,062
VL5	2022-23	82.72	166.47	\$1.1700	\$0.0570	\$176,272,040	\$57,665,040	\$185,772,119	\$57,109,119	\$1,115,956	\$343,062
VL6	2023-24	82.72	166.47	\$1.1700	\$0.0570	\$166,920,040	\$57,665,040	\$175,716,119	\$57,109,119	\$1,055,549	\$343,062
VL7	2024-25	82.72	166.47	\$1.1700	\$0.0570	\$158,222,040	\$57,665,040	\$166,364,119	\$57,109,119	\$999,370	\$343,062
VL8	2025-26	82.72	166.47	\$1.1700	\$0.0570	\$150,133,040	\$57,665,040	\$157,666,119	\$57,109,119	\$947,120	\$343,062
VL9	2026-27	82.72	166.47	\$1.1700	\$0.0570	\$142,610,040	\$57,665,040	\$149,577,119	\$57,109,119	\$898,528	\$343,062
VL10	2027-28	82.72	166.47	\$1.1700	\$0.0570	\$135,614,040	\$57,665,040	\$142,054,119	\$57,109,119	\$853,337	\$343,062
VP1	2028-29	82.72	166.47	\$1.1700	\$0.0570	\$130,967,040	\$130,967,040	\$135,058,119	\$57,109,119	\$811,311	\$343,062
VP2	2029-30	82.72	166.47	\$1.1700	\$0.0570	\$130,085,040	\$130,085,040	\$130,411,119	\$130,411,119	\$783,396	\$783,396
VP3	2030-31	82.72	166.47	\$1.1700	\$0.0570	\$124,964,040	\$124,964,040	\$129,529,119	\$129,529,119	\$778,098	\$778,098
VP4	2031-32	82.72	166.47	\$1.1700	\$0.0570	\$120,099,040	\$120,099,040	\$124,408,119	\$124,408,119	\$747,335	\$747,335
VP5	2032-33	82.72	166.47	\$1.1700	\$0.0570	\$115,478,040	\$115,478,040	\$119,543,119	\$119,543,119	\$718,110	\$718,110

QTP= Qualifying Time Period
VL= Value Limitation
VP= Viable Presence

M&O Impact of the Heart of Texas project on LISD

School finance models were prepared for LISD under these assumptions through the 2032-33 school year. Under the proposed agreement, a model is established to make a calculation of the “Baseline Revenue Model” by adding the total value of the project to the model, but

without assuming that a value limitation is approved. These model results are detailed in Table 2.

Additionally, a separate model is established to make a calculation of the "Value Limitation Revenue Model" by adding the project's limited value of \$15 million to the model. These results are shown in Table 3.

Table 4 displays the results of the comparison between the Baseline Revenue Model and the Value Limitation Revenue Model (Tables 2 and 3). The difference between the two models indicates there will be a total revenue loss of \$2.65 million over the course of the Agreement, with nearly all of this loss reflected in the first limitation year (2018-19). Much of the reduction in M&O taxes under the limitation agreement is offset through a reduction in recapture costs owed to the state under current law.

Table 2- "Baseline Revenue Model"--Project Value Added with No Value Limitation

Year of Agreement	School Year	M&O Taxes @ Compressed Rate	State Aid	Additional State Aid-Hold Harmless	Recapture Costs	Additional Local M&O Collections	State Aid From Additional M&O Tax Collections	Recapture from the Additional Local Tax Effort	Homestead Hold Harmless	Other State Aid	Total General Fund
QTP0	2016-17	\$267,936	\$615,667	\$0	\$0	\$45,549	\$88,805	\$0	\$0	\$0	\$1,017,957
QTP1	2017-18	\$267,936	\$615,667	\$0	\$0	\$45,549	\$88,805	\$0	\$0	\$0	\$1,017,957
QTP2/VL1	2018-19	\$2,197,986	\$615,667	\$0	\$0	\$373,658	\$540,340	\$0	\$61,506	\$0	\$3,789,156
VL2	2019-20	\$2,072,966	\$29,359	\$0	-\$1,194,086	\$352,404	\$0	-\$160,617	\$3,934	\$0	\$1,103,960
VL3	2020-21	\$1,956,696	\$29,359	\$0	-\$1,135,942	\$332,639	\$0	-\$152,243	\$3,714	\$0	\$1,034,222
VL4	2021-22	\$1,848,566	\$29,359	\$0	-\$1,027,318	\$314,256	\$0	-\$140,911	\$3,508	\$0	\$1,027,461
VL5	2022-23	\$1,748,006	\$29,359	\$0	-\$926,242	\$297,161	\$0	-\$130,369	\$3,318	\$0	\$1,021,232
VL6	2023-24	\$1,654,486	\$29,359	\$0	-\$832,186	\$281,263	\$0	-\$120,562	\$3,140	\$0	\$1,015,500
VL7	2024-25	\$1,567,506	\$29,359	\$0	-\$744,653	\$266,476	\$0	-\$111,436	\$2,975	\$0	\$1,010,227
VL8	2025-26	\$1,486,616	\$29,359	\$0	-\$663,186	\$252,725	\$0	-\$102,946	\$2,822	\$0	\$1,005,390
VL9	2026-27	\$1,411,386	\$29,359	\$0	-\$587,361	\$239,936	\$0	-\$95,046	\$2,679	\$0	\$1,000,953
VL10	2027-28	\$1,437,606	\$29,359	\$0	-\$555,030	\$244,393	\$0	-\$93,982	\$2,728	\$0	\$1,065,074
VP1	2028-29	\$1,366,748	\$29,359	\$0	-\$484,208	\$232,347	\$0	-\$86,579	\$2,594	\$0	\$1,060,260
VP2	2029-30	\$1,358,105	\$29,359	\$0	-\$450,381	\$230,877	\$0	-\$84,040	\$2,578	\$0	\$1,086,497
VP3	2030-31	\$1,307,919	\$29,359	\$0	-\$427,280	\$222,346	\$0	-\$80,555	\$2,482	\$0	\$1,054,271
VP4	2031-32	\$1,260,242	\$29,359	\$0	-\$376,829	\$214,242	\$2,831	-\$75,393	\$200	\$0	\$1,054,651
VP5	2032-33	\$1,214,956	\$29,359	\$0	-\$328,683	\$206,542	\$5,808	-\$70,475	\$193	\$0	\$1,057,700

*Basic Allotment: \$5,140; AISD Yield: \$77.53; Equalized Wealth: \$514,000 per WADA

QTP=	Qualifying Time Period
VL=	Value Limitation
VP=	Viable Presence

Table 3--"Value Limitation Revenue Model"-- Project Value Added with Value Limit

Year of Agreement	School Year	M&O Taxes @ Compressed Rate	State Aid	Additional State Aid-Hold Harmless	Recapture Costs	Additional Local M&O Collections	State Aid From Additional M&O Tax Collections	Recapture from the Additional Local Tax Effort	Homestead Hold Harmless	Other State Aid	Total General Fund
QTP0	2016-17	\$267,936	\$615,667	\$0	\$0	\$45,549	\$88,805	\$0	\$0	\$0	\$1,017,957
QTP1	2017-18	\$267,936	\$615,667	\$0	\$0	\$45,549	\$88,805	\$0	\$0	\$0	\$1,017,957
QTP2/VL1	2018-19	\$414,936	\$615,667	\$0	\$0	\$70,539	\$137,509	\$0	\$4,168	\$0	\$1,242,819
VL2	2019-20	\$561,936	\$465,667	\$0	\$0	\$95,529	\$85,913	\$0	\$4,080	\$0	\$1,213,125
VL3	2020-21	\$561,936	\$315,667	\$0	\$0	\$95,529	\$42,453	-\$4,033	\$0	\$0	\$1,011,552
VL4	2021-22	\$561,936	\$315,667	\$0	\$0	\$95,529	\$42,453	-\$4,033	\$0	\$0	\$1,011,552
VL5	2022-23	\$561,936	\$315,667	\$0	\$0	\$95,529	\$42,453	-\$4,033	\$0	\$0	\$1,011,552
VL6	2023-24	\$561,936	\$315,667	\$0	\$0	\$95,529	\$42,453	-\$4,033	\$0	\$0	\$1,011,552
VL7	2024-25	\$561,936	\$315,667	\$0	\$0	\$95,529	\$42,453	-\$4,033	\$0	\$0	\$1,011,552
VL8	2025-26	\$561,936	\$315,667	\$0	\$0	\$95,529	\$42,453	-\$4,033	\$0	\$0	\$1,011,552
VL9	2026-27	\$561,936	\$315,667	\$0	\$0	\$95,529	\$42,453	-\$4,033	\$0	\$0	\$1,011,552
VL10	2027-28	\$561,936	\$315,667	\$0	\$0	\$95,529	\$42,453	-\$4,033	\$0	\$0	\$1,011,552
VP1	2028-29	\$1,280,296	\$315,667	\$0	\$0	\$217,651	\$96,778	-\$9,189	\$20,755	\$0	\$1,921,958
VP2	2029-30	\$1,271,652	\$29,359	\$0	-\$420,651	\$216,181	\$0	-\$78,691	\$2,414	\$0	\$1,020,263
VP3	2030-31	\$1,221,467	\$29,359	\$0	-\$397,937	\$207,649	\$0	-\$75,231	\$2,318	\$0	\$987,626
VP4	2031-32	\$1,173,790	\$29,359	\$0	-\$349,837	\$199,544	\$2,635	-\$70,221	\$188	\$0	\$985,457
VP5	2032-33	\$1,128,504	\$29,359	\$0	-\$304,720	\$191,845	\$5,389	-\$65,460	\$773	\$0	\$985,690

*Basic Allotment: \$5,140; AISD Yield: \$77.53; Equalized Wealth: \$514,000 per WADA

QTP= Qualifying Time Period
VL= Value Limitation
VP= Viable Presence

Table 4 – Value Limit less Project Value with No Limit

Year of Agreement	School Year	M&O Taxes @ Compressed Rate	State Aid	Additional State Aid-Hold Harmless	Recapture Costs	Additional Local M&O Collections	State Aid From Additional M&O Tax Collections	Recapture from the Additional Local Tax Effort	Homestead Hold Harmless	Other State Aid	Total General Fund
QTP0	2016-17	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
QTP1	2017-18	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
QTP2/VL1	2018-19	-\$1,783,050	\$0	\$0	\$0	-\$303,119	-\$402,831	\$0	-\$57,337	\$0	-\$2,546,337
VL2	2019-20	-\$1,511,030	\$436,308	\$0	\$1,194,086	-\$256,875	\$85,913	\$160,617	\$145	\$0	\$109,165
VL3	2020-21	-\$1,394,760	\$286,308	\$0	\$1,135,942	-\$237,110	\$42,453	\$148,210	-\$3,714	\$0	-\$22,671
VL4	2021-22	-\$1,286,630	\$286,308	\$0	\$1,027,318	-\$218,727	\$42,453	\$136,878	-\$3,508	\$0	-\$15,909
VL5	2022-23	-\$1,186,070	\$286,308	\$0	\$926,242	-\$201,632	\$42,453	\$126,336	-\$3,318	\$0	-\$9,680
VL6	2023-24	-\$1,092,550	\$286,308	\$0	\$832,186	-\$185,734	\$42,453	\$116,529	-\$3,140	\$0	-\$3,948
VL7	2024-25	-\$1,005,570	\$286,308	\$0	\$744,653	-\$170,947	\$42,453	\$107,403	-\$2,975	\$0	\$1,325
VL8	2025-26	-\$924,680	\$286,308	\$0	\$663,186	-\$157,196	\$42,453	\$98,912	-\$2,822	\$0	\$6,162
VL9	2026-27	-\$849,450	\$286,308	\$0	\$587,361	-\$144,407	\$42,453	\$91,012	-\$2,679	\$0	\$10,598
VL10	2027-28	-\$875,670	\$286,308	\$0	\$555,030	-\$148,864	\$42,453	\$89,949	-\$2,728	\$0	-\$53,523
VP1	2028-29	-\$86,452	\$286,308	\$0	\$484,208	-\$14,696	\$96,778	\$77,391	\$18,161	\$0	\$861,698
VP2	2029-30	-\$86,453	\$0	\$0	\$29,730	-\$14,696	\$0	\$5,349	-\$164	\$0	-\$66,234
VP3	2030-31	-\$86,452	\$0	\$0	\$29,343	-\$14,697	\$0	\$5,325	-\$164	\$0	-\$66,645
VP4	2031-32	-\$86,452	\$0	\$0	\$26,992	-\$14,698	-\$196	\$5,172	-\$12	\$0	-\$69,194
VP5	2032-33	-\$86,452	\$0	\$0	\$23,963	-\$14,697	-\$419	\$5,015	\$580	\$0	-\$72,010

QTP= Qualifying Time Period
VL= Value Limitation
VP= Viable Presence

M&O Impact on the Taxpayer

Table 5 summarizes the impact of the property value limitation in terms of the potential tax savings to the taxpayer under the property value limitation agreement. The focus of this table is on the M&O tax rate only. A \$1.17 per \$100 M&O tax rate is assumed in 2016-17 (the most recent year available) and thereafter.

Under the assumptions used here, the potential tax savings from the value limitation total \$13.6 million over the life of the agreement. The LISD revenue losses are expected to total approximately \$2,65 million over the course of the agreement. In total, the potential net tax benefits (after hold-harmless payments are made) are estimated to total \$11 million, prior to any negotiations with Heart of Texas on supplemental payments.

Table 5 - Estimated Financial Impact of the Heart of Texas Project Property Value Limitation Request Submitted to LISD at \$1.17 per \$100 M&O Tax Rate

Year of Agreement	School Year	Project Value	Estimated Taxable Value	Value Savings	Assumed M&O Tax Rate	Taxes Before Value Limit	Taxes after Value Limit	Tax Savings @ Projected M&O Rate	School District Revenue Losses	Estimated Net Tax Benefits
QTP0	2016-17	\$0	\$0	\$0	\$1.170	\$0	\$0	\$0	\$0	\$0
QTP1	2017-18	\$0	\$0	\$0	\$1.170	\$0	\$0	\$0	\$0	\$0
QTP2/VL1	2018-19	\$178,605,000	\$15,000,000	\$163,605,000	\$1.170	\$2,089,679	\$175,500	\$1,914,179	-\$2,546,337	-\$632,159
VL2	2019-20	\$166,103,000	\$15,000,000	\$151,103,000	\$1.170	\$1,943,405	\$175,500	\$1,767,905	\$0	\$1,767,905
VL3	2020-21	\$154,476,000	\$15,000,000	\$139,476,000	\$1.170	\$1,807,369	\$175,500	\$1,631,869	-\$22,671	\$1,609,198
VL4	2021-22	\$143,663,000	\$15,000,000	\$128,663,000	\$1.170	\$1,680,857	\$175,500	\$1,505,357	-\$15,909	\$1,489,448
VL5	2022-23	\$133,607,000	\$15,000,000	\$118,607,000	\$1.170	\$1,563,202	\$175,500	\$1,387,702	-\$9,680	\$1,378,022
VL6	2023-24	\$124,255,000	\$15,000,000	\$109,255,000	\$1.170	\$1,453,784	\$175,500	\$1,278,284	-\$3,948	\$1,274,335
VL7	2024-25	\$115,557,000	\$15,000,000	\$100,557,000	\$1.170	\$1,352,017	\$175,500	\$1,176,517	\$0	\$1,176,517
VL8	2025-26	\$107,468,000	\$15,000,000	\$92,468,000	\$1.170	\$1,257,376	\$175,500	\$1,081,876	\$0	\$1,081,876
VL9	2026-27	\$99,945,000	\$15,000,000	\$84,945,000	\$1.170	\$1,169,357	\$175,500	\$993,857	\$0	\$993,857
VL10	2027-28	\$92,949,000	\$15,000,000	\$77,949,000	\$1.170	\$1,087,503	\$175,500	\$912,003	-\$53,523	\$858,480
VP1	2028-29	\$88,302,000	\$88,302,000	\$0	\$1.170	\$1,033,133	\$1,033,133	\$0	\$0	\$0
VP2	2029-30	\$83,887,000	\$83,887,000	\$0	\$1.170	\$981,478	\$981,478	\$0	\$0	\$0
VP3	2030-31	\$79,693,000	\$79,693,000	\$0	\$1.170	\$932,408	\$932,408	\$0	\$0	\$0
VP4	2031-32	\$75,708,000	\$75,708,000	\$0	\$1.170	\$885,784	\$885,784	\$0	\$0	\$0
VP5	2032-33	\$71,923,000	\$71,923,000	\$0	\$1.170	\$841,499	\$841,499	\$0	\$0	\$0
						\$20,078,850	\$6,429,302	\$13,649,548	-\$2,652,069	\$10,997,479

QTP= Qualifying Time Period
VL= Value Limitation
VP= Viable Presence

I&S Funding Impact on School District

The project remains fully taxable for debt services taxes. While the value of the Heart of Texas project is expected to depreciate over the life of the agreement and beyond, local taxpayers should benefit from the addition of the Heart of Texas project to the local I&S tax roll.

The project is not expected to affect LISD in terms of enrollment. Continued expansion of the project and related development could result in additional employment in the area and an increase in the school-age population, but this project is unlikely to have much impact on a stand-alone basis.

Note: School district revenue-loss estimates are subject to change based on numerous factors, including:

- **Legislative and Texas Education Agency administrative changes to the underlying school finance formulas used in these calculations.**
- **Legislative changes addressing property value appraisals and exemptions.**
- **Year-to-year appraisals of project values and district taxable values.**
- **Changes in school district tax rates and student enrollment.**

Attachment E

Taxable Value of Property



Glenn Hegar
Texas Comptroller of Public Accounts



Property Tax [comptroller.texas.gov/taxes/property-tax/]

SCHOOL AND APPRAISAL DISTRICTS PROPERTY VALUE STUDY 2014 REPORT

2014 ISD Summary Worksheet

160/McCulloch

160-905/Lohn ISD

* This district is in year 1 of the grace period.

Category	Local Tax Roll Value	2014 WTD Mean Ratio	2014 PTAD Value Estimate	2014 Value Assigned
A. Single-Family Residences	1,672,950	.9355	1,788,295	1,672,950
B. Multi-Family Residences	0	N/A	0	0
C1. Vacant Lots	75,860	N/A	75,860	75,860
C2. Colonia Lots	0	N/A	0	0
D1. Rural Real(Taxable)	8,559,460	.9881	8,662,641	8,559,460

Category	Local Tax Roll Value	2014 WTD Mean Ratio	2014 PTAD Value Estimate	2014 Value Assigned
D2. Real Prop Farm & Ranch	567,190	N/A	567,190	567,190
E. Real Prop NonQual Acres	8,490,320	.8075	10,514,328	8,490,320
F1. Commercial Real	69,160	N/A	69,160	69,160
F2. Industrial Real	170,290	N/A	170,290	170,290
G. Oil, Gas, Minerals	44,450	N/A	44,450	44,450
J. Utilities	4,183,380	N/A	4,183,380	4,183,380
L1. Commercial Personal	158,360	N/A	158,360	158,360
L2. Industrial Personal	521,040	N/A	521,040	521,040
M. Other Personal	378,120	N/A	378,120	378,120
N. Intangible Personal Prop	0	N/A	0	0
O. Residential Inventory	0	N/A	0	0
S. Special Inventory	0	N/A	0	0
Subtotal	24,890,580		27,133,114	24,890,580

Loss To the Additional \$10,000 Homestead Exemption Deductions	Local Tax Roll Value	T3 2014 Mean Ratio	WTD T4 Ratio	2014 T4B Value	50% of the loss to the Local Optional Percentage Homestead Exemption	2014 Value Assigned
	1,891,024			2,045,418		1,891,024
Total Taxable Value	22,999,556			25,087,696		22,999,556 T2*

The taxable values shown here will not match the values reported by your appraisal district

See the ISD DEDUCTION Report for a breakdown of deduction values

Government code subsections 403.302 (J) AND (K) require the Comptroller to certify alternative measures of school district wealth. These measures are reported for taxable values for maintenance and operation (M&O) tax purposes and for interest and sinking fund (I&S) tax purposes. For districts that have not entered into value limitation agreements, T1 through T6 will be the same as T7 through T12.

Value Taxable For M&O Purposes

T1	T2	T3	T4	T5	T6
23,691,786	22,999,556	23,691,786	22,999,556	23,063,470	23,063,470

Loss To the Additional \$10,000 Homestead Exemption	50% of the loss to the Local Optional Percentage Homestead Exemption
692,230	0

T1 = School district taxable value for M&O purposes before the loss to the additional \$10,000 homestead exemption

T2 = School district taxable value for M&O purposes after the loss to the additional \$10,000 homestead exemption and the tax

ceiling reduction	T8	T9	T10	T11	T12
T3 = T1 minus 50% of the loss to the local optional percentage homestead exemption					

T4 = T2 minus 50% of the loss to the local optional percentage homestead exemption

T5 = T2 before the loss to the tax ceiling reduction

T6 = T5 minus 50% of the loss to the local optional percentage homestead exemption

Value Taxable For I&S Purposes

T7	T8	T9	T10	T11	T12
23,691,786	22,999,556	23,691,786	22,999,556	23,063,470	23,063,470

T7 = School district taxable value for I&S purposes before the loss to the additional \$10,000 homestead exemption

T8 = School district taxable value for I&S purposes after the loss to the additional \$10,000 homestead exemption and the tax ceiling reduction

T9 = T7 minus 50% of the loss to the local optional percentage homestead exemption

T10 = T8 minus 50% of the loss to the local optional percentage homestead exemption

T11 = T8 before the loss to the tax ceiling reduction

T12 = T11 minus 50% of the loss to the local optional percentage homestead exemption

The PVS found your local value invalid, but local value was certified because your school district is in year one of the grace period.

Attachment F

TEA's Facilities Value

Attachment G

Participation Agreement

**AGREEMENT FOR LIMITATION ON APPRAISED
VALUE OF PROPERTY FOR SCHOOL DISTRICT
MAINTENANCE AND OPERATIONS TAXES**

by and between

LOHN INDEPENDENT SCHOOL DISTRICT

and

HEART OF TEXAS WIND LLC

(Texas Taxpayer ID #32054775853)

TEXAS Comptroller Application NUMBER 1129

Dated

November 21, 2016

**AGREEMENT FOR LIMITATION ON APPRAISED VALUE OF PROPERTY FOR
SCHOOL DISTRICT MAINTENANCE AND OPERATIONS TAXES**

STATE OF TEXAS §

COUNTY OF MCCULLOCH §

THIS AGREEMENT FOR LIMITATION ON APPRAISED VALUE OF PROPERTY FOR SCHOOL DISTRICT MAINTENANCE AND OPERATIONS TAXES, hereinafter referred to as this "Agreement," is executed and delivered by and between the **LOHN INDEPENDENT SCHOOL DISTRICT**, hereinafter referred to as the "District," a lawfully created independent school district within the State of Texas operating under and subject to the TEXAS EDUCATION CODE, and **HEART OF TEXAS WIND LLC**, Texas Taxpayer Identification Number 32054775853 hereinafter referred to as the "Applicant." The Applicant and the District are hereinafter sometimes referred to individually as a "Party" and collectively as the "Parties."

RECITALS

WHEREAS, on March 28, 2016, the Superintendent of Schools of the Lohn Independent School District, acting as agent of the Board of Trustees of the District, received from the Applicant an Application for Appraised Value Limitation on Qualified Property, pursuant to Chapter 313 of the TEXAS TAX CODE;

WHEREAS, March 28, 2016, the Board of Trustees has acknowledged receipt of the Application, and along with the requisite application fee as established pursuant to Section 313.025(a) of the TEXAS TAX CODE and Local District Policy CCG (Local), and agreed to consider the Application;

WHEREAS, the Application was delivered to the Texas Comptroller's Office for review pursuant to Section 313.025(a-1) of the TEXAS TAX CODE; and,

WHEREAS, the District and the Texas Comptroller's Office have determined that the Application is complete and May 18, 2016 is the Application Review Start Date as that term is defined by 34 TEXAS ADMIN. CODE Section 9.1051;

WHEREAS, pursuant to 34 TEXAS ADMIN. CODE Section 9.1054, the Application was delivered to the McCulloch Appraisal District established in McCulloch County, Texas (the

“McCulloch County Appraisal District”), pursuant to Section 6.01 of the TEXAS TAX CODE;

WHEREAS, the Texas Comptroller’s Office reviewed the Application pursuant to Section 313.025 of the TEXAS TAX CODE, conducted an economic impact evaluation pursuant to Section 313.026 of the TEXAS TAX CODE, and on July 12, 2016 issued a certificate for limitation on appraised value of the property described in the Application and provided the certificate to the District;

WHEREAS, the Board of Trustees has reviewed and carefully considered the economic impact evaluation and certificate for limitation on appraised value submitted by the Texas Comptroller’s Office pursuant to Section 313.025 of the TEXAS TAX CODE;

WHEREAS, on November 21, 2016, the Board of Trustees conducted a public hearing on the Application at which it solicited input into its deliberations on the Application from all interested parties within the District;

WHEREAS, on November 21, 2016, the Board of Trustees made factual findings pursuant to Section 313.025(f) of the TEXAS TAX CODE, including, but not limited to findings that: (i) the information in the Application is true and correct; (ii) the Applicant is eligible for the limitation on appraised value of the Applicant’s Qualified Property; (iii) the project proposed by the Applicant is reasonably likely to generate tax revenue in an amount sufficient to offset the District’s maintenance and operations ad valorem tax revenue lost as a result of the Agreement before the 25th anniversary of the beginning of the limitation period; (iv) the limitation on appraised value is a determining factor in the Applicant’s decision to invest capital and construct the project in this State; and (v) this Agreement is in the best interest of the District and the State of Texas;

WHEREAS, on November 21, 2016, pursuant to the provisions of 313.025(f-1) of the TEXAS TAX CODE, the Board of Trustees waived the job creation requirement set forth in Section 313.051(b) of the TEXAS TAX CODE;

WHEREAS, on October 12, 2016, the Texas Comptroller’s Office approved the form of this Agreement for a Limitation on Appraised Value of Property for School District Maintenance and Operations Taxes;

WHEREAS, on November 21, 2016, the Board of Trustees approved the form of this Agreement for a Limitation on Appraised Value of Property for School District Maintenance and Operations Taxes, and authorized the Board President and Secretary to execute and deliver such Agreement to the Applicant; and

NOW, THEREFORE, for and in consideration of the premises and the mutual covenants and agreements herein contained, the Parties agree as follows:

ARTICLE I

DEFINITIONS

Section 1.1 DEFINITIONS. Wherever used in this Agreement, the following terms shall have the following meanings, unless the context in which used clearly indicates another meaning. Words or terms defined in 34 TEXAS ADMIN. CODE Section 9.1051 and not defined in this Agreement shall have the meanings provided by 34 TEXAS ADMIN. CODE Section 9.1051.

"Act" means the Texas Economic Development Act set forth in Chapter 313 of the Texas Tax Code, including any statutory amendments that are applicable to Applicant.

"Agreement" means this Agreement, as the same may be modified, amended, restated, amended and restated, or supplemented as approved pursuant to Sections 10.2 and 10.3.

"Applicant" means Heart of Texas Wind LLC, (Texas Taxpayer ID #32054775853) the entity listed in the Preamble of this Agreement and that is listed as the Applicant on the Application as of the Application Approval Date. The term "Applicant" shall also include the Applicant's assigns and successors-in-interest as approved according to Sections 10.2 and 10.3 of this Agreement.

"Applicant's Qualified Investment" means the Qualified Investment of the Applicant during the Qualifying Time Period and as more fully described in **EXHIBIT 3** of this Agreement.

"Applicant's Qualified Property" means the Qualified Property of the Applicant to which the value limitation identified in the Agreement will apply and as more fully described in **EXHIBIT 4** of this Agreement.

"Application" means the Application for Appraised Value Limitation on Qualified Property (Chapter 313, Subchapter B or C of the TEXAS TAX CODE) filed with the District by the Applicant on March 28, 2016. The term includes all forms required by the Comptroller, the schedules attached thereto, and all other documentation submitted by the Applicant for the purpose of obtaining an Agreement with the District. The term also includes all amendments and supplements thereto submitted by the Applicant.

"Application Approval Date" means the date that the Application is approved by the Board of Trustees of the District and as further identified in Section 2.3.B of this Agreement.

"Application Review Start Date" means the later date of either the date on which the District issues its written notice that the Applicant has submitted a completed Application or the date on which the Comptroller issues its written notice that the Applicant has submitted a completed Application and as further identified in Section 2.3.A of this Agreement.

"Appraised Value" shall have the meaning assigned to such term in Section 1.04(8) of the TEXAS TAX CODE.

"Appraisal District" means the McCulloch County Appraisal District.

"Board of Trustees" means the Board of Trustees of the Lohn Independent School District.

"Commercial Operation" shall be measured by the installation and placement in service of at least 15MW of nameplate capacity of the turbines described as part of the Qualified Property and achieving a Qualifying Investment of \$15 million dollars.

"Comptroller" means the Texas Comptroller of Public Accounts, or the designated representative of the Texas Comptroller of Public Accounts acting on behalf of the Comptroller.

"Comptroller's Rules" means the applicable rules and regulations of the Comptroller set forth in Chapter 34 TEXAS ADMIN. CODE Chapter 9, Subchapter F, together with any court or administrative decisions interpreting same.

"County" means McCulloch County, Texas.

"District" or "School District" means the Lohn Independent School District, being a duly authorized and operating school district in the State, having the power to levy, assess, and collect ad valorem taxes within its boundaries and to which Subchapter C of the Act applies. The term also includes any successor independent school district or other successor governmental authority having the power to levy and collect ad valorem taxes for school purposes on the Applicant's Qualified Property or the Applicant's Qualified Investment.

"Final Termination Date" means the last date of the final year in which the Applicant is required to Maintain Viable Presence and as further identified in Section 2.3.E of this Agreement.

"Force Majeure" means those causes generally recognized under Texas law as constituting impossible conditions. Each Party must inform the other in writing with proof of receipt within sixty (60) business days of the existence of such Force Majeure or otherwise waive this right as a defense.

"Land" means the real property described on **EXHIBIT 2**, which is attached hereto and incorporated herein by reference for all purposes.

"Maintain Viable Presence" means (i) the operation during the term of this Agreement of the facility or facilities for which the tax limitation is granted; and (ii) the Applicant's maintenance

of jobs and wages as required by the Act and as set forth in its Application.

"Market Value" shall have the meaning assigned to such term in Section 1.04(7) of the TEXAS TAX CODE.

"New Qualifying Jobs" means the total number of jobs to be created by the Applicant after the Application Approval Date in connection with the project that is the subject of its Application that meet the criteria of Qualifying Job as defined in Section 313.021(3) of the TEXAS TAX CODE and the Comptroller's Rules.

"New Non-Qualifying Jobs" means the number of Non-Qualifying Jobs, as defined in 34 TEXAS ADMIN. CODE Section 9.1051(14), to be created by the Applicant after the Application Approval Date in connection with the project which is the subject of its Application.

"Qualified Investment" has the meaning set forth in Section 313.021(1) of the TEXAS TAX CODE, as interpreted by the Comptroller's Rules.

"Qualified Property" has the meaning set forth in Section 313.021(2) of the TEXAS TAX CODE and as interpreted by the Comptroller's Rules and the Texas Attorney General, as these provisions existed on the Application Review Start Date.

"Qualifying Time Period" means the period defined in Section 2.3.C, during which the Applicant shall make investment on the Land where the Qualified Property is located in the amount required by the Act, the Comptroller's Rules, and this Agreement.

"State" means the State of Texas.

"Supplemental Payment" means any payments or transfers of things of value made to the District or to any person or persons in any form if such payment or transfer of thing of value being provided is in recognition of, anticipation of, or consideration for the Agreement and that is not authorized pursuant to Sections 313.027(f)(1) or (2) of the TEXAS TAX CODE, and specifically includes any payments required pursuant to Article VI of this Agreement.

"Tax Limitation Amount" means the maximum amount which may be placed as the Appraised Value on the Applicant's Qualified Property for maintenance and operations tax assessment in each Tax Year of the Tax Limitation Period of this Agreement pursuant to Section 313.054 of the TEXAS TAX CODE.

"Tax Limitation Period" means the Tax Years for which the Applicant's Qualified Property is subject to the Tax Limitation Amount and as further identified in Section 2.3.D of this Agreement.

"Tax Year" shall have the meaning assigned to such term in Section 1.04(13) of the TEXAS TAX CODE (*i.e.*, the calendar year).

"Taxable Value" shall have the meaning assigned to such term in Section 1.04(10) of the TEXAS TAX CODE.

Section 1.2 NEGOTIATED DEFINITIONS. Wherever used in Articles IV, V, and VI, the following terms shall have the following meanings, unless the context in which used clearly indicates another meaning or otherwise; provided however, if there is a conflict between a term defined in this section and a term defined in the Act, the Comptroller's Rules, or Section 1.1 of Agreement, the conflict shall be resolved by reference to Section 10.9.C.

"Aggregate Limit" means, for any Tax Year during the term of this Agreement, the cumulative total of the Annual Limit amount for such Tax Year and for all previous Tax Years during the term of this Agreement, less all amounts paid by the Applicant to or on behalf of the District under Article VI.

"Annual Limit" means the maximum annual benefit which can be paid directly to the District as a Supplemental Payment under the provisions of Texas Tax Code §313.027(i). For purposes of this Agreement, the amount of the Annual Limit shall be calculated for each year by multiplied by the District's Average Daily Attendance as calculated pursuant to Section 42.005 of the TEXAS EDUCATION CODE, based upon the District's 2014-2015 Average Daily Attendance of 120, rounded to the whole number times \$100, or any larger amount in Texas Tax Code §313.027(i), if such limit amount is increased for any future year of this Agreement. The Annual Limit shall first be computed for the first Tax Year (including partial Tax Year) is to commence, which, by virtue of the start of the date on which the Qualifying Time Period for the project is to commence. The start of the Qualifying Time Period is set forth in Section 2.3(C)(i), below

"Applicable School Finance Law" means Chapters 41 and 42 of the TEXAS EDUCATION CODE, the Texas Economic Development Act (Chapter 313 of the TEXAS TAX CODE), Chapter 403, Subchapter M, of the TEXAS GOVERNMENT CODE applicable to District, and the Constitution and general laws of the State applicable to the school districts of the State for each and every year of this Agreement, including specifically, the applicable rules and regulations of the agencies of the State having jurisdiction over any matters relating to the public school systems and school districts of the State, and judicial decisions construing or interpreting any of the above. The term includes any and all amendments or successor statutes that may be adopted in the future that could impact or alter the calculation of Applicant's ad valorem tax obligation to District, either with or without the limitation of property values made pursuant to this Agreement. For each year of this Agreement, the "Applicable School Finance Law" shall be interpreted to include all provisions made applicable for any calculations made for the specific year for which calculations are being

made.

"M&O Amount" means the amount to be paid by Applicant to compensate District for loss of Maintenance and Operations Revenue resulting from, or on account of, this Agreement for each year starting in the year of the Application Review Start Date and ending on the Final Termination Date as set forth in Section 4.2 of this Agreement.

"New M&O Revenue" means the total State and local Maintenance and Operations Revenue that District actually received for such school year.

"Net Tax Benefit" means an amount equal to (but not less than zero): (i) the amount of maintenance and operations ad valorem taxes which the Applicant would have paid to the District for all Tax Years during the term of this Agreement if this Agreement had not been entered into by the Parties; *minus*, (ii) an amount equal to the sum of (A) all maintenance and operations ad valorem school taxes actually due to the District or any other governmental entity, including the State of Texas, for all Tax Years during the term of this Agreement, plus (B) any and all payments due to the District under Articles IV, V, and VI of this Agreement.

"Revenue Protection Amount" means the amount calculated pursuant to Section 4.2 of this Agreement.

ARTICLE II

AUTHORITY, PURPOSE AND LIMITATION AMOUNTS

Section 2.1. AUTHORITY. This Agreement is executed by the District as its written agreement with the Applicant pursuant to the provisions and authority granted to the District in Section 313.027 of the TEXAS TAX CODE.

Section 2.2. PURPOSE. In consideration of the execution and subsequent performance of the terms and obligations by the Applicant pursuant to this Agreement, identified in Sections 2.5 and and as more fully specified in this Agreement, the value of the Applicant's Qualified Property listed and assessed by the County Appraiser for the District's maintenance and operation ad valorem property tax shall be the Tax Limitation Amount as set forth in Section 2.4 of this Agreement during the Tax Limitation Period.

Section 2.3. TERM OF THE AGREEMENT.

A. The Application Review Start Date for this Agreement is May 18, 2016, which will be used to determine the eligibility of the Applicant's Qualified Property and all applicable wage standards.

B. The Application Approval Date for this Agreement is November 21, 2016.

C. The Qualifying Time Period for this Agreement:

i. Starts on November 21, 2016, the Application Approval Date; and

- ii. End on December 31, 2018, the last day of the second complete Tax Year following the Qualifying Time Period start date.

D. The Tax Limitation Period for this Agreement:

- i. Starts on January 1, 2018, the first complete Tax Year that begins after the date of commencement of Commercial Operation; and
- ii. Ends on December 31, 2027; which is the year the Tax Limitation Period starts as identified in Section 2.3.D.i plus 9 years.

E. The Final Termination Date for this Agreement is December 31, 2032.

F. This Agreement, and the obligations and responsibilities created by this Agreement, shall be and become effective on the Application Approval Date identified in Section 2.3.B. This Agreement, and the obligations and responsibilities created by this Agreement, terminate on the Final Termination Date identified in Section 2.3.E, unless extended by the express terms of this Agreement.

Section 2.4. TAX LIMITATION. So long as the Applicant makes the Qualified Investment as required by Section 2.5, during the Qualifying Time Period, and unless this Agreement has been terminated as provided herein before such Tax Year, on January 1 of each Tax Year of the Tax Limitation Period, the Appraised Value of the Applicant's Qualified Property for the District's maintenance and operations ad valorem tax purposes shall not exceed the lesser of:

A. the Market Value of the Applicant's Qualified Property; or

B. Fifteen Million Dollars (\$15,000,000.00)

This Tax Limitation Amount is based on the limitation amount for the category that applies to the District on the Application Approval Date, as set out by Section 313.052 of the TEXAS TAX CODE.

Section 2.5. TAX LIMITATION ELIGIBILITY. In order to be eligible and entitled to receive the value limitation identified in Section 2.4 for the Qualified Property identified in Article III, the Applicant shall:

A. have completed the Applicant's Qualified Investment in the amount of Fifteen Million Dollars (\$15,000,000.00) during the Qualifying Time Period;

B. have created and maintained, subject to the provisions of Section 313.0276 of the TEXAS TAX CODE, New Qualifying Jobs as required by the Act; and

C. pay an average weekly wage of at least \$823 for all New Non-Qualifying Jobs created by the Applicant.

Section 2.6. TAX LIMITATION OBLIGATIONS. In order to receive and maintain the limitation authorized by Section 2.4, Applicant shall:

A. provide payments to District sufficient to protect future District revenues through payment of revenue offsets and other mechanisms as more fully described in Article IV;

B. provide payments to the District that protect the District from the payment of extraordinary education- related expenses related to the project, as more fully specified in Article V;

C. provide such Supplemental Payments as more fully specified in Article VI;

D. create and Maintain Viable Presence on or with the Qualified Property and perform additional obligations as more fully specified in Article VIII of this Agreement; and

E. No additional conditions are identified in the certificate for a limitation on appraised value by the Comptroller for this project.

ARTICLE III **QUALIFIED PROPERTY**

Section 3.1. LOCATION WITHIN ENTERPRISE OR REINVESTMENT ZONE. At the time of the Application Approval Date, the Land is within an area designated either as an enterprise zone, pursuant to Chapter 2303 of the TEXAS GOVERNMENT CODE, or a reinvestment zone, pursuant to Chapter 311 or 312 of the TEXAS TAX CODE. The legal description, and information concerning the designation, of such zone is attached to this Agreement as **EXHIBIT 1** and is incorporated herein by reference for all purposes.

Section 3.2. LOCATION OF QUALIFIED PROPERTY AND INVESTMENT. The Land on which the Qualified Property shall be located and on which the Qualified Investment shall be made is described in **EXHIBIT 2**, which is attached hereto and incorporated herein by reference for all purposes. The Parties expressly agree that the boundaries of the Land may not be materially changed from its configuration described in **EXHIBIT 2** unless amended pursuant to the provisions of Section 10.2 of this Agreement.

Section 3.3. DESCRIPTION OF QUALIFIED PROPERTY. The Qualified Property that is subject to the Tax Limitation Amount is described in **EXHIBIT 4**, which is attached hereto and incorporated herein by reference for all purposes. Property which is not specifically described in **EXHIBIT 4** shall not be considered by the District or the Appraisal District to be part of the Applicant's Qualified Property for purposes of this Agreement, unless by official action the Board of Trustees provides that such other property is a part of the Applicant's Qualified Property for purposes of this Agreement in compliance with Section 313.027(e) of the TEXAS TAX CODE, the Comptroller's Rules, and Section 10.2 of this Agreement.

Section 3.4. CURRENT INVENTORY OF QUALIFIED PROPERTY. In addition to the requirements of Section 10.2 of this Agreement, if there is a material change in the Qualified Property described in **EXHIBIT 4**, then within 60 days from the date commercial operation begins, the Applicant shall provide to the District, the Comptroller, the Appraisal District or the State Auditor's Office a specific and detailed description of the tangible personal property, buildings, and/or permanent, nonremovable building components (including any affixed to or incorporated into real property) on the Land to which the value limitation applies including maps

or surveys of sufficient detail and description to locate all such described property on the Land.

Section 3.5. QUALIFYING USE. The Applicant's Qualified Property described in Section 3.3 qualifies for a tax limitation agreement under Section 313.024(b)(5) of the TEXAS TAX CODE as a renewable energy electric generation facility.

ARTICLE IV

PROTECTION AGAINST LOSS OF FUTURE DISTRICT REVENUES

Section 4.1. INTENT OF THE PARTIES. Subject only to the limitations contained in Section 7.1 of this Agreement, it is the intent of the Parties that the District shall, in accordance with the provisions of Section 313.027(f)(1) of the TEXAS TAX CODE, be compensated by Applicant for any loss that District incurs in its Maintenance and Operations Revenue in each year of this Agreement for which this Agreement was, in any manner, a producing cause, resulting, at least in part because of or on account of, the execution of this Agreement. Such payments shall be independent of, and in addition to such other payments as set forth in Article V and Article VI in this Agreement. Subject only to the limitations contained in Section 7.1 of this Agreement, it is the intent of the Parties that the risk of any and all negative financial consequences to the District's total annual Maintenance and Operations Revenue, to which the execution of this Agreement contributed in any manner, will be borne solely by Applicant and not by District.

The Parties hereto expressly understand and agree that, for all years to which this Agreement may apply, the calculation of negative financial consequences will be defined for each applicable year in accordance with the Applicable School Finance Law, as defined in Section 1.2 above, and that such definition specifically contemplates that calculations made under this Agreement may well periodically change in accordance with changes made from time to time in the Applicable School Finance Law. The Parties further agree that the printouts and projections produced during the negotiations and approval of this Agreement are: i) for illustrative purposes only, are not intended to be relied upon, and have not been relied upon by the Parties as a prediction of future consequences to either Party to the Agreement; ii) are based upon current School Finance Law, which is subject to change by statute, by administrative regulation, or by judicial decision at any time; and, iii) may change in future years to reflect changes in the Applicable School Finance Law.

Section 4.2. CALCULATING THE AMOUNT OF LOSS OF REVENUES BY THE DISTRICT. Subject only to the provisions of Section 7.1 of this Agreement, the amount to be paid by Applicant to compensate District for loss of Maintenance and Operations Revenue resulting from, or on account of, this Agreement for each year starting in the year of the Application Review Start Date and ending on the Final Termination Date, the "M&O Amount" shall be determined in compliance with the Applicable School Finance Law in effect for such year and according to the following formula:

Notwithstanding any other provision in this Agreement, the M&O Amount owed by Applicant to District means the Original M&O Revenue *minus* the New M&O Revenue; based on the following definitions where:

- i. "Original M&O Revenue" means the total State and local Maintenance and Operations Revenue that District would have received for the school year, under the Applicable School Finance Law for such Tax Year, had this Agreement not been entered into by the Parties and the Applicant's Qualified Property been subject to the District's full *ad valorem* maintenance & operations tax at the rate applicable for such tax year. For purposes of this calculation, the Third Party will base its calculations upon actual local taxable values for each applicable year as certified by the County Appraisal District for all other taxable accounts in the District, save and except for the Qualified Property subject to this Agreement, *plus* the total appraised value of the Qualified Property subject to this Agreement which is or would be used for the calculation of the District's tax levy for debt tax purposes. For the calculation of Original M&O Revenue, Applicant's Taxable value for its Qualified Property for M&O purposes will not be used.
- ii. "New M&O Revenue" means the total State and local Maintenance and Operations Revenue that District actually received or is accrued to the District in accordance with the provisions of the Applicable School Finance Law for such school year

B. In making the calculations required by this Section 4.2 of this Agreement:

- i. The Taxable Value of property for each school year will be determined under the Applicable School Finance Law as that law exists for each year for which the calculation is made.
- ii. For purposes of this calculation, the tax collection rate on the Applicant's Qualified Property will be presumed to be one hundred percent (100%).
- iii. If, for any year of this Agreement, the difference between the Original M&O Revenue and the New M&O Revenue, as calculated under this Section 4.2 of this Agreement, results in a negative number, the negative number will be considered to be zero.
- iv. For all calculations made for years during the Tax Limitation Period under Section 4.2 of this Agreement, Subsection *ii* of this subsection will reflect the Tax Limitation Amount for such year.

Section 4.3. CALCULATIONS TO BE MADE BY THIRD PARTY. All calculations under this Agreement shall be made annually by an independent third party (the "Third Party") approved each

year by the District.

Section 4.4. DATA USED FOR CALCULATIONS. The calculations for payments under this Agreement shall be initially based upon the valuations placed upon the Applicant's Qualified Investment and/or the Applicant's Qualified Property by the Appraisal District in its annual certified tax roll submitted to the District for each Tax Year pursuant to Texas Tax Code § 26.01 on or about July 25 of each year of this Agreement. Immediately upon receipt of the valuation information by the District, the District shall submit the valuation information to the Third Party selected under Section 4.3. The certified tax roll data shall form the basis of the calculation of any and all amounts due under this Agreement. All other data utilized by the Third Party to make the calculations contemplated by this Agreement shall be based upon the best available current estimates. The data utilized by the Third Party shall be adjusted from time to time by the Third Party to reflect actual amounts, subsequent adjustments by the Appraisal District to the District's certified tax roll or any other changes in student counts, tax collections, or other data.

Section 4.5. DELIVERY OF CALCULATIONS. On or before November 1 of each year for which this Agreement is effective, the Third Party appointed pursuant to Section 4.3 of this Agreement shall forward to the Parties a certification containing the calculations required under Sections 4.2 and/or 4.3, Article VI, and/or Section 7.1 of this Agreement in sufficient detail to allow the Parties to understand the manner in which the calculations were made. The Third Party shall simultaneously submit his, her or its invoice for fees for services rendered to the Parties, if any fees are being claimed, which fee shall be the sole responsibility of the District, but subject to the provisions of Section 4.7, below. Upon reasonable prior notice, the employees and agents of the Applicant shall have access, at all reasonable times, to the Third Party's calculations, records, and correspondence pertaining to the calculation and fee for the purpose of verification. The Third Party shall maintain supporting data consistent with generally accepted accounting practices, and the employees and agents of the Applicant shall have the right to reproduce and retain for purpose of audit, any of these documents. The Third Party shall preserve all documents pertaining to the calculation until the Final Termination Date of this Agreement. The Applicant shall not be liable for any of the Third Party's costs resulting from an audit of the Third Party's books, records, correspondence, or work papers pertaining to the calculations contemplated by this Agreement.

Section 4.6. PAYMENT BY APPLICANT. The Applicant shall pay any amount determined by the Third Party to be due and owing to the District under this Agreement on or before the January 31 next following the tax levy for each year for which this Agreement is effective. By such date, the Applicant shall also pay any amount billed by the Third Party, plus any reasonable and necessary legal expenses incurred by the District for its attorneys, auditors, or financial consultants for the preparation and filing of any financial reports, disclosures, or other reimbursement applications filed with or sent to the State of Texas, for any audits conducted by the State Auditor's Office, or for other legal expenses which are, or may be required under the terms of, or because of, the execution of this Agreement. For no Tax Year during the term of this Agreement shall the Applicant be responsible for the payment of an aggregate amount of fees and expenses under this Section 4.6

which exceeds Fifteen Thousand Dollars (\$15,000.00).

Section 4.7. EFFECT OF PROPERTY VALUE APPEAL OR OTHER ADJUSTMENT. If at the time the Third Party selected under Section 4.3 makes its calculations under this Agreement, the Applicant has appealed any matter relating to the valuations placed by the Appraisal District on the Applicant's Qualified Property, and/or the Applicant's Qualified Property and such appeal remains unresolved, the Third Party shall base its calculations upon the values placed upon the Applicant's Qualified Property and/or the Applicant's Qualified Property by the Appraisal District.

If as a result of an appeal or for any other reason, the Taxable Value of the Applicant's Qualified Investment and/or the Applicant's Qualified Property is changed, once the determination of the new Taxable Value becomes final, the Parties shall immediately notify the Third Party who shall immediately issue new calculations for the applicable year or years using the new Taxable Value. In the event the new calculations result in a change in any amount paid or payable by the Applicant under this Agreement, the Party from whom the adjustment is payable shall remit such amounts to the other Party within thirty (30) days of the receipt of the new calculations from the Third Party.

Section 4.8. STATUTORY CHANGES AFFECTING M&O REVENUE. Notwithstanding any other provision in this Agreement, but subject to the limitations contained in Section 7.1 of this Agreement, in the event that, by virtue of statutory changes to the Applicable School Finance Law, administrative interpretations by Comptroller, Commissioner of Education, or the Texas Education Agency, or for any other reason attributable to statutory change, District will receive less Maintenance and Operations Revenue, or, if applicable, will be required to increase its payment of funds to the State, because of its participation in this Agreement, Applicant shall make payments to District, up to the revenue protection amount limit set forth in Section 7.1, that are necessary to offset any negative impact on District's Maintenance and Operations Revenue, as a result of its participation in this Agreement. Such calculation shall take into account any adjustments to the amount calculated for the current fiscal year that should be made in order to reflect the actual impact on District.

ARTICLE V

PAYMENT OF EXTRAORDINARY EDUCATION-RELATED EXPENSES

Section 5.1. EXTRAORDINARY EXPENSES. In addition to the amounts determined pursuant to Section 4.2 of this Agreement above, Applicant on an annual basis shall also indemnify and reimburse District for the following:

A. all non-reimbursed costs, certified by District's external auditor to have been incurred by District for extraordinary education-related expenses related to the project that are not directly funded in state aid formulas, including expenses for the purchase of portable classrooms and the hiring of additional personnel to accommodate a temporary increase in student enrollment

attributable to the project; and

B. any other loss of District revenues which are, or may be attributable to the payment by Applicant to or on behalf any other third party beneficiary.

ARTICLE VI

SUPPLEMENTAL PAYMENTS

Section 6.1. INTENT OF PARTIES WITH RESPECT TO SUPPLEMENTAL PAYMENTS.

In interpreting the provisions of Article IV and VI, the Parties agree as follows:

A. Amounts Exclusive of Indemnity Amounts

In addition to undertaking the responsibility for the payment of all of the amounts set forth under Article IV and Article V, and as further consideration for the execution of this Agreement by the District, the Applicant shall also be responsible for the supplemental payments set forth in this Article VI. The Applicant shall not be responsible to the District or to any other person or persons in any form for the payment or transfer of money or any other thing of value in recognition of, anticipation of, or consideration for this Agreement for limitation on appraised value made pursuant to Chapter 313 of the Texas Tax Code, unless it is explicitly set forth in this Agreement. It is the express intent of the Parties that the obligation for Supplemental Payments under Article VI of this agreement are separate and independent of the obligation of the Applicant to pay the amounts described in Article IV and Article V; provided, however, that all payments under Articles IV and VI are subject to such limitations as are contained in Section 7.1, and that all payments under Article VI are subject to the separate limitations contained in Section 6.4.

B. As used in Article IV and this Article VI, the following terms shall be defined as follows:

Section 6.2. SUPPLEMENTAL PAYMENT LIMITATION.

A. the total of the Supplemental Payments made pursuant to this Article shall: not exceed for any calendar year of this Agreement an amount equal to the greater of One Hundred Dollars (\$100.00) per student per year in average daily attendance, as defined by Section 42.005 of the TEXAS EDUCATION CODE, or Fifty Thousand Dollars (\$50,000.00) per year times the number of years beginning with the first complete or partial year of the Qualifying Time Period identified in Section 2.3.C and ending with the year for which the Supplemental Payment is being calculated minus all Supplemental Payments previously made by the Application;

B. Supplemental Payments may only be made during the period starting the first year of the Qualifying Time Period and ending December 31 of the third year following the end of the Tax Limitation Period;

C. the limitation in Section 6.2.A does not apply to amounts described by Section

313.027(f)(1)–(2) of the TEXAS TAX CODE as implemented in Articles IV and V of this Agreement.

D. For purposes of this Agreement, the calculation of the limit of the annual Supplemental Payment shall be the greater of \$50,000 or \$100 multiplied by the District's Average Daily Attendance as calculated pursuant to Section 42.005 of the TEXAS EDUCATION CODE, based upon

i. the District's 2014-2015 Average Daily Attendance of 119.51, rounded to the nearest whole number.

Section 6.3. STIPULATED SUPPLEMENTAL PAYMENT AMOUNT - SUBJECT TO SUPPLEMENTAL PAYMENT LIMITATION.

A. Beginning with the Qualifying Time Period and continuing thereafter for each and every year through the expiration of the third year after the date the Applicant's eligibility for a limitation under this chapter expires, District shall, subject to the limitations set forth in Subsection Section 7.1, below, be entitled to receive Supplemental Payments equal to the greater amount calculated under Section 6.2(A), above.

B. If there are changes in Chapter 313 of the Texas Tax Code that increase or decrease the limit on the amount of the Supplemental Payments that may be made to or on behalf of the District by the Applicant under this Article VI, any higher or lower amount of Supplemental Payments that first became due hereunder prior to the effective date of any such statutory change will not be adjusted.

C. The amount owed by Applicant after taking into account the limitations in this Subsection 6.3(B) and Section 7.1 is known as the "Stipulated Supplemental Payment."

Section 6.4. PROCEDURES FOR STIPULATED SUPPLEMENTAL PAYMENT CALCULATIONS

A. All calculations and invoicing required by this Article shall be calculated by the Third Party selected pursuant to Section 4.4, above.

- (a) The calculations made by the Third Party shall be made at the same time and on the same schedule as the calculations made pursuant to Section 4.6, above.
- (b) The payment of all amounts due under this Article shall be made by January 31 following the tax year for which the payment is due.

Section 6.5. DISTRICT'S OPTION TO DESIGNATE SUCCESSOR BENEFICIARY. At any time during this Agreement, the District's Board of Trustees may, in its sole discretion, so long as such decision does not result in additional costs to the Applicant under this Agreement, direct that the Applicant's payment obligations under Article VI of this agreement be made to its educational foundation, or to

a similar entity. The alternative entity may only use such funds received under this Article to support the educational mission of the District and its students. Any designation of an alternative entity must be made by recorded vote of the District's Board of Trustees at a properly posted public Board meeting. Any such designation will become effective after public vote and the delivery of notice of said vote to the Applicant in conformance with the provisions of Section 10.1, below. Such designation may be rescinded, with respect to future payments only, by action of the District's Board of Trustees at any time.

Any designation of a successor beneficiary under this Section shall not alter the Aggregate Limit or the Net Aggregate Limit or the Supplemental Payments calculated as described in Section 6.3, above.

ARTICLE VII

ANNUAL LIMITATION OF PAYMENTS BY APPLICANT

Section 7.1. ANNUAL LIMITATION. Notwithstanding anything contained in this Agreement to the contrary, and with respect to each Tax Year of the Tax Limitation Period beginning after the first Tax Year of the Tax Limitation Period, in no event shall (i) the sum of the maintenance and operations ad valorem taxes paid by the Applicant to the District for such Tax Year, plus the sum of all payments otherwise due from the Applicant to the District under Articles IV, V, and VI of this Agreement with respect to such Tax Year, exceed (ii) the amount of the maintenance and operations ad valorem taxes that the Applicant would have paid to the District for such Tax Year (determined by using the District's actual maintenance and operations tax rate for such Tax Year) if the Parties had not entered into this Agreement. The calculation and comparison of the amounts described in clauses (i) and (ii) of the preceding sentence shall be included in all calculations made pursuant to Article IV of this Agreement, and in the event the sum of the amounts described in said clause (i) exceeds the amount described in said clause (ii), then the payments otherwise due from the Applicant to the District under Articles IV, V, and VI shall be reduced until such excess is eliminated.

Section 7.2. OPTION TO TERMINATE AGREEMENT. In the event that any payment otherwise due from the Applicant to the District under Article IV, Article V, or Article VI of this Agreement with respect to a Tax Year is subject to reduction in accordance with the provisions of Section 7.1, then the Applicant shall have the option to terminate this Agreement. The Applicant may exercise such option to terminate this Agreement by notifying the District of its election in writing not later than the July 31 of the year following the Tax Year with respect to which a reduction under Section 7.1 is applicable. Any termination of this Agreement under the foregoing provisions of this Section 7.2 shall be effective immediately prior to the second Tax Year next following the Tax Year in which the reduction giving rise to the option occurred.

Section 7.3. EFFECT OF OPTIONAL TERMINATION. Upon the exercise of the option to terminate pursuant to Section 7.2, this Agreement shall terminate and be of no further force or

effect; provided, however, that:

A. the Parties respective rights and obligations under this Agreement with respect to the Tax Year or Tax Years (as the case may be) through and including the Tax Year during which such notification is delivered to the District, shall not be impaired or modified as a result of such termination and shall survive such termination unless and until satisfied and discharged; and

B. the provisions of this Agreement regarding payments (including liquidated damages and tax payments), records and dispute resolution shall survive the termination or expiration of this Agreement.

ARTICLE VIII

ADDITIONAL OBLIGATIONS OF APPLICANT

Section 8.1. APPLICANT'S OBLIGATION TO MAINTAIN VIABLE PRESENCE. In order to receive and maintain the limitation authorized by Section 2.4 in addition to the other obligations required by this Agreement, the Applicant shall Maintain Viable Presence in the District commencing at the start of the Tax Limitation Period through the Final Termination Date of this Agreement. Notwithstanding anything contained in this Agreement to the contrary, the Applicant shall not be in breach of, and shall not be subject to any liability for failure to Maintain Viable Presence to the extent such failure is caused by Force Majeure, provided the Applicant makes commercially reasonable efforts to remedy the cause of such Force Majeure.

Section 8.2. REPORTS. In order to receive and maintain the limitation authorized by Section 2.4 in addition to the other obligations required by this Agreement, the Applicant shall submit all reports required from time to time by the Comptroller, listed in 34 TEXAS ADMIN. CODE Section 9.1052 and as currently located on the Comptroller's website, including all data elements required by such form to the satisfaction of the Comptroller on the dates indicated on the form or the Comptroller's website and starting on the first such due date after the Application Approval Date.

Section 8.3. COMPTROLLER'S REPORT ON CHAPTER 313 AGREEMENTS. During the term of this Agreement, both Parties shall provide the Comptroller with all information reasonably necessary for the Comptroller to assess performance under this Agreement for the purpose of issuing the Comptroller's report, as required by Section 313.032 of the TEXAS TAX CODE.

Section 8.4. DATA REQUESTS. Upon the written request of the District, the State Auditor's Office, the Appraisal District, or the Comptroller during the term of this Agreement, the Applicant, the District or any other entity on behalf of the District shall provide the requesting party with all information reasonably necessary for the requesting party to determine whether the Applicant is in compliance with its rights, obligations or responsibilities, including, but not limited to, any employment obligations which may arise under this Agreement.

Section 8.5. SITE VISITS AND RECORD REVIEW. The Applicant shall allow authorized employees of the District, the Comptroller, the Appraisal District, and the State Auditor's Office to have reasonable access to the Applicant's Qualified Property and business records from the Application Review Start Date through the Final Termination Date, in order to inspect the project to determine compliance with the terms hereof or as necessary to properly appraise the Taxable Value of the Applicant's Qualified Property.

A. All inspections will be made at a mutually agreeable time after the giving of not less than forty-eight (48) hours prior written notice, and will be conducted in such a manner so as not to unreasonably interfere with either the construction or operation of the Applicant's Qualified Property.

B. All inspections may be accompanied by one or more representatives of the Applicant, and shall be conducted in accordance with the Applicant's safety, security, and operational standards. Notwithstanding the foregoing, nothing contained in this Agreement shall require the Applicant to provide the District, the Comptroller, or the Appraisal District with any technical or business information that is proprietary, a trade secret, or is subject to a confidentiality agreement with any third party.

Section 8.6. RIGHT TO AUDIT; SUPPORTING DOCUMENTS; AUTHORITY OF STATE AUDITOR. By executing this Agreement, implementing the authority of, and accepting the benefits provided by Chapter 313 of the TEXAS TAX CODE, the Parties agree that this Agreement and their performance pursuant to its terms are subject to review and audit by the State Auditor as if they are parties to a State contract and subject to the provisions of Section 2262.154 of the TEXAS GOVERNMENT CODE and Section 313.010(a) of the TEXAS TAX CODE. The Parties further agree to comply with the following requirements:

A. The District and the Applicant shall maintain and retain supporting documents adequate to ensure that claims for the Tax Limitation Amount are in accordance with applicable Comptroller and State of Texas requirements. The Applicant and the District shall maintain all such documents and other records relating to this Agreement and the State's property for a period of four (4) years after the latest occurring date of:

- i. date of submission of the final payment;
- ii. Final Termination Date; or
- iii. date of resolution of all disputes or payment.

B. During the time period defined under Section 8.6.A, the District and the Applicant shall make available at reasonable times and upon reasonable notice, and for reasonable periods, all information related to this Agreement; the Applicant's Application; and the Applicant's Qualified Property, Qualified Investment, New Qualifying Jobs, and wages paid for New Non- Qualifying Jobs such as work papers, reports, books, data, files, software, records, calculations, spreadsheets and other supporting documents pertaining to this Agreement, for purposes of inspecting, monitoring, auditing, or evaluating by the Comptroller, State Auditor's Office, State of Texas or their authorized representatives. The Applicant and the District shall cooperate with auditors and other authorized Comptroller and State of Texas representatives and shall provide them with prompt access to all of such property as requested by the Comptroller or the State of Texas. By

example and not as an exclusion to other breaches or failures, the Applicant's or the District's failure to comply with this Section shall constitute a Material Breach of this Agreement.

C. In addition to and without limitation on the other audit provisions of this Agreement, the acceptance of tax benefits or funds by the Applicant or the District or any other entity or person directly under this Agreement acts as acceptance of the authority of the State Auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. Under the direction of the legislative audit committee, the Applicant or the District or other entity that is the subject of an audit or investigation by the State Auditor must provide the State Auditor with access to any information the State Auditor considers relevant to the investigation or audit. The Parties agree that this Agreement shall for its duration be subject to all rules and procedures of the State Auditor acting under the direction of the legislative audit committee.

D. The Applicant shall include the requirements of this Section 8.6 in its subcontract with any entity whose employees or subcontractors are subject to wage requirements under the Act, the Comptroller's Rules, or this Agreement, or any entity whose employees or subcontractors are included in the Applicant's compliance with job creation or wage standard requirement of the Act, the Comptroller's Rules, or this Agreement.

Section 8.7. FALSE STATEMENTS; BREACH OF REPRESENTATIONS. The Parties acknowledge that this Agreement has been negotiated, and is being executed, in reliance upon the information contained in the Application, and any supplements or amendments thereto, without which the Comptroller would not have approved this Agreement and the District would not have executed this Agreement. By signature to this Agreement, the Applicant:

A. represents and warrants that all information, facts, and representations contained in the Application are true and correct to the best of its knowledge;

B. agrees and acknowledges that the Application and all related attachments and schedules are included by reference in this Agreement as if fully set forth herein; and

C. acknowledges that if the Applicant submitted its Application with a false statement, signs this Agreement with a false statement, or submits a report with a false statement, or it is subsequently determined that the Applicant has violated any of the representations, warranties, guarantees, certifications, or affirmations included in the Application or this Agreement, the Applicant shall have materially breached this Agreement and the Agreement shall be invalid and void except for the enforcement of the provisions required by Section 9.2 of this Agreement.

ARTICLE IX

MATERIAL BREACH OR EARLY TERMINATION

Section 9.1. EVENTS CONSTITUTING MATERIAL BREACH OF AGREEMENT. The Applicant shall be in Material Breach of this Agreement if it commits one or more of the following acts or omissions (each a "Material Breach"):

A. The Application, any Application Supplement, or any Application Amendment on

which this Agreement is approved is determined to be inaccurate as to any material representation, information, or fact or is not complete as to any material fact or representation or such application;

B. The Applicant failed to complete Qualified Investment as required by Section 2.5.A. of this Agreement during the Qualifying Time Period;

C. The Applicant failed to create and maintain the number of New Qualifying Jobs required by the Act;

D. The Applicant failed to create and maintain the number of New Qualifying Jobs specified in Schedule C of the Application;

E. The Applicant failed to pay at least the average weekly wage of all jobs in the county in which the jobs are located for all New Non-Qualifying Jobs created by the Applicant;

F. The Applicant failed to provide payments to the District sufficient to protect future District revenues through payment of revenue offsets and other mechanisms as more fully described in Article IV of this Agreement;

G. The Applicant failed to provide the payments to the District that protect the District from the payment of extraordinary education-related expenses related to the project to the extent and in the amounts that the Applicant agreed to provide such payments in Article V of this Agreement;

H. The Applicant failed to provide the Supplemental Payments to the extent and in the amounts that the Applicant agreed to provide such Supplemental Payments in Article VI of this Agreement;

I. The Applicant failed to create and Maintain Viable Presence on or with the Qualified Property as more fully specified in Article VIII of this Agreement;

J. The Applicant failed to submit the reports required to be submitted by Section 8.2 to the satisfaction of the Comptroller;

K. The Applicant failed to provide the District or the Comptroller with all information reasonably necessary for the District or the Comptroller to determine whether the Applicant is in compliance with its obligations, including, but not limited to, any employment obligations which may arise under this Agreement;

L. The Applicant failed to allow authorized employees of the District, the Comptroller, the Appraisal District, or the State Auditor's Office to have access to the Applicant's Qualified Property or business records in order to inspect the project to determine compliance with the terms hereof or as necessary to properly appraise the Taxable Value of the Applicant's Qualified Property under Sections 8.5 and 8.6;

M. The Applicant failed to comply with a request by the State Auditor's office to review and audit the Applicant's compliance with this Agreement;

N. The Applicant has made any payments to the District or to any other person or persons in any form for the payment or transfer of money or any other thing of value in recognition of, anticipation of, or consideration for this Agreement for limitation on Appraised Value made pursuant to Chapter 313 of the TEXAS TAX CODE, in excess of the amounts set forth in Articles IV, V and VI of this Agreement;

O. The Applicant failed to comply with the conditions included in the certificate for

limitation issued by the Comptroller.

Section 9.2. DETERMINATION OF BREACH AND TERMINATION OF AGREEMENT.

A. Prior to making a determination that the Applicant has failed to comply in any material respect with the terms of this Agreement or to meet any material obligation under this Agreement, the District shall provide the Applicant with a written notice of the facts which it believes have caused the breach of this Agreement, and if cure is possible, the cure proposed by the District. After receipt of the notice, the Applicant shall be given ninety (90) days to present any facts or arguments to the Board of Trustees showing that it is not in breach of its obligations under this Agreement, or that it has cured or undertaken to cure any such breach.

B. If the Board of Trustees is not satisfied with such response or that such breach has been cured, then the Board of Trustees shall, after reasonable notice to the Applicant, conduct a hearing called and held for the purpose of determining whether such breach has occurred and, if so, whether such breach has been cured. At any such hearing, the Applicant shall have the opportunity, together with their counsel, to be heard before the Board of Trustees. At the hearing, the Board of Trustees shall make findings as to:

- i. whether or not a breach of this Agreement has occurred;
- ii. whether or not such breach is a Material Breach;
- iii. the date such breach occurred, if any;
- iv. whether or not any such breach has been cured; and

C. In the event that the Board of Trustees determines that such a breach has occurred and has not been cured, it shall at that time determine:

- i. the amount of recapture taxes under Section 9.4.C (net of all credits under Section 9.4.C);
- ii. the amount of any penalty or interest under Section 9.4.E that are owed to the District; and
- iii. in the event of a finding of a Material Breach, whether to terminate this Agreement.

D. After making its determination regarding any alleged breach, the Board of Trustees shall cause the Applicant to be notified in writing of its determination (a "Determination of Breach and Notice of Contract Termination") and provide a copy to the Comptroller.

Section 9.3. DISPUTE RESOLUTION.

A. After receipt of notice of the Board of Trustee's Determination of Breach and Notice of Contract Termination under Section 9.2, the Applicant shall have not greater than thirty (30) days in which either to tender payment or evidence of its efforts to cure, or to initiate mediation of the dispute by written notice to the District, in which case the District and the Applicant shall be required to make a good faith effort to resolve, without resort to litigation and within thirty (30) days after the Applicant initiates mediation, such dispute through mediation with a mutually agreeable mediator and at a mutually convenient time and place for the mediation. If the Parties are unable to agree on a mediator, a mediator shall be selected by the senior state district court judge then presiding in McCulloch County, Texas. The Parties agree to sign a document that provides the

mediator and the mediation will be governed by the provisions of Chapter 154 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE and such other rules as the mediator shall prescribe. With respect to such mediation, (i) the District shall bear one-half of such mediator's fees and expenses and the Applicant shall bear one-half of such mediator's fees and expenses, and (ii) otherwise each Party shall bear all of its costs and expenses (including attorneys' fees) incurred in connection with such mediation.

B. In the event that any mediation is not successful in resolving the dispute or that payment is not received within the time period described for mediation in Section 9.3.A, either the District or the Applicant may seek a judicial declaration of their respective rights and duties under this Agreement or otherwise, in a judicial proceeding in a state district court in McCulloch County, assert any rights or defenses, or seek any remedy in law or in equity, against the other Party with respect to any claim relating to any breach, default, or nonperformance of any contract, agreement or undertaking made by a Party pursuant to this Agreement.

C. If payments become due under this Agreement and are not received before the expiration of the 30 days provided for such payment in Section 9.3.A, and if the Applicant has not contested such payment calculations under the procedures set forth herein, including judicial proceedings, the District shall have the remedies for the collection of the amounts determined under Section 9.4 as are set forth in Chapter 33, Subchapters B and C, of the TEXAS TAX CODE for the collection of delinquent taxes. In the event that the District successfully prosecutes legal proceedings under this section, the Applicant shall also be responsible for the payment of attorney's fees to the attorneys representing the District pursuant to Section 6.30 of the TEXAS TAX CODE and a tax lien shall attach to the Applicant's Qualified Property and the Applicant's Qualified Investment pursuant to Section 33.07 of the TEXAS TAX CODE to secure payment of such fees.

Section 9.4. Consequences of Early Termination or Other Breach by Applicant.

A. In the event that the Applicant terminates this Agreement without the consent of the District, except as provided in Section 7.2 of this Agreement, the Applicant shall pay to the District liquidated damages for such failure within thirty (30) days after receipt of the notice of breach.

B. In the event that the District determines that the Applicant has failed to comply in any material respect with the terms of this Agreement or to meet any material obligation under this Agreement, the Applicant shall pay to the District liquidated damages, as calculated by Section 9.4.C, prior to, and the District may terminate the Agreement effective on the later of: (i) the expiration of the 30 days provided for in Section 9.3.A, and (ii) thirty (30) days after any mediation and judicial proceedings initiated pursuant to Sections 9.3.A and 9.3.B are resolved in favor of the District.

C. The sum of liquidated damages due and payable shall be the sum total of the District ad valorem taxes for all of the Tax Years for which a tax limitation was granted pursuant to this Agreement prior to the year in which the default occurs that otherwise would have been due and payable by the Applicant to the District without the benefit of this Agreement, including penalty and interest, as calculated in accordance with Section 9.4.E. For purposes of this liquidated

damages calculation, the Applicant shall be entitled to a credit for all payments made to the District pursuant to Articles IV, V, and VI. Upon payment of such liquidated damages, the Applicant's obligations under this Agreement shall be deemed fully satisfied, and such payment shall constitute the District's sole remedy.

D. In the event that the District determines that the Applicant has committed a Material Breach identified in Section 9.1, after the notice and mediation periods provided by Sections 9.2 and 9.3, then the District may, in addition to the payment of liquidated damages required pursuant to Section 9.4.C, terminate this Agreement.

E. In determining the amount of penalty or interest, or both, due in the event of a breach of this Agreement, the District shall first determine the base amount of recaptured taxes less all credits under Section 9.4.C owed for each Tax Year during the Tax Limitation Period. The District shall calculate penalty or interest for each Tax Year during the Tax Limitation Period in accordance with the methodology set forth in Chapter 33 of the TEXAS TAX CODE, as if the base amount calculated for such Tax Year less all credits under Section 9.4.C had become due and payable on February 1 of the calendar year following such Tax Year. Penalties on said amounts shall be calculated in accordance with the methodology set forth in Section 33.01(a) of the TEXAS TAX CODE, or its successor statute. Interest on said amounts shall be calculated in accordance with the methodology set forth in Section 33.01(c) of the TEXAS TAX CODE, or its successor statute.

Section 9.5. LIMITATION OF OTHER DAMAGES. Notwithstanding anything contained in this Agreement to the contrary, in the event of default or breach of this Agreement by the Applicant, the District's damages for such a default shall under no circumstances exceed the amounts calculated under Section 9.4. In addition, the District's sole right of equitable relief under this Agreement shall be its right to terminate this Agreement. The Parties further agree that the limitation of damages and remedies set forth in this Section 9.5 shall be the sole and exclusive remedies available to the District, whether at law or under principles of equity.

Section 9.6. STATUTORY PENALTY FOR INADEQUATE QUALIFIED INVESTMENT. Pursuant to Section 313.0275 of the TEXAS TAX CODE, in the event that the Applicant fails to make \$15,000,000 of Qualified Investment, in whole or in part, during the Qualifying Time Period, the Applicant is liable to the State for a penalty. The amount of the penalty is the amount determined by: (i) multiplying the maintenance and operations tax rate of the school district for that tax year that the penalty is due by (ii) the amount obtained after subtracting (a) the Tax Limitation Amount identified in Section 2.4.B from (b) the Market Value of the property identified on the Appraisal District's records for the Tax Year the penalty is due. This penalty shall be paid on or before February 1 of the year following the expiration of the Qualifying Time Period and is subject to the delinquent penalty provisions of Section 33.01 of the TEXAS TAX CODE. The Comptroller may grant a waiver of this penalty in the event of Force Majeure which prevents compliance with this provision.

Section 9.7. REMEDY FOR FAILURE TO CREATE AND MAINTAIN REQUIRED NEW

QUALIFYING JOBS. Pursuant to Section 313.0276 of the TEXAS TAX CODE, for any full Tax Year that commences after the project has become operational, in the event that it has been determined that the Applicant has failed to meet the job creation or retention requirements defined in Sections 9.1.C, the Applicant shall not be deemed to be in Material Breach of this Agreement until such time as the Comptroller has made a determination to rescind this Agreement under Section 313.0276 of TEXAS TAX CODE, and that determination is final.

Section 9.8. REMEDY FOR FAILURE TO CREATE AND MAINTAIN COMMITTED NEW QUALIFYING JOBS

A. In the event that the Applicant fails to create and maintain the number of New Qualifying Jobs specified in Schedule C of the Application, an event constituting a Material Breach as defined in Section 9.1.D, the Applicant and the District may elect to remedy the Material Breach through a penalty payment.

B. Following the notice and mediation periods provided by Sections 9.2 and 9.3, the District may request the Applicant to make a payment to the State in an amount equal to: (i) multiplying the maintenance and operations tax rate of the school district for that Tax Year that the Material Breach occurs by (ii) the amount obtained after subtracting (a) the Tax Limitation Amount identified in Section 2.4.B from (b) the market value of the property identified on the Appraisal District's records for each tax year the Material Breach occurs.

C. In the event that there is no tax limitation in place for the tax year that the Material Breach occurs, the payment to the State shall be in an amount equal to: (i) multiplying the maintenance and operations tax rate of the School District for each tax year that the Material Breach occurs by (ii) the amount obtained after subtracting (a) the tax limitation amount identified in Section 2.4.B from (b) the Market Value of the property identified on the Appraisal District's records for the last Tax Year for which the Applicant received a tax limitation.

D. The penalty shall be paid no later than 30 days after the notice of breach and is subject to the delinquent penalty provisions of Section 33.01 of the TEXAS TAX CODE.

ARTICLE X.
MISCELLANEOUS PROVISIONS

Section 10.1. INFORMATION AND NOTICES.

A. Unless otherwise expressly provided in this Agreement, all notices required or permitted hereunder shall be in writing and deemed sufficiently given for all purposes hereof if (i) delivered in person, by courier (e.g., by Federal Express) or by registered or certified United States Mail to the Party to be notified, with receipt obtained, or (ii) sent by facsimile or email transmission, with notice of receipt obtained, in each case to the appropriate address or number as set forth below. Each notice shall be deemed effective on receipt by the addressee as aforesaid; provided that, notice received by facsimile or email transmission after 5:00 p.m. at the location of the addressee of such notice shall be deemed received on the first business day following the date of such electronic receipt.

B. Notices to the District shall be addressed to the District's Authorized Representative as follows:

Leon Freeman, Superintendent
Lohn Independent School District
PO Box 277
Lohn, TX 76852
Fax: (325) 344-5789
Email: lfreeman@lohnisd.net

C. Notices to the Applicant shall be addressed to its Authorized Representative as follows:

Brian Evans
Chief Development Officer
Renewable Energy Systems America Inc.
11101 W. 120th Avenue, Suite 400
Broomfield, CO 80021
Fax: (303) 439-42990

or at such other address or to such other facsimile transmission number and to the attention of such other person as a Party may designate by written notice to the other.

Section 10.2. AMENDMENTS TO APPLICATION AND AGREEMENT; WAIVERS.

A. This Agreement may not be modified or amended except by an instrument or instruments in writing signed by all of the Parties and after completing the requirements of Section 10.2.B. Waiver of any term, condition, or provision of this Agreement by any Party shall only be effective if in writing and shall not be construed as a waiver of any subsequent breach of, or failure to comply with, the same term, condition, or provision, or a waiver of any other term, condition, or provision of this Agreement.

B. By official action of the District's Board of Trustees, the Application and this Agreement may only be amended according to the following:

- i. The Applicant shall submit to the District and the Comptroller:
 - a. a written request to amend the Application and this Agreement, which shall specify the changes the Applicant requests;
 - b. any changes to the information that was provided in the Application that was approved by the District and considered by the Comptroller;
 - c. and any additional information requested by the District or the Comptroller necessary to evaluate the amendment or modification;
- ii. The Comptroller shall review the request and any additional information for compliance with the Act and the Comptroller's Rules and provide a revised

Comptroller certificate for a limitation within 90 days of receiving the revised Application and, if the request to amend the Application has not been approved by the Comptroller by the end of the 90-day period, the request is denied; and

iii. If the Comptroller has not denied the request, the District's Board of Trustees shall approve or disapprove the request before the expiration of 150 days after the request is filed.

C. Any amendment of the Application and this Agreement adding additional or replacement Qualified Property pursuant to this Section 10.2 of this Agreement shall:

i. require that all property added by amendment be eligible property as defined by Section 313.024 of the TEXAS TAX CODE;

ii. clearly identify the property, investment, and employment information added by amendment from the property, investment, and employment information in the original Agreement; and

D. The Application and this Agreement may not be amended to extend the value limitation time period beyond its ten-year statutory term.

E. The Comptroller determination made under Section 313.026(c)(2) of the TEXAS TAX CODE in the original certificate for a limitation satisfies the requirement of the Comptroller to make the same determination for any amendment of the Application and this Agreement, provided that the facts upon which the original determination was made have not changed.

Section 10.3. ASSIGNMENT.

A. Any assignment of any rights, benefits, obligations, or interests of the Parties in this Agreement, other than a collateral assignment purely for the benefit of creditors of the project, is considered an amendment to the Agreement and such Party may only assign such rights, benefits, obligations, or interests of this Agreement after complying with the provisions of Section 10.2 regarding amendments to the Agreement. Other than a collateral assignment to a creditor, this Agreement may only be assigned to an entity that is eligible to apply for and execute an agreement for limitation on appraised value pursuant to the provisions of Chapter 313 of the TEXAS TAX CODE and the Comptroller's Rules.

B. In the event of a merger or consolidation of the District with another school district or other governmental authority, this Agreement shall be binding on the successor school district or other governmental authority.

C. In the event of an assignment to a creditor, the Applicant must notify the District and the Comptroller in writing no later than 30 days after the assignment. This Agreement shall be binding on the assignee.

Section 10.4. MERGER. This Agreement contains all of the terms and conditions of the understanding of the Parties relating to the subject matter hereof. All prior negotiations, discussions, correspondence, and preliminary understandings between the Parties and others relating hereto are superseded by this Agreement.

Section 10.5. Governing Law. This Agreement and the transactions contemplated hereby shall be governed by and interpreted in accordance with the laws of the State of Texas without giving effect to principles thereof relating to conflicts of law or rules that would direct the application of the laws of another jurisdiction. Venue in any legal proceeding shall be in a state district court in McCulloch County.

Section 10.6. AUTHORITY TO EXECUTE AGREEMENT. Each of the Parties represents and warrants that its undersigned representative has been expressly authorized to execute this Agreement for and on behalf of such Party.

Section 10.7. SEVERABILITY. If any term, provision or condition of this Agreement, or any application thereof, is held invalid, illegal, or unenforceable in any respect under any Law (as hereinafter defined), this Agreement shall be reformed to the extent necessary to conform, in each case consistent with the intention of the Parties, to such Law, and to the extent such term, provision, or condition cannot be so reformed, then such term, provision, or condition (or such invalid, illegal or unenforceable application thereof) shall be deemed deleted from (or prohibited under) this Agreement, as the case may be, and the validity, legality, and enforceability of the remaining terms, provisions, and conditions contained herein (and any other application such term, provision, or condition) shall not in any way be affected or impaired thereby. Upon such determination that any term or other provision is invalid, illegal, or incapable of being enforced, the Parties hereto shall negotiate in good faith to modify this Agreement in an acceptable manner so as to effect the original intent of the Parties as closely as possible so that the transactions contemplated hereby are fulfilled to the extent possible. As used in this Section 10.7, the term "Law" shall mean any applicable statute, law (including common law), ordinance, regulation, rule, ruling, order, writ, injunction, decree, or other official act of or by any federal, state or local government, governmental department, commission, board, bureau, agency, regulatory authority, instrumentality, or judicial or administrative body having jurisdiction over the matter or matters in question.

Section 10.8. PAYMENT OF EXPENSES. Except as otherwise expressly provided in this Agreement, or as covered by the application fee, each of the Parties shall pay its own costs and expenses relating to this Agreement, including, but not limited to, its costs and expenses of the negotiations leading up to this Agreement, and of its performance and compliance with this Agreement.

Section 10.9. INTERPRETATION.

A. When a reference is made in this Agreement to a Section, Article, or Exhibit, such reference shall be to a Section or Article of, or Exhibit to, this Agreement unless otherwise indicated. The headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

B. The words "include," "includes," and "including" when used in this Agreement shall be deemed in such case to be followed by the phrase, "but not limited to". Words used in this

Agreement, regardless of the number or gender specifically used, shall be deemed and construed to include any other number, singular or plural, and any other gender, masculine, feminine or neuter, as the context shall require.

C. The provisions of the Act and the Comptroller's Rules are incorporated by reference as if fully set forth in this Agreement. In the event of a conflict, the conflict will be resolved by reference to the following order of precedence:

- i. The Act;
- ii. The Comptroller's Rules as they exist at the time the Agreement is executed, except as allowed in the definition of Qualified Property in Section 1.1; and
- iii. This Agreement and its Attachments including the Application as incorporated by reference.

Section 10.10. EXECUTION OF COUNTERPARTS. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and all of which, taken together, shall constitute but one and the same instrument, which may be sufficiently evidenced by one counterpart.

Section 10.11. PUBLICATION OF DOCUMENTS. The Parties acknowledge that the District is required to publish the Application and its required schedules, or any amendment thereto; all economic analyses of the proposed project submitted to the District; and the approved and executed copy of this Agreement or any amendment thereto, as follows:

A. Within seven (7) days of receipt of such document, the District shall submit a copy to the Comptroller for publication on the Comptroller's Internet website;

B. The District shall provide on its website a link to the location of those documents posted on the Comptroller's website;

C. This Section does not require the publication of information that is confidential under Section 313.028 of the TEXAS TAX CODE.

Section 10.12. CONTROL; OWNERSHIP; LEGAL PROCEEDINGS. The Applicant shall immediately notify the District in writing of any actual or anticipated change in the control or ownership of the Applicant and of any legal or administrative investigations or proceedings initiated against the Applicant related to the project regardless of the jurisdiction from which such proceedings originate.

Section 10.13. DUTY TO DISCLOSE. If circumstances change or additional information is obtained regarding any of the representations and warranties made by the Applicant in the Application or this Agreement, or any other disclosure requirements, subsequent to the date of this Agreement, the Applicant's duty to disclose continues throughout the term of this Agreement.

Section 10.14. CONFLICTS OF INTEREST.

A. The District represents that, after diligent inquiry, each local public official or local government officer, as those terms are defined in Chapters 171 and 176 of the TEXAS LOCAL

GOVERNMENT CODE, has disclosed any conflicts of interest in obtaining or performing this Agreement and related activities, appropriately recused from any decisions relating to this Agreement when a disclosure has been made, and the performance of this Agreement will not create any appearance of impropriety. The District represents that it, the District's local public officials or local government officer, as those terms are defined in Chapters 171 and 176 of the TEXAS LOCAL GOVERNMENT CODE, have not given, nor intend to give, at any time hereafter, any future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant, employee, or representative of the other Party or the State of Texas in connection with this Agreement.

B. The Applicant represents that, after diligent inquiry, each of its agents, as defined in Chapter 176 of the TEXAS LOCAL GOVERNMENT CODE, involved in the representation of the Applicant with the District has complied with the provisions of Chapter 176 of the TEXAS LOCAL GOVERNMENT CODE. The Applicant represents that it and its agents, as defined in Chapter 176 of the TEXAS LOCAL GOVERNMENT CODE, have not given, nor intend to give, at any time hereafter, any future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant, employee, or representative of the other Party or the State of Texas in connection with this Agreement.

C. The District and the Applicant each separately agree to notify the other Party and the Comptroller immediately upon learning of any conflicts of interest.

Section 10.15. PROVISIONS SURVIVING EXPIRATION OR TERMINATION.

Notwithstanding the expiration or termination (by agreement, breach, or operation of time) of this Agreement, the provisions of this Agreement regarding payments (including liquidated damages and tax payments), reports, records, and dispute resolution of the Agreement shall survive the termination or expiration dates of this Agreement until the following occurs:

- A. all payments, including liquidated damage and tax payments, have been made;
- B. all reports have been submitted;
- C. all records have been maintained in accordance with Section 8.6.A; and
- D. all disputes in controversy have been resolved.

Section 10.16. FACSIMILE OR ELECTRONIC DELIVERY.

A. This Agreement may be duly executed and delivered in person, by mail, or by facsimile or other electronic format (including portable document format (pdf) transmitted by e-mail). The executing Party must promptly deliver a complete, executed original or counterpart of this Agreement to the other executing Parties. This Agreement shall be binding on and enforceable against the executing Party whether or not it delivers such original or counterpart.

B. Delivery is deemed complete as follows:

- i. When delivered if delivered personally or sent by express courier service;
- ii. Three (3) business days after the date of mailing if sent by registered or certified U.S. mail, postage prepaid, with return receipt requested;
- iii. When transmitted if sent by facsimile, provided a confirmation of

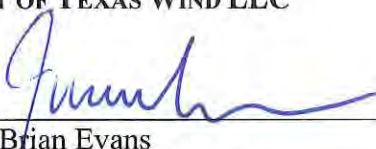
transmission is produced by the sending machine; or

iv. When the recipient, by an e-mail sent to the e-mail address for the executing Parties acknowledges having received that e-mail (an automatic "read receipt" does not constitute acknowledgment of an e-mail for delivery purposes).

IN WITNESS WHEREOF, this Agreement has been executed by the Parties in multiple originals on this 21st day of November 2016.

HEART OF TEXAS WIND LLC

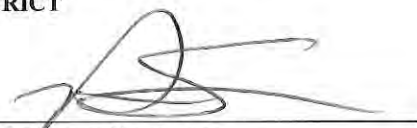
By: _____


Brian Evans
President

**By RES America Developments, Inc.,
A Delaware Corporation, Manager of
Heart of Texas Wind LLC

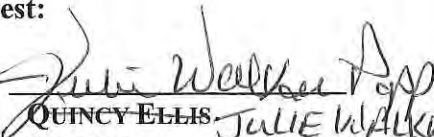
**LOHN INDEPENDENT SCHOOL
DISTRICT**

By: _____


ROBERT SWENSON
President
Board of Trustees

Attest:

By: _____


QUINCY ELLIS
Secretary
Board of Trustees


JULIE WALKER
Treasurer

EXHIBIT 1

DESCRIPTION AND LOCATION OF ENTERPRISE OR REINVESTMENT ZONE

The reinvestment zone was created and is in effect at the time of the approval of this Application. The Rattlesnake Reinvestment Zone was created on August 17, 2015, by action of the McCulloch County Commissioner's Court. As a result, all of the following real property is within the boundaries of the *Rattlesnake Reinvestment Zone*. A map of the reinvestment zone is attached as the last page of this **EXHIBIT 1** following the legal description of the zone.

**RESOLUTION OF THE
MCCULLOCH COUNTY COMMISSIONERS COURT**

A RESOLUTION DESIGNATING A CERTAIN AREA AS A REINVESTMENT ZONE FOR TEXAS TAX CODE CHAPTER 312 TAX ABATEMENT IN PORTIONS OF MCCULLOCH COUNTY, TEXAS, TO BE KNOWN AS THE "RATTLESNAKE" REINVESTMENT ZONE; ESTABLISHING THE BOUNDARIES THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, McCulloch County, Texas, desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by the creation of a reinvestment zone as authorized by the Property Redevelopment and Tax Abatement Act, as amended (V.T.C.A. Texas Tax Code § 312.401), for the purpose of authorizing a Tax Abatement Agreement, as authorized by Chapter 312 of the Texas Tax Code; and,

WHEREAS, McCulloch County, Texas, (the "County") desires to encourage the retention or expansion of primary employment and to attract major investment in the County that would be a benefit to property in a reinvestment zone created by the County and that would contribute to the economic development of the County;

WHEREAS, on August 17, 2015, the McCulloch County Commissioners Court held a hearing, such date being at least seven (7) days after the date of publication of the notice of such public hearing, and the delivery of written notice to the respective presiding officers of each taxing entity which includes within its boundaries real property that is to be included in the proposed reinvestment zone as described on EXHIBIT A and mapped on EXHIBIT B; and,

WHEREAS, the McCulloch County Commissioners Court at such public hearing invited any interested person to appear and speak for or against (1) the creation of the reinvestment zone, and whether all or part of the territory described should be included in the proposed reinvestment zone, and (2) acceptance of an Application for Tax Abatement by Rattlesnake Power, LLC, for McCulloch County to consider entering into a Tax Abatement Agreement;

WHEREAS, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment zone and opponents, if any, of the reinvestment zone appeared to contest the creation of the reinvestment zone;

WHEREAS, the County wishes to (1) create a reinvestment zone consisting of the same real property as described on EXHIBIT A and mapped on EXHIBIT B, and (2) accept the Application for Tax Abatement by Rattlesnake Power, LLC.

NOW THEREFORE, BE IT RESOLVED BY THE MCCULLOCH COUNTY COMMISSIONERS COURT:

SECTION 1. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

Page 1 of 5
RESOLUTION - DESIGNATION OF RATTLESNAKE REINVESTMENT ZONE
August 17, 2015

SECTION 2. That the McCulloch County Commissioners Court, after conducting such hearing and having heard such evidence and testimony, has made the following findings and determinations based on the evidence and testimony presented to it:

(a) That the public hearing on the adoption of the "Rattlesnake" Reinvestment Zone has been properly called, held, and conducted, and that notices of such hearing have been published as required by law and mailed to the respective presiding officers of the governing bodies of all taxing units overlapping the territory inside the proposed reinvestment zone; and,

(b) That the boundaries of the "Rattlesnake" Reinvestment Zone be and, by the adoption of this Resolution, are declared and certified to be, the area as described in the description attached hereto as "EXHIBIT A"; and,

(c) That the map attached hereto as "EXHIBIT B" is declared to be and (by the adoption of this Resolution) is certified to depict and to show accurately the boundaries of the "Rattlesnake" Reinvestment Zone, which is normatively described in "EXHIBIT A"; and further certifies that the property described in "EXHIBIT A" is inside the boundaries shown on "EXHIBIT B"; and,

(d) That creation of the "Rattlesnake" Reinvestment Zone with boundaries as described in "EXHIBIT A" and "EXHIBIT B" will result in benefits to McCulloch County and to land included in the zone, and that the improvements sought are feasible and practical; and,

(e) That the "Rattlesnake" Reinvestment Zone described in "EXHIBIT A" and "EXHIBIT B" meets the criteria set forth in Texas Tax Code §312.401 for the creation of a reinvestment zone as set forth in the Property Redevelopment and Tax Abatement Act, as amended, in that it is reasonably likely that the designation will contribute to the retention or expansion of primary employment, and/or will attract major investment in the zone that will be a benefit to the property to be included in the reinvestment zone and would contribute to the economic development of McCulloch County, Texas.

SECTION 3. That pursuant to the Property Redevelopment and Tax Abatement Act, as amended, the McCulloch County Commissioners Court, hereby creates a reinvestment zone under the provisions of Texas Tax Code § 312.401, encompassing the area described by the descriptions in "EXHIBIT A" and "EXHIBIT B", and such reinvestment zone is hereby designated and shall hereafter be referred to as the *Rattlesnake Reinvestment Zone*.

SECTION 4. That the *Rattlesnake Reinvestment Zone* shall take effect upon adoption by the County Commissioners Court and shall remain designated as a commercial-industrial reinvestment zone for a period of five (5) years from such date of such designation.

Page 2 of 5
RESOLUTION - DESIGNATION OF RATTLESNAKE REINVESTMENT ZONE
August 17, 2015

EXHIBIT A
LEGAL DESCRIPTION OF "RATTLESNAKE"
REINVESTMENT ZONE

Insert Legal Description of Full Reinvestment Zone

SECTION 5. That the McCulloch County Commissioners Court already has found and resolved that McCulloch County is eligible to enter into tax abatement agreements.

SECTION 6. That the McCulloch County Commissioners Court accepts the Application for Tax Abatement submitted by Rattlesnake Power, LLC.

SECTION 7. That if any section, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this resolution.

SECTION 8. That it is hereby found, determined, and declared that a sufficient notice of the date, hour, place, and subject of the meeting of the McCulloch County Commissioners Court, at which this resolution was adopted, was posted at a place convenient and readily accessible at all times, as required by the Texas Open Government Act, Texas Government Code, Chapter 551, as amended; and that a public hearing was held prior to the designation of such reinvestment zone, and that proper notice of the hearing was published in newspapers of general circulation in McCulloch County of the State of Texas; and that, furthermore, such notice was in fact delivered to the presiding officer of any effected taxing entity as prescribed by the Property Redevelopment and Tax Abatement Act.

PASSED, APPROVED, AND ADOPTED on this 17th day of August 2015.

MCCULLOCH COUNTY, TEXAS

By: 
The Honorable Danny Neal
County Judge

By: 
Jim Quinn
Commissioner, Precinct 1

By: 
Gene Edmiston
Commissioner, Precinct 2

By: 
Jim Ross
Commissioner, Precinct 3

By: 
Brent Deeds
Commissioner, Precinct 4

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

- (1) The North 110.7 acres, more or less, out of a certain 160 acre tract in the East part of the C.E. Anderson Survey No. 1038, Abstract No. 1729, said 160 acre tract being described in Volume 158, Page 143, Deed Records of McCulloch County, Texas, the 110.7 acres here designated being all of that 160 acre tract that lies North of the North line of a certain 30 foot road as extended West to the West line of said 160 acre tract.
- (2) 89.3 acres, more or less, of land, lying in two Surveys as follows: Two acres out of the Southwest part of the A. Dunszlauf Survey No. 1040, Certificate 835, Abstract 227 and 87.3 acres out of the Northwest part of the H. & T.C. R.R. Co. Survey No. 159, Cert 33/2278, Abstract 683. The 89.3 acres is described by metes and bounds as follows:

BEGINNING at a fence corner post for the Northwest corner of this tract from which the Northwest corner of Survey 159, the Northeast corner of Survey 1038, the Southwest corner of Survey 1040, bears North 0 Degrees 43' East 14.4 varas;

THENCE North 85 Degrees 45' East, at 162.5 varas cross the North line of Survey 159, the South line of Survey 1040, continuing to 688.5 varas to stake set for the Northeast corner of this tract;

THENCE South 12 Degrees 05' West, at 47.5 varas cross the South line of Survey 1040, the North line of Survey 159, continuing 432 varas in all to stake set for the most northerly Southeast corner of this tract;

THENCE South 85 Degrees 45' West 108.5 varas to stake set for an interior corner of this tract;

THENCE South 12 Degrees 05' West, 500.4 varas to an angle point in a fence;
THENCE South 3 Degrees 45' West 75.6 varas to a fence corner post set in the North line of a certain 30 foot road cross the South line of the North one-half of Survey 159, and set South 89 Degrees 10' East 10.3 varas from the North end of a gate and cattle guard across said 30 foot road;

THENCE with fence along the North line of said 30 foot road, North 89 Degrees 10' West 390.1 varas to stake set in the West line of Survey 159, the East line Survey 1038, and set for the Southeast corner of the 110.7 acre tract, and set for the Southwest corner of this tract;

THENCE with the West line of Survey 159, the East line of Survey 1038, the East line of the 160 acre tract as described in Volume 158, Page 143, Deed Records of McCulloch County, Texas, North 0 Degrees 43' East, 938.6 varas to the **PLACE OF BEGINNING**.

WIND ENERGY GROUND LEASE
13081993v.3

EXHIBIT "A"

BROAD, A.H. AND LYNDY

EXHIBIT A TO MEMORANDUM OF LEASE: LEGAL DESCRIPTION OF PREMISES**PARCEL 1:**

TRACT ONE: All that certain tract or parcel of land situated in the County of McCulloch and state of Texas, to-wit:

111.92 acres of land lying in two Surveys as follows:

100.28 acres in the east part of the SW one-quarter of the H & T C Ry. Co. Survey No. 159, Abstract No. 683; and 11.64 acres out of the north and east part of the NW one-quarter of the H & T C Ry. Co. Survey No. 131; Abstract No. 669. The 111.92 acres form a solid body of land and are situated about three miles West and five miles North from Brady, the County Seat of McCulloch County, Texas, and described by metes and bounds as follows:

Beginning at a fence corner post and 1" iron pipe set for the NW corner of this tract and set in the South line of a 30 foot roadway that runs over and across and along the entire south line of the north one-half of Survey 159, and from said pipe and corner post the SW corner of Survey No. 159, the NW corner of Survey No. 131 bears S. 24° 09' 30" W. 1048.7 varas;

THENCE with fence along south line of the 30 foot roadway S. 89° 10' E. 577.35 varas to a 1" iron pipe set at a fence corner post for the NE corner of this tract and set at or near the center of Survey No. 159;

Thence with fence S. 0° 54' 30" W, at 963 varas cross the south line of Survey 159, the north line of Survey 131, continuing to 1001.51 varas in all to a 1" iron pipe set at a fence corner post for the SE corner of this tract;

Thence with fence S. 80° 18' 45" W. 693.09 varas to a 1" iron pipe set at the point of intersection of the South and West fences produced for the most southerly SW corner of this tract;

Thence with fence N. 15° 48' E. at 170.87 varas cross the North line of Survey 131, the south line of Survey 159, continuing to 697.54 varas in all to a 1" iron pipe set at fence corner post for an interior corner of this tract;

Thence with fence N. 70° 24' W. 153.49 varas to a 1" iron pipe set at the point of intersection of the fence along this course produced, with the fence along the west line produced for the most northerly SW corner of this tract;

Thence with fence N. 10° 43' 15" E. 410.9 varas to the place of beginning.

WIND ENERGY GROUND LEASE
13276529v.3

EXHIBIT "C"

BROAD, A.H. AND LEE

TRACT TWO: 227.08 acres of land, more or less, situated in McCulloch County, Texas, described as follows, to wit:

Being all of a tract of land containing 339 acres, more or less, out of and part of H. & T.C.R.R. Co. Surveys Nos. 131 and 159, Abstract Nos. 669 and 683, Certificate No. 33/3264, and 33/3278, patented to H. & T.C.R.R. Co. by Patent Nos. 246, and 215, Volume 44, being the same tract of land conveyed by Bertram C. Broad et ux to Howard O. Broad by deed dated July 13, 1962 recorded in Volume 160, Page 611, Deed Records, McCulloch County, Texas, and said 339 acre tract being described by notes and bounds as follows:

Beginning at a stake in the West boundary line of said Survey No. 131, Set 970 varas South of the Northwest corner of said Survey No. 131, from which stake a Spanish Oak 6 inches in diameter bears North 16° West 9 varas;

Thence North at 970 varas passing the Northwest corner of said Survey No. 131, and Southwest corner of said Survey No. 159, at 1930 varas to a stake in the West line of said Survey No. 159, from which a Live Oak 6 inches in diameter bears South 82° West 19½ varas; a mesquite 6 inches in diameter bears South 24½° East 29 varas;

Thence East 944 varas to a stake from which a Live Oak 20 inches in diameter bears North 43° East 50 varas;

Thence South 1930 varas to a stake from which a Post Oak 3 inches in diameter bears North 19½° West 11 varas; a Post Oak 4 inches in diameter bears North 22° West 11 varas;

Thence West 994 varas to the place of beginning.

LESS SAVE AND EXCEPT all that certain tract of land situated in McCulloch County, Texas containing 111.92 acres, more or less, more particularly described as follows:

100.28 acres in the east part of the SW one-quarter of the H. & T. C.Ry. Co. Survey No. 159, Abstract No. 683; and 11.64 acres out of the north and east part of the NW one-quarter of the H. & T. C.Ry. Co. Survey No. 131; Abstract No. 669. The 111.92 acres form a solid body of land and are situated about three miles West and five miles North from Brady, the County Seat of McCulloch County, Texas, and described by notes and bounds as follows:

Beginning at a fence corner post and 1" iron pipe set for the NW corner of this tract and set in the South line of a 30 foot roadway that runs over and across and along the entire south line of the north one-half of Survey 159, and from said pipe and corner post the SW corner of Survey No. 159, the NW corner of Survey No. 131 bears S. 24° 09' 30" W. 1048.7 varas;

THENCE with fence along south line of the 30 foot roadway S. 89° 10' E. 577.35 varas to a 1" iron pipe set at a fence corner post for the NE corner of this tract and set at or near the center of Survey No. 159;

WIND ENERGY GROUND LEASE
12276229v.5

EXHIBIT "C"

BROAD, A.H. AND LEE

Thence with fence S. 0° 54' 30" W. at 963 varas cross the south line of Survey 159, the north line of Survey 131, continuing to 1001.51 varas in all to a 1" iron pipe set at a fence corner post for the SE corner of this tract;

Thence with fence S 80° 18' 45" W. 693.09 varas to a 1" iron pipe set at the point of intersection of the South and West fences produced for the most southerly SW corner of this tract;

Thence with fence N. 15° 48' E. at 170.87 varas cross the North line of Survey 131, the south line of Survey 159, continuing to 697.54 varas in all to a 1" iron pipe set at fence corner post for an interior corner of this tract;

Thence with fence N. 70° 24' W. 153.49 varas to a 1" iron pipe set at the point of intersection of the fence along this course produced, with the fence along the west line produced for the most northerly SW corner of this tract;

Thence with fence N. 10° 43' 15" E. 410.9 varas to the place of beginning.

TRACT THREE: All that certain tract of land out of the C.E. Anderson Survey No. 1038, Abstract No. 1729, being all of that certain tract of land identified as tract (1) of Second Tract as conveyed in a deed dated July 13, 1962 from Bertram C. Broad et ux to Howard O. Broad et ux, recorded at Volume 160, Page 611, Deed Records, McCulloch County, Texas, called as containing 590.1 acres, more or less, LESS, SAVE AND EXCEPT all of that certain tract of land conveyed from Howard O. Broad et ux to William A. Dodds by deed dated October 1, 1969, recorded in Volume 173, Page 240, Deed Records, McCulloch County, Texas, called as containing 571.1 acres, more or less. The land herein conveyed is described as follows:

590.1 acres, more or less, out of and part of the C. E. Anderson Survey No. 1038, Abstract No. 1729, patented to C. E. Anderson by Patent No. 415, Volume 4; and out of and a part of the H. & T.C.R.R. Co. School Section No. 132, Certificate No. 33/3264, Abstract No. 2169, purchased from the State by and patented to S. W. Collon by Patent No. 308, Volume 48, which said tracts lie contiguous and are described by notes and bounds as follows:

Beginning at a stake in West line of said Survey No. 132, set 281.9 varas South of the Northwest corner of said Survey No. 132, for the Northwest corner of this tract.

Thence with the West line of said Survey No. 132, South 1646.1 varas to a stake set for the Southwest corner of this tract and the Northwest corner of a tract in the name of L. M. Parker, from which a Live Oak 8 inches in diameter bears South 68½° East 24 varas; a Live Oak 10 inches in diameter bears South 38¼° West 12 varas;

Thence along the North line of the L.M. Parker tract, East 2000 varas to stake in the East line of said Survey No. 132, from which a Live Oak 3 inches in diameter bears South 82½° West 6-4/5 varas; a Live Oak 3 inches in diameter bears North 7½° West 12 ¾ varas;

WIND ENERGY GROUND LEASE
12276229v.5

EXHIBIT "C"

BROAD, A.H. AND LEE

Thence with the East lines of said Surveys Nos. 132 and 1038, North 1661.1 varas to stake in the East line of said Survey No. 1038, set for the Northeast corner of this tract.

Thence West 2003 varas crossing North line of said Survey No. 132, and South line of said Survey No. 1038, to the Place of Beginning.

LESS, SAVE and EXCEPT all that certain tract of land conveyed in a deed dated October 1, 1969 from Howard O. Broad to William A. Dodds recorded at Volume 173, Page 240, Deed Records, McCulloch County, Texas, described as follows:

571.1 acres of land, more or less, in McCulloch County, Texas, being 58.3 acres out of C. E. Anderson Survey No. 1038, Abstract No. 1729, patented to C. E. Anderson by Patent No. 415, Volume 4, and 512.8 acres out of H. & T. C. RR. Col. School Section No. 132, Certificate No. 33/3264, Abstract No. 2169, purchased from the State and patented to S.W. Colton by Patent No. 308, Volume 48; also being out of and a part of that certain 590.1 acre tract of land described in a deed from Bertram C. Broad, et ux, to Howard O. Broad of record in Volume 160, Page 611 of McCulloch County Deed Records, and said 571.1 acre tract of land being described by metes and bounds as follows:

Beginning at a fence corner in the West line of said Survey No. 132, being 281.9 varas South of the Northwest corner of said Survey No. 132 and Southwest corner of said Survey No. 1038, for the Northwest corner of said 590.1 acre tract of land and for the Northwest corner hereof;

Thence with a fence and West line of said Survey No. 132, S 00° 29' W. 1646.1 varas to a fence corner for the Northwest corner of a tract of land in the name of L.M. Parker, for the Southwest corner of said 590.1 acre tract of land and for the Southwest corner hereof;

Thence with a fence and North line of said L.M. Parker tract, S 89° 21' E. 2000 varas, to a fence corner for the Northeast corner of said Parker tract, for the Southeast corner of said 590.1 acre tract of land, and for the Southeast corner hereof;

Thence with a fence and East line of Surveys Nos. 132 and 1038, North, at about 1052.4 varas pass over the Northeast corner of said Survey No. 132 and Southeast corner of said Survey No. 1038, a total distance of 1068.6 varas to a fence corner in the East line of said 590.1 acre tract of land and for an angle corner hereof;

Thence with a new fence, N 00° 47' E. 211.5 varas, to a fence corner in the South line of an abandoned field, being 6.5 varas West of the East line of said Survey No. 1038, for the most Easterly Northeast corner hereof;

Thence with a fence and South line of said field as follows: N 85° 55' W. 49.7 varas, N. 50° 39' W. 161.5 varas and N. 71° 00' W. 287 varas to a fence corner for the Southwest corner of said field and for a corner hereof;

WIND ENERGY GROUND LEASE
12276529v, 5

EXHIBIT "C"

BROAD, A.H. AND LEE

Thence with a fence, N. 05° 22' W. 251.1 varas to a fence corner in the North line of said 590.1 acre tract of land for the Northwest corner of said old field and for the most Northerly Northeast corner hereof;

Thence with a fence and North line of said 590.1 acre tract of land, S. 87° 43' W. at about 946.2 varas cross the line between said Surveys Nos. 132 and 1038, a total distance of 1520.7 varas to the place of beginning, containing 571.1 acres of land, more or less.

TRACT FOUR: Being a 20 foot roadway across the South part of the Northeast one fourth of H. & T. C. R.R. Co. Survey No. 131, Abstract No. 669, Certificate No. 246, Volume 44, as conveyed by T. A. Dial and wife to A. H. Road and E. A. G. Broad, by deed dated April 7, 1928, recorded in Volume 78, page 230, Deed Records of McCulloch County, Texas, and described by metes and bounds as follows:

BEGINNING at a stake set in the East line of said Survey No. 131, set 950 varas North of the Southeast corner of said survey and set for the Southeast corner of a tract out of said Survey conveyed by E. N. Neyland and wife, T. A. Dial by deed dated November 5, 1917, recorded in Book 32, page 624, Deed Records of McCulloch County, Texas;

THENCE with the South line of said T. A. Dial tract, West 1000 varas to stake and mound set for the Southwest corner of said T. A. Dial tract.

THENCE with West line of said Dial tract, North 20 feet to stake.

THENCE, Parallel with the South line of said Dial tract and 20 feet therefrom, East 1000 varas to a stake and mound set in the East line of said Survey No. 131, and set in the East line of said Dial tract.

THENCE with the East line of said Survey No. 131, and East line of said Dial tract, South 20 feet to the place of beginning.

And being the same roadway described in a Warranty Deed dated August 13, 1934, from A.H. Broad and wife, Mary M. Broad to E. A. G. Broad of record in Volume 93, page 71, Deed Records of McCulloch County, Texas, to which Deed and the record thereof reference is here made for all purposes.

WIND ENERGY GROUND LEASE
12276529v, 5

EXHIBIT "C"

BROAD, A.H. AND LEE

PARCEL 2:

BEING 584.3 acres, more or less, consisting of the following described tracts:

- (1) 87 acres, more or less, the South part of Adam Dünzlauf Survey No. 1040, Certificate No. 835, Abstract No. 227, patented to M.D. Conklin by Patent No. 411, Volume 16, which tract is described by metes and bounds as follows:
 BEGINNING at a stake set for the Southeast corner of said Survey No. 1040, from which a LO 20" bears North 54 Degrees East 21 varas;
 THENCE North 491 varas to stake and mound from which a LO 10" bears North 30¼ Degrees West 15½ varas a LO 8" in diameter bears North 44½ Degrees West 18½ varas;
 THENCE West 994 varas to stake and mound in West line of said Survey No. 1040 from which a Mes. 6" bears North 54½ Degrees West 23¾ varas; a Mes. 6" bears North 45 Degrees East 18¼ varas;
 THENCE South with West line of said Survey 1040, and East line of Survey 134, 491 varas to stake set for the Southeast corner of Survey No. 134, the Northeast corner of Survey 1038, the Northwest corner of Survey No. 159, for the Southwest corner of Survey No. 1040, and the Southwest corner of this tract;
 THENCE with North line of said Survey 159, and South line of Survey 1040, East 994 varas to the PLACE OF BEGINNING.
- (2) 160 acres, more or less, out of the East part of C.E. Anderson Survey 1038, Abstract 1729, patented to C.E. Anderson by Patent No. 415, Volume 4, which tract was on September 6, 1960, surveyed by R. L. Barnett, public surveyor, and described by metes and bounds as follows:
 BEGINNING at a stake set 475.2 varas North 88 Degrees 53' West of the Northeast corner of said Survey 1038, for the Northwest corner hereof;
 THENCE South 88 Degrees 53' East 475.2 varas to a stake set in a fence for the Northeast corner of said Survey No. 1038, and for the Northeast corner hereof;
 THENCE South 00 Degrees 43' West with a fence and the East line of said Survey 1038 1243.8 varas to a fence corner for the Southeast corner of the A.H. Broad, Jr. and G.S. Broad property out of said Survey 1038, same being the Northeast corner of the H.O. and B.C. Broad property out of said Survey 1038, for the Southeast corner hereof;
 THENCE South 88 Degrees 40' West with a fence and the line between said Broad property, a distance of 963.3 varas to a stake set in the said fence for the Southwest corner hereof;
 THENCE North 21 Degrees 32' East 1371.2 varas to the PLACE OF BEGINNING.

WIND ENERGY GROUND LEASE
12276529v.5

EXHIBIT "C"

BROAD, A.H. AND LEE

- (3) 337.3 acres, more or less, the North one-half of H. & T.C. R.R. Co. Survey No. 159, Certificate 33/3278, Abstract No. 683, patented to H. & T.C. R.R. Co. by Patent No. 215, Volume 44.

SAVE AND EXCEPT the following described tracts of land:

- (1) The North 110.7 acres, more or less, out of a certain 160 acre tract in the East part of the C.E. Anderson Survey No. 1038, Abstract No. 1729, said 160 acre tract being described in Volume 158, Page 143, Deed Records of McCulloch County, Texas, the 110.7 acres here designated being all of that 160 acre tract that lies North of the North line of a certain 30 foot road as extended West to the West line of said 160 acre tract.
- (2) 89.3 acres, more or less, of land, lying in two Surveys as follows: Two acres out of the Southwest part of the A. Dünzlauf Survey No. 1040, Certificate 835, Abstract 227 and 87.3 acres out of the Northwest part of the H. & T.C. R.R. Co. Survey No. 159, Cert. 33/3278, Abstract 683. The 89.3 acres is described by metes and bounds as follows:

BEGINNING at a fence corner post for the Northwest corner of this tract from which the Northwest corner of Survey 159, the Northeast corner of Survey 1038, the Southwest corner of Survey 1040, bears North 0 Degrees 43' East 14.4 varas;

THENCE North 85 Degrees 45' East, at 162.5 varas cross the North line of Survey 159, the South line of Survey 1040, continuing to 688.5 varas to stake set for the Northeast corner of this tract;

THENCE South 12 Degrees 05' West, at 47.5 varas cross the South line of Survey 1040, the North line of Survey 159, continuing to 432 varas in all to stake set for the most northerly Southeast corner of this tract;

THENCE South 85 Degrees 45' West 108.5 varas to stake set for an interior corner of this tract;

THENCE South 12 Degrees 05' West, 500.4 varas to an angle point in a fence;

THENCE South 3 Degrees 45' West 75.6 varas to a fence corner post set in the North line of a certain 30 foot road cross the South line of the North one-half of Survey 159, and set South 89 Degrees 10' East 10.3 varas from the North end of a gate and cattle guard across said 30 foot road;

THENCE with fence along the North line of said 30 foot road, North 89 Degrees 10' West 390.1 varas to stake set in the West line of Survey 159, the East line Survey 1038, and set for the Southeast corner of the 110.7 acre tract, and set for the Southwest corner of this tract;

THENCE with the West line of Survey 159, the East line of Survey 1038, the East line of the 160 acre tract as described in Volume 158, Page 143, Deed Records of McCulloch County, Texas, North 0 Degrees 43' East, 938.6 varas to the PLACE OF BEGINNING.

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EXHIBIT "C"

BROAD, A.H. AND LEE

- (3) 53.12 acres, more or less, of land, in McCulloch County, Texas, situated about five and one-half miles North and three miles West from Brady, the County Seat, and lying in two surveys as follows: 3.81 acres, in the H. & T.C. R.R. Co. Survey No. 159, Certificate No. 33/3278, Abstract No. 683, patented to H. & T.C. R.R. Co. by Patent No. 213, Volume 44, and being a certain 30 foot roadway over and across and along the entire South line of the North one-half of Survey 159; and 49.31 acres out of the South part of a certain 160 acre tract in the East part of the C.E. Anderson Survey No. 1038, Abstract No. 1729, patented to C.E. Anderson by Patent No. 415, Volume 4. The 53.12 acres form a solid body of land and are described by metes and bounds as follows:

BEGINNING at a corner fence post set in the East line of the C.E. Anderson Survey No. 1038, the West line of the H. & T.C. R.R. Co. Survey No. 159, and set for an interior corner of this 53.12 acre tract from which the Northeast corner of Survey No. 1038 bears North 00 Degrees 43' East 962.3 varas;

THENCE with fence along the East line of Survey No. 1038, the East line of the 160 acre tract referred to above, South 00 Degrees 43' West 281.5 varas to a fence corner post set for the Southeast corner of the 160 acre tract, the Northeast corner of the H.O. and B.C. Broad property out of Survey No. 1038, and being the Southeast corner of this tract;

THENCE with fence between properties of H.O. and B.C. Broad and G.S. and A.H. Broad, South 88 Degrees 40' West 963.3 varas to a stake set in the fence for the Southwest corner of the 160 acre tract, the Southwest corner of this tract;

THENCE North 21 Degrees 32' East 351.4 varas for the Northwest corner of this tract, and set in the West line of the 160 acre tract;

THENCE South 89 Degrees 10' East, at 837.8 varas the Northwest corner of the 30 foot roadway set in the West line of Survey No. 159, continuing to 2827.8 varas in all to the Northeast corner of said roadway set in the West line of U.S. Highway No. 283;

THENCE South 00 Degrees 43' West 10.8 varas to a corner fence post set for the Southeast corner of said thirty foot roadway and set for the most easterly Southeast corner of this tract;

THENCE with the South line of said thirty foot roadway and with a fence along the South line of the North one-half of Survey No. 159, North 89 Degrees 10' West 1990 varas to the PLACE OF BEGINNING.

PROPERTY SIXTEEN - J.A. JONES, ET AL

All of that land situate in McCulloch County, Texas, being 109.252 acres of land, more or less out of the Jacob Klock Survey No. 1249, Abstract No. 819, more fully described on the legal description attached hereto, being the same land as described and defined in that certain deed dated November 19, 1993, from Noble M. Johnson and Modenia Johnson to J.A. Jones and J.S. Anderson, recorded in Volume 262, Page 560, Deed Records, McCulloch County, Texas.

EXHIBIT ALEGAL DESCRIPTION OF EASEMENT PROPERTY

The following lands situated in McCulloch County, Texas:

FIRST TRACT: 185 acres, more or less, and being described in three tracts out of W. J. Jamison Survey No. 46, Certificate No. 33/3222, Abstract No. 1674, patented to A. M. Jamison by Patent No. 639, Volume 8, and being:

(1) 70 acres, more or less, off the East end of the 210 acre tract that was conveyed by G. V. Gansel to J. E. Ake by Deed dated November 25, 1905, recorded in Volume 7, Page 346, Deed Records of

McCulloch County, Texas, which Deed and record are here referred to and made part hereof for description.

The 70 acre tract is the 70 acre off the East end of said 210 acre tract set apart to S. H. Deatherage et al in Partition Deed dated August 12, 1924, between S. H. Deatherage et al and Ernest Tankersley et al, dated August 12, 1924, and which Partition Deed is here referred to and made part hereof for description.

The 70 acres here conveyed begins at the Northeast corner of said 210 acre tract in the East line of said Survey No. 46, said which corner is 902 varas South from the Northeast corner of said Survey No. 46:

THENCE along the East line of said 210 acre tract of land, South 592 varas to the Southeast corner of same in the East line of said Survey No. 46;

THENCE along the South line of said 210 acre tract of land, West 658 varas to the Southeast corner of the portion of said tract set apart and partitioned to Ruby E. Tankersley in said above mentioned Partition Deed;

THENCE with the East line of said Ruby E. Tankersley tract, North 592 varas to Northeast corner of said Ruby E. Tankersley tract in North line of said above described 210 acre tract;

THENCE along the North line of said above described 210 acre tract East 668 varas to the place of beginning. The land here conveyed is the same land conveyed to Ernest Tankersley by S. H. Deatherage, Samuel Perry Deatherage and Ruby E. Deatherage, by Deed dated August 13, 1924, of record in Book 65, Page 212, Deed Records of McCulloch County, Texas, which Deed and record are here referred to and made part hereof for description.

(2) 35 acres, more or less, and being the same 35 acres of land set apart to Ruby E. Tankersley in the Partition Deed dated August 12, 1924, now of record in Volume 66, Page 230 to 232 Deed Records of McCulloch County, Texas, which Deed and the record thereof are here referred to and made part hereof for all purposes;

Said land being described in Deed by S. H. Deatherage, et al, in the Partition of the community property between S. H. Deatherage and his deceased wife, Laura Deatherage. Said Deed and its record are here specifically referred to and made part hereof for all purposes;

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BEGINNING at a stake in North line of said 210 acre tract, 668 varas West from the Northeast corner of said 210 acre tract and set for the Northwest corner of a 70 acre tract off of the East end of said 210 acre tract set apart to S. H. Deatherage and Samuel Perry Deatherage, being tract No. 2 described in Deed of Partition S. H. Deatherage, et al, to Bertha J. Speights, et al recorded in Volume 66, Page 230, Deed Records of McCulloch County, Texas;

THENCE with the West line of said 70 acre tract, South 592 varas to stake in South line of said 210 acre tract set for the Southwest corner of said 70 acre tract off of the East end of said 210 acre tract set apart to said S. H. Deatherage and Samuel Perry Deatherage;

THENCE with the South line of said 210 acre tract West 333 3/4 varas to the middle of the South line of said 210 acre tract, and the Southeast corner of the portion of said Survey set apart to Bertha J. Speights;

THENCE North to the middle of the North line of said 210 acre tract and the Northeast corner of said Bertha J. Speights tract;

THENCE with the North line of said 210 acre tract, East 333 3/4 varas to the place of beginning.

(3) 80 acres, being the South 1/2 of the East 1/2 of the 320 acre tract out of the North part of said Section 46, purchased from the State by W. J. Jamison and patented to A. M. Jamison by Patent No. 639, Volume 8, recorded in Volume J, Page 135, Deed Records of McCulloch County, Texas, which Patent is here referred to and made part hereof. Said land conveyed by S. W. Lemons and wife, to S. C. Crumley by Deed dated October 23, 1915, recorded in Volume 40, Page 147, Deed Records, McCulloch County, Texas.

The three above described tracts of land are the same tracts of land described in Deed of Trust from Oscar B. Betall and wife, Millie Betall, to the Federal Land Bank of Houston dated November 27, 1946, recorded in Book 15, Page 241, Deed of Trust Records of McCulloch County, Texas, and said Deed of Trust and record are here referred to and made part hereof for all purposes.

SECOND TRACT: 45.1 acres, more or less, out of two surveys as follows:

(1) 30.1 acres out of the Southeast part of H. & T. C. RR Co., Survey No. 46, Certificate No. 33/3222, Abstract No. 1674, purchased from the State by W. J. Jamison and patented to A. M. Jamison by Patent No. 639, Volume 8, and;

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(2) 15 acres out of the Northeast part of Heinrich Schneider Survey No. 1275, Certificate No. 298, Abstract No. 1309, patented to Evan Shelby by Patent No. 829, Volume 12.

Which said tracts lie contiguous and described by metes and bounds as follows:

BEGINNING at a stake set for the Southeast corner of said Survey No. 46, and Northeast corner of said Survey No. 1275;

THENCE with East line of said Survey No. 46, North 435 varas to stake set for the Northeast corner of this tract and being set for the Northeast corner of Tract No. 5 in the Partition of a certain 210 1/2 acre tract out of said Survey Nos. 46 and 1275, in Cause No. 2972 entitled I. N. Hallmark vs. Duward Jones, et al., in District Court of McCulloch County, Texas, rendered on the 17th day of October A.D. 1935, and recorded in Volume 8, Page 14, Records of said Court;

THENCE with North line of said 210 1/2 acre tract, South 89° 20' West (at 138.66 varas the Northwest corner of Tract No. 5, the Northeast corner of Tract No. 4, at 277 1/2 varas the Northwest corner of Tract No. 4 and Northeast corner of Tract No. 3) 416.65 varas to stake set for Northwest corner of Tract No. 3 and Northeast corner of Tract No. 2, for the Northwest corner of this tract;

THENCE with East line of Tract No. 2 and West line of Tract No. 3, South 610 varas to stake in South line of said 210 1/2 acre tract set for the Southeast corner of Tract No. 2, and Southwest corner of Tract No. 3, for the Southwest corner of this tract;

THENCE with South line of said 210 1/2 acre tract, North 89° 45' East (at 139.11 varas the Southeast corner of Tract No. 3 and Southwest corner of Tract No. 4, at 276.99 varas the Southeast corner of Tract No. 4, and Southwest corner of Tract No. 5) 415.65 varas to stake in East line of said Survey No. 1275, set for the Southeast corner of said 210 1/2 acre tract, the Southeast corner of said Tract No. 5, for the Southeast corner of this tract, from which a Mesquite 4" in dia. brs. North 23° West 16 1/2 varas, a mesquite 3" in dia. brs. South 57 1/2° West 21 1/2 varas;

THENCE with East line of said Survey No. 1275, North 178 varas to the place of beginning.

Said two tracts of land are the same two tracts of land conveyed to Oscar Betzall by Luella Knight, et al., by Deed dated July 1, 1949, recorded in Book 126, Page 405, Deed Records of McCulloch County, Texas, and said Deed and record are here referred to and made part hereof for description.

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EXHIBIT ALEGAL DESCRIPTION OF EASEMENT PROPERTY

The following lands situated in McCulloch County, Texas:

The West half of 137.64 acres, more or less, out of the W. J. Jamieson Survey No. 46, Abstract No. 1674, Certificate No. 335222, purchased from the State by W. J. Jamieson and patented to A. M. Jamieson by Patent No. 639, Volume 8, McCulloch County, Texas, being in two (2) tracts, described by metes and bounds as follows:

Tract 1: 82.74 acres, more or less, out of the North part of the Northwest part of W. J. Jamieson Survey No. 46, Abstract No. 1674, Certificate No. 335222, purchased from the State by W. J. Jamieson and patented to A. M. Jamieson by Patent No. 639, Volume 8, which 82.74 acre tract is out of and a part of a 103 acre tract described in a Contract of Sale between Veterans Land Board and Karl R. Kiestling, recorded in Volume 154, Page 488, Deed Records, McCulloch County, Texas, said 103 acre tract described by metes and bounds as follows:

Beginning at a concrete marker set in a fence corner 21.6 varas South of and 36 varas East of the Northwest corner of said Survey No. 46, in the South line of F. M. Highway No. 765, 21.6 varas South of the center line Station 173/58 of said Highway, for the Northwest corner hereof;

Thence South 45° 00' West with a fence and said Highway Right of Way 50.9 varas to a fence corner in the West line of said Survey; 57.6 varas South of the Northwest corner of said Survey, and in the East line of a public road;

Thence South 0° 12' West with a fence and West Survey line, 549.7 varas to a concrete marker set in the said fence in East line of said road, and in the West line of said Survey No. 46 for the Southwest corner hereof;

Thence East 1004 varas to a concrete marker set in a North and South fence for the Southeast corner hereof;

Thence North, with a fence, 574.6 varas to a concrete marker set in a fence corner in the South line of said F. M. Highway 765, 21.6 varas South of the North line of said Survey No. 46, for the Northeast corner hereof;

Thence North 89° 20' West with a fence and South right of way line of said Highway 966.2 varas to the place of beginning.

Save and Except 20.26 acres out of the W. J. Jamieson Survey No. 46, Abstract No. 1674, in McCulloch County, Texas, said 20.26 acres being out of and a part of the 103 acre tract described in said Contract of Sale between Veterans Land Board and Karl R. Kiestling, recorded in Volume 154, Page 488, Deed Records, McCulloch County, Texas, said 20.26 acres being described by metes and bounds as follows:

Beginning at a 1/2 inch steel stake in the South line of F. M. Highway 765 by a T corner post for the Northwest corner hereof, from which point a concrete highway

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monument for the most northerly Northwest corner of said 103 acre tract bears North 89° 20' West 1473.0 feet;

Thence with a fence and the West line hereof, South 03° 10' West 1301.9 feet to a 1/4 inch steel stake set for the Southwest corner hereof;

Thence with the South line hereof, South 86° 50' East 670.7 feet to a 1/2 inch steel stake set for the Southeast corner hereof;

Thence with the East line hereof, North 03° 08' 21" East 1331.16 feet to a 1/2 inch steel stake set in said South line of Highway 765 for the Northeast corner hereof, from which point a 3/8 inch steel stake for the Northeast corner of said 103 acre tract bears South 89° 20' East 540.5 feet;

Thence with said South line of Highway 765 for the North line hereof, North 89° 20' West 670.7 feet to the place of beginning, leaving a net acreage in this Tract 1 of 82.74 acres, more or less.

Tract 2: 54.9 acres out of the South part of the Northwest part of W. J. Jamison Survey No. 46, Abstract No. 1674, Certificate No. 3373222, purchased from the State by W. J. Jamison and patented to A. M. Jamison by Patent No. 639, Volume 8, which 54.9 acre tract is described by metes and bounds as follows:

Beginning at a concrete marker set in a fence in the East line of a public road, and in the West line of said Survey No. 46, 607.3 varas South 0° 12' West from the Northwest corner of said Survey No. 46, for the Southwest corner of a 103 acre tract of land for the Northwest corner hereof;

Thence South 0° 12' West with a fence and West Survey line 308.5 varas to a fence corner and the intersection of the East line of said Road with the North line of a lane for the Southwest corner hereof;

Thence East with a fence 1005.1 varas to a fence corner in the North line of said land for the Southeast corner hereof;

Thence North, with a fence, 308.5 varas to a concrete marker set in a said fence for the Southeast corner of said 103 acre tract, and for the Northeast corner hereof;

Thence West with the South line of said 103 acre tract, 1004 varas to the place of beginning.

EXHIBIT A

LEGAL DESCRIPTION OF EASEMENT PROPERTY

The following lands situated in McCulloch County, Texas

176.6 acres, more or less, all of Reinhard Stollie Survey No. 1263, Certificate No. 650, Abstract No. 1209, patented to Reinhard Stollie by Patent No. 805, Volume 17, McCulloch County, Texas, deceded to R.R. Bradshaw, Jr. et ux in Volume 164, Page 559, Deed Records of McCulloch County, Texas.

176.2 acres, more or less, all of Reinhard Stollie Survey No. 1264, Certificate No. 650, Abstract No. 1207, patented to Reinhard Stollie by Patent No. 803, Volume 17, McCulloch County, Texas, deceded to R.R. Bradshaw, Jr. et ux in Volume 164, Page 559, Deed Records of McCulloch County, Texas.

Said tracts of land, being the same tracts of land described as Tract 2 and Tract 3 in that certain Warranty Deed dated 1/7/2004 and recorded in Volume 338, Page 862, McCulloch County Deed Records.

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of the following described land in McCulloch County, Texas, to-wit:

TRACT ONE: Being 854.1 acres, more or less in McCulloch County, Texas, in the following described tracts:

(A) 419.5 acres, more or less, the South part of H. & T. C. R.R. Co. Survey No. 133, Abstract No. 670, Certificate No. 33/3265, patented to H. & T. C. R.R. Co. by Patent No. 243, Volume 44, which tract is described by metes and bounds as follows:

BEGINNING at a stake set for the Northwest corner of said Survey No. 133, the Northeast corner of Survey No. 108, the Southeast corner of H. & T. C. R. Co. Survey No. 107, and the Southwest corner of Johann Buhlmann Survey No. 1127, from which stake a L.O. 8" bears North 2° East 30 varas; a L.O. 10" bears South 41° West 4 varas;

THENCE South 1916 varas along West line of said Survey No. 133, to the Southwest corner of Survey No. 133, from which a Rock Oak 3" in dia. bears North 85° West 30 1/4 varas;

THENCE North 59 1/2° East 1900 varas along the South line of said Survey No. 133, to its Southeast corner, and the Northwest corner of Survey No. 132, the Southwest corner of Survey No. 1038, and from which stake a L.O. 5" bears North 39° West 28 varas;

THENCE with the East line of Survey No. 133, North 983 varas to a stake set for the Northeast corner of this tract;

THENCE West 1625 varas to the place of beginning;

(B) 288.3 acres, more or less, in two surveys as follows:

(1) 272.1 acres, more or less, out of and a part of C. E. Anderson Survey No. 1038, Abstract No. 1729, patented to C. E. Anderson by Patent No. 415, Volume 4; and

(2) 16.2 acres, more or less, out of the Northwest part of S. W. Colton Survey No. 132, Abstract No. 2169, Certificate No. 33/3264, purchased from the State by and patented to S. W. Colton by Patent No. 308, Volume 44, and which said tracts are described by metes and bounds as follows:

BEGINNING at a stake set for the Southeast corner of H. & T. C. R.R. Co. Survey No. 133, the Northeast corner of Survey No. 1130, the Northwest corner of Survey No. 132, and Southwest corner of C. E. Anderson Survey No. 1038, from which a L.O. 6" in dia. bears North 39° West 28 varas;

THENCE with the West line of said Survey No. 132, South 281.9 varas to stake set for the Southwest corner of this tract;

THENCE East (crossing North line of Survey No. 132, and South line of Survey No. 1038)

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EXHIBIT "A"

BROAD

1039.7 varas to stake set for the Southwest corner of a certain 160 acre tract out of said Survey No. 1038, conveyed to Albert H. Broad, Jr., for the Southeast corner of this tract;

THENCE with West line of said Albert H. Broad, Jr. 160 acre tract, North 21° 32' East 1371.2 varas to stake set for the Northwest corner of said 160 acre tract, and the Northeast corner of this tract;

THENCE West 1527.8 varas to stake set in West line of Survey No. 1038, and East line of H. & T. C. R.R. Co. Survey No. 133, for the Northwest corner of this tract;

THENCE South with West line of said Survey No. 1038, and East line of said Survey No. 133, 983 varas to the place of beginning.

(C) 146.3 acres, more or less, in two surveys as follows:

(1) 117 acre, more or less, out of the Southeast corner of S. T. Ward Survey No. 134, purchased from the State by S. T. Ward, Abstract No. 2084, patented to W. B. White by Patent No. 64, Volume 17;

(2) 29.3 acres, more or less, out of the Northeast part of C. E. Anderson Survey No. 1038, Abstract No. 1729, patented to C. E. Anderson by Patent No. 415, Volume 4, which said tracts are described by metes and bounds as follows:

BEGINNING at a stake set for the Northwest corner of H. & T. C. R.R. Co. Survey No. 159, the Northeast corner of C. E. Anderson Survey No. 1038, the Southwest corner of A. Dumzlauf Survey No. 1040, the Southeast corner of said Survey No. 134, for the Southeast corner of this tract;

THENCE with East line of said Survey No. 134, and West line of said Survey No. 1040, North (at 491 varas, the Northwest corner of a certain 87 acre tract, out of the South part of said Survey No. 1040, from which a Mes. 6" bears North 54 3/4° West 23 3/4 varas; a Mes. 6" bears North 45° East 18 1/4 varas) 972 varas to stake set for the Northwest corner of Survey No. 1040, for the Northeast corner of this tract, from which a Live Oak 5" bears North 50° East 74 1/2 varas; a Live Oak 6" bears North 18° East 80 varas;

THENCE West 842 varas to a rock mound the Northwest corner of this tract;

THENCE South crossing the South line of Survey No. 134, and North line of said Survey 1038, 972 varas to stake, set for the Southwest corner of this tract;

THENCE East 842 varas to the place of beginning.

TRACT TWO: Being 53.12 acres, more or less, in McCulloch County, Texas, situated about five and one-half miles North and three miles West from Brady, the County Seat, and lying in two Surveys as follows:

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BROAD

3.81 acres, more or less, in the H. & T. C. R.R. Co. Survey No. 159, Abstract No. 683, Certificate No. 333278, patented to H. & T. C. R.R. Co. by Patent No. 215, Volume 44, and being a certain 30 foot roadway over and across and along the entire South line of the North one-half of Survey No. 159; and

49.31 acres, more or less, out of the South part of a certain 160 acre tract in the East part of the C.E. Anderson Survey No. 1038, Abstract No. 1729, patented to C. E. Anderson by Patent No. 415, Volume 4.

Said 53.12 acres forms a solid body of land and is described by metes and bounds as follows:

BEGINNING at a corner fence post set in the East line of the C. E. Anderson Survey No. 1038, the West line of the H. & T. C. R.R. Co. Survey No. 159, and set for an interior corner of this 53.12 acre tract from which the Northeast corner of Survey No. 1038 bears North 00° 43' East 962.3 varas;

THENCE with fence along the East line of Survey No. 1038, the East line of the 160 acre tract referred to above, South 00° 43' West 281.5 varas to a fence corner post set for the Southeast corner of the 160 acre tract, the Northeast corner of the H. O. and B. C. Broad property out of Survey No. 1038, and being the Southeast corner of this tract;

THENCE with fence between the properties of H. O. and B. C. Broad, and G. S. and A. H. Broad, South 88° 40' West 963.3 varas to a stake set in the fence for the Southwest corner of the 160 acre tract, the Southwest corner of this tract;

THENCE North 21° 32' East 351.4 varas for the Northwest corner of this tract, and set in the West line of the 160 acre tract;

THENCE South 89° 10' East, at 837.8 varas the Northwest corner of the 30 foot roadway set in the West line of Survey No. 159, continuing to 2827.8 varas to the Northeast corner of said roadway set in the West line of U. S. Highway No. 283;

THENCE South 00° 43' West 10.8 varas to a corner fence post set for the Southeast corner of said thirty foot roadway and set for the most easterly Southeast corner of this tract;

THENCE with the South line of said thirty foot roadway and with a fence along the South line of the North one-half of Survey No. 159, North 89° 10' West 1990 varas to the place of beginning.

TRACT THREE: Being 799.1 acres of land in McCulloch County, Texas, containing approximately 274.9 acres of the H.A.D. Lockmann Survey 1131, Abstract 909, and approximately 271.1 acres of the H. Stoppel Survey 1130, Abstract 1305, and approximately 158.1 acres of the N.P. Fulcher Survey 110, Abstract 1750, and approximately 69.7 acres of the L.M. Parker Survey 132, Abstract 2329 (formerly Abstract 2169), and approximately 24.6 acres of the C. Hugh Survey 1035, Abstract 480, and approximately 0.6 acres of the S.W. Colton Survey 132, Abstract 2169, and approximately 0.1 acres of the C. Huth Survey 1034, Abstract 481, said 799.1 acres being all of Tracts 3, 5, and 6 and a part of Tracts 1 and 4 described in the deed from Farm Credit Bank of Texas to W.C. Wright and wife, Winifred Wright, dated July 6,

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EXHIBIT "A"

BROAD

1988, and recorded in Volume 239, Page 600, McCulloch County Deed Records.

BEGINNING at a ½" iron stake set on the southwest side of an old large corner post representing the southwest corner of said Tract 3 of said Wright deed, said iron stake being located 349.55' S00° 06' 38" W of an old corner post representing the south corner of said Lockmann Survey; From said old corner post a liveoak stump bears S32° 06' 46" W 119.84' (43.142v) [Patent=S31 ½" W 42 4/5 varas].

THENCE N00° 06' 38" E 5719.07' (2058.865v) [Deed Calls=North 2046 varas] along the general course of a fence representing the west lines of the said N.P. Fulcher Survey, the said H. A. D. Lockmann Survey, and the said H. Stoppel Survey, and representing the east lines of the J. Lockmann Survey 1132, and the H. & T. C. Ry. Co. Survey 109, to a 2½" iron corner post representing the northwest corner of the said Stoppel Survey, the northeast corner of the said H. & T. C. Ry. Co. Survey 109, the southeast corner of the S. W. Colton Survey 108, and the southwest corner of the H. & T. C. Ry. Co. Survey 133. Said iron corner post also represents the northwest corner of said Tract 6 of said Wright deed.

THENCE N58° 59' 00" E 5138.49' (1849.856v) [Deed call=N58° 45'E 1854 varas] along the general course of a fence representing the north line of said Stoppel Survey and the south line of the said H. & T. C. Ry. Co. Survey 133, to a 2½" iron corner post representing the northeast corner of said Stoppel Survey, the northwest corner of said Colton Survey 132, the southwest corner of the C.E. Anderson Survey 1038, and the southeast corner of the said H. & T. C. Ry. Co. Survey 133. Said iron corner post also represents the northeast corner of said Tract 6.

THENCE S00° 00' 00" W 5360.29' (1929.704v) [Deed Calculation=South 1924 varas] along the general course of a fence representing the east line of said Stoppel Survey, at 782.44' passing the northwest corner of a 624.6 acre tract surveyed simultaneously, continuing along the east line this tract and along the west line of said 624.6 acre tract and along the general course of said fence representing the east lines of the said Stoppel Survey, and the said H. A. D. Lockmann Survey, and representing the west line of said Colton Survey 132, to a ½" iron stake set 1.0' west of a new corner post at a fence intersection representing the southwest corner of said Tract 4 and the northwest corner of said Tract 1 of said Wright deed. Said iron stake is an interior corner of this tract and the westernmost southwest corner of said 624.6 acre tract.

THENCE along the common boundary between said 799.1 acre tract and said 624.6 acre tract and along the general course of a fence as follows:

N89° 19' 47" E 361.36' to a ½" iron stake set on the northeast side of an old corner post and on the northwest side of a new corner post, and S89° 47' 58" E 2710.78' to a ½" iron stake set on the southern side of a tall power pole corner post, and S32° 42' 43" E 64.54' to a ½" iron stake set on the southwest side of a tall power pole corner post, and N76° 55' 38" E 37.48' to a ½" iron stake set on the northwest side of a tall power pole corner post, and

S24° 56' 14" E 606.72' to a ½" iron stake set on the northeast side of a large Liveoak tree; and S41° 20' 38" E 735.49' to a 2½" iron corner post; and S07° 19' 54" E 651.07' to the south line of the said L. M. Parker Survey which is the south line of said Tract 1 of said Wright deed, said

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point being located 0.65' S07° 19' 54" E (southerly, in line with fence) of a 1/2" iron stake found 0.55' southeast of a southeast brace post.

THENCE N66° 23' 46" W 3883.37' [Deed Bearing=N66° 40'W] along the general course of a fence representing the south line of said Parker Survey and the north line of the said Huth Survey 1035, to a 1/2" iron stake found at a fence intersection representing the easternmost northeast corner of said Tract 3 of said Wright deed.

THENCE S00° 16' 23" W 2574.86' (926.950v) [Deed Call=South 939.4 varas] along the general course of a fence representing the easternmost east line of said Tract 5 and the east line of Tract 3 of said Wright deed to the southeast corner of said Tract 3, said point being located 0.26' N89° 43' 37" W (westerly) and 1.14' S00° 16' 23" W (southerly) of a 1/2" iron stake found on the east side of a corner post. From said southeast corner of said Tract 3 a dead Liveoak tree bears S74° 15' E 40.28' (14.5v) [Deed Call=S74° 15' E 1/4 1/4 varas].

THENCE S87° 46' 06" W 4815.95' (1733.742v) [Deed Call=S88° 30' W 1724 varas; Volume 188, Page 485=S87 1/2° W] along the general course of a fence representing the south line of said Tract 3 of said Wright deed to the place of beginning.

TRACT FOUR: A roadway easement 30 ft. in width, off of and along the South line of Adam Dumzant Surveys Nos. 1042 and 1043, Abstract Nos. 224 and 226, as described in a deed from D. F. Savage and S. W. Colton to B. J. Fitzgerald dated January 28, 1914, recorded in Volume 31, Page 133, Deed Records, McCulloch County, Texas, to which reference is here made for all purposes

TRACT FIVE: An easement and right of way for ingress and egress as described in a deed dated May 4, 1998 from Winifred B. Wright to Stephen T. Broad and Zana Broad, recorded in Volume 294, Page 346, passing in, over and along a certain way more fully described as follows:

0.26 acre road easement which connects said 799.1 acre tract to the western terminus of County Road #418 and runs along the southernmost south line of a 624.6 acre tract surveyed simultaneously, said road easement being in the L. M. Parker Survey 132, Abstract 2329 (formerly abstract 2169), McCulloch County, Texas, and being a part of Tract 1 described in the deed from Farm Credit Bank of Texas to W. C. Wright and wife, Winifred Wright, dated July 6, 1988, and recorded in Volume 239, Page 600, McCulloch County Deed Records.

BEGINNING at the south corner of said western terminus of County Road #418, at a 1/2" iron stake found on the southeast side of a power pole corner post which is located in the south line of the said L. M. Parker Survey which is the south line of the said Tract 1 of said Wright deed, said iron stake being the southernmost southeast corner of said 624.6 acre tract which is located 4445.09' S66° 23' 46" E of the easternmost southeast corner of said 799.1 acre tract.

THENCE N66° 23' 46" W 445.09' [Deed Bearing=N66° 40'W] along the south line of this easement which is the south line of said 624.6 acre tract, and along the general course of a fence to the easternmost southeast corner of said 799.1 acre tract, said corner being located 0.65' S07° 19' 54" E (southerly, in line with fence) of a 1/2" iron stake found 0.55' southeast of a southeast

brace post.

THENCE N07° 19' 54" W 29.15' along the west end of this easement and along the eastern line of said 799.1 acre tract to a point located 621.93' S07° 19' 54" E of a 2 1/2" iron corner post.

THENCE S66° 23' 46" E 459.46' along the north line of this easement to a point located in the western terminus of said County Road #418, said point being located 14.58' S22° 12' 17" W of a 1/2" iron stake set on the west side of an old corner post for the westernmost corner of a 373.5 acre tract surveyed simultaneously.

THENCE S22° 12' 17" W 25.01' along the east line of this easement and along the east line of said 624.6 acre tract to the place of beginning.

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LEGAL DESCRIPTION OF EASEMENT PROPERTY

The following lands situated in McCulloch County, Texas:

657.373 acres, more or less, being all of the A.M. Jamison Survey No. 48, Abstract No. 1814, Certificate No. 33/3223, patented to A.M. Jamieson by Patent No. 641, Volume 18, McCulloch County, Texas.

Said land being the same land described in that certain deed dated April 2, 1998 and recorded in Volume 294, Page 155, Deed Records, McCulloch County, Texas.

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1301.146 acres, more or less, situated in McCulloch County, Texas, and being two tracts out of Thomas Kreiker Survey 1256, Abstract 814, Thomas Kreiker Survey 1257, Abstract 813, H. & T.C. RR Co. Survey 63, Abstract 634, E.W. Harris Survey No. 64, Abstract 2006, H. & T. C. RR Co. Survey No. 39, Abstract No. 621, Heinrich Herder Survey No. 1258, Abstract No. 510, Heinrich Herder Survey No. 1259, Abstract No. 511 and Fisher & Miller Survey No. 2596, Abstract No. 287, described by metes and bounds as follows:

TRACT ONE: 1288.274 acres of land out of the Thomas Kreiker Survey No. 1256, Abstract No. 814, the Thomas Kreiker Survey No. 1257, Abstract No. 813, the H. & T. C. RR Co. Survey No. 63, Abstract No. 634 and the E.W. Harris Survey No. 64, Abstract No. 2006 in McCulloch County, Texas and also being a portion of that certain 2947.884 acre tract as described in Volume 366, Page 352 of the Official Public Records of McCulloch County, Texas; Said 1288.274 acre tract being more particularly described as follows and as surveyed under the supervision of Watson Professional Group, Inc.;

BEGINNING at a 8 inch cedar fence corner post found in the east line of that certain 12.872 acre tract, being a portion of said 2947.884 acre tract, as surveyed this same day by Watson Professional Group, Inc. for the southeast corner of the Heinrich Herder Survey No. 1258, Abstract No. 510, the southwest corner of the H. & T. C. RR Co. Survey No. 61, Abstract No. 633, the northwest corner of said Survey No. 1257, the northeast corner of the H. & T. C. RR Co. Survey No. 39, Abstract No. 621, the southwest corner of that certain 1212.285 acre tract as described in Volume 338, Page 529 of said Official Public Records, an ell corner of said 2947.884 acre tract and the northwest corner hereof.

THENCE along the general meanders of a fence for the record common line of said Survey No. 61, said Survey No. 1257, said Survey No. 64 and the E. H. Damken Survey No. 1217, Abstract No. 195 and a north line of said 2947.884 acre tract, the following six (6) courses:

1. South 39° 49' 02" East a distance of 2688.20 feet along the south line of said 1212.285 acre tract to a 4 inch cedar fence corner post found at the southeast corner of said 1212.285 acre tract also being the southwest corner of that certain 92.7 acre tract described in Volume 335, Page 490 of said Official Public Records;
2. South 89° 44' 38" East a distance of 2675.83 feet along the south line of said 92.7 acre tract to a 10 inch cedar fence corner post found at the southeast corner of said Survey No. 61, the southwest corner of said Survey No. 1217, the northwest corner of said Survey No. 64, the northeast corner of said Survey No. 1257, the southeast corner of said 92.7 acre tract and the southwest corner of that certain 150 acre tract as described in Volume 93, Page 288 of the Deed Records of McCulloch County, Texas;
3. North 55° 27' 58" East a distance of 2003.36 feet along the south line of said 150 acre tract to a 5 inch cedar fence corner post found for the southeast corner of said 150 acre tract and the southwest corner of that certain 100 acre tract as described in Volume 47, Page 508 of the Deed of Trust Records of McCulloch County, Texas;
4. North 55° 24' 26" East a distance of 1351.33 feet along the south line of said 100 acre tract to a wood fence corner post found for the southeast corner of said 100 acre tract and the southwest corner of that certain 50 acre tract as described in Volume 213, Page 461 of said Deed Records;
5. North 55° 28' 32" East a distance of 1355.97 feet along the south line of said 50 acre tract to a 3/8 inch iron rod found for the southeast corner of said 50 acre tract;

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6. North 55° 27' 22" East a distance of 2148.85 feet to a 3 inch pipe fence corner post found for the southeast corner of said Survey No. 1217, the southwest corner of the Fisher & Miller Survey No. 2578, Abstract No. 275, the northwest corner of the Friedrich Frerichs Survey No. 1218, Abstract No. 313, the northeast corner of said Survey No. 64, the most easterly northeast corner of said 2947.884 acre tract, the northwest corner of that certain 81.8 acre tract as described in Volume 47, Page 508 of said Deed of Trust Records, and the most easterly northeast corner hereof.

THENCE along the general meanders of a fence for the record common line of said Survey No. 64, said Survey No. 1218, said Survey No. 63 and the Friedrich Frerichs Survey No. 1219, Abstract No. 314 and the east line of said 2947.884 acre tract, the following two (2) courses:

1. South 00° 06' 42" East a distance of 1515.40 feet along the west line of said 81.8 acre tract to a 6 inch cedar fence corner post found at the southwest corner of said 81.8 acre tract and the northwest corner of that certain 663.5 acre tract described in Volume 52, Page 239 of said Deed of Trust Records.
2. South 00° 09' 05" West a distance of 3882.38 feet along the west line of said 663.5 acre tract to a 6 inch cedar fence corner post found in the north line of that certain 4324.878 acre tract described in Volume 213, Page 859 of said Deed Records for the southwest corner of said Survey No. 1219, the northwest corner of E.W. Harris Survey No. 33, Abstract No. 2232, the northeast corner of Hans Christian Schaefer Survey No. 1220, Abstract No. 1217, the southeast corner of Survey No. 63, the southwest corner of said 663.5 acre tract, the southeast corner of said 2947.884 acre tract and the southeast corner hereof.

THENCE South 57° 29' 43" West a distance of 3330.89 feet along the record common line of said Survey No. 63 and said Survey No. 1220, the south line of said 2947.884 acre tract to a 3/8 inch iron rod found for the northwest corner of said Survey No. 1220, the northeast corner of Hans Christian Schaefer Survey No. 1221, Abstract 1215, and the northeast corner of a called 349.952 acre tract of land described in Volume 328, page 6 of said Official Public Records;

THENCE along the general meanders of a fence for the record common line of said Survey No. 1221 and said Survey No. 63 and the northwest line of said 349.952 acre tract and the south line of said 2947.884 acre tract the following three (3) courses:

1. South 57° 41' 18" West a distance of 1219.38 feet to a 1/2 inch iron rod found;
2. South 57° 44' 11" West a distance of 1183.82 feet to a 1/2 inch iron rod found;
3. South 57° 44' 24" West a distance of 913.66 feet to a 1/2 inch iron rod found for the northwest corner of said Survey No. 1221, the northeast corner of the C.R. Tisdale Survey No. 38, Abstract No. 2211, the southeast corner of said Survey No. 1256, the southwest corner of said Survey No. 63, the northwest corner of said 349.952 acre tract, the northeast corner of that certain 640 acre tract described in Volume 144, Page 526 of said Deed Records and a corner hereof.

THENCE North 87° 40' 45" West a distance of 5254.35 feet along the general meanders of a fence crossing said Survey No. 1256 for the south line of said 2947.884 acre tract and the north line of said 640 acre tract to a 12 inch cedar fence corner post found at an ell corner of said 2947.884 acre tract for an ell corner hereof.

THENCE North 04° 06' 45" West a distance of 1739.75 feet along the general meanders of a fence crossing said Survey No. 1256 along the west line of said 2947.884 acre tract to a 10 inch cedar gate fence corner post found in the record common line of said Survey No. 39 and said Survey No. 1256 for

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the northeast corner of that certain 160 acre tract as described in Volume 206, Page 506 of said Official Public Records and an interior corner of said 2947.884 acre tract;

THENCE North 00° 20' 14" West a distance of 3091.74 feet along the record common line of said Survey No. 1256, said Survey No. 1257 and said Survey No. 39 and crossing said 2947.884 acre tract, to the POINT OF BEGINNING, containing 1288.274 acres, more or less.

Note: Bearings and distances are grid, NAD 83 US TX Central Zone. Iron rods set are 1/2 inch rebar with plastic caps marked "WATSON 1989" or "Watson 5740".

TRACT TWO: BEING 12.872 acres of land, more or less, out of the H. & T. C. RR Co. Survey No. 39, Abstract No. 621, the Heinrich Herder Survey No. 1258, Abstract No. 510, the Heinrich Herder Survey No. 1259, Abstract No. 511 and the Fisher & Miller Survey No. 2596, Abstract No. 287 and also being a portion of that certain 2947.884 acre tract of land as described in Volume 366, Page 352 of the Official Public Records of McCulloch County, Texas and a portion of a called 160 acre tract described in a deed recorded in Volume 228, Page 811 of the Deed Records of McCulloch County, Texas; Said 12.872 acre tract being more particularly described as follows and as surveyed under the supervision of Watson Professional Group, Inc.

BEGINNING at a 8 inch cedar fence corner post found for the southeast corner of said Survey No. 1258, the southwest corner of the H. & T. C. RR Co. Survey No. 61, Abstract No. 633, the northwest corner of the Thomas Kreiker Survey No. 1257, Abstract No. 813, the northeast corner of said Survey No. 39 for an interior corner of said 2947.884 acre tract, the southwest corner of that certain 1212.285 acre tract as described in Volume 338, Page 529 of said Official Public Records and the northwest corner of that certain 1288.274 acre tract as surveyed this same day by Watson Professional Group, Inc. as a portion of said 2947.884 acre tract;

THENCE South 00° 20' 14" East a distance of 50.00 feet along the record common line of said Survey No. 1257 and said Survey No. 39, the west line of a right of way easement as described in Volume 167, Page 207 of the Deed Records of McCulloch County, Texas and the west line of said 1288.274 acre tract to a 1/2 inch iron rod set for a corner of that certain 303.591 acre tract as surveyed this same day by Watson Professional Group, Inc. being a portion of said 2947.884 acre tract and the southeast corner hereof.

THENCE crossing said Survey No. 39, said Survey No. 1258, said Survey No. 1259 and said Survey No. 2596 along the north line of said 303.591 acre tract, the east line of that certain 1000.011 acre tract as surveyed this same day by Watson Professional Group, Inc. being a portion of said 2947.884 acre tract, the east line of that certain 509.223 acre tract as surveyed this same day by Watson Professional Group, Inc. being a portion of said 2947.884 acre tract and crossing said 2947.884 acre tract the following five (5) courses:

1. South 89° 49' 02" West a distance of 50.28 feet to a 1/2 inch iron rod set for the southwest corner hereof;
2. North 00° 10' 00" West a distance of 55.52 feet to a 1/2 inch iron rod set in the record common line of said Survey No. 39 and said Survey No. 1258 for a corner hereof;
3. North 00° 10' 58" West a distance of 5535.13 feet to a 1/2 inch iron rod set in the common line of said Survey 1259 and said Survey 2596;
4. North 00° 13' 32" West a distance of 2872.44 feet to a 1/2 inch iron rod set;

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5. North 00° 19' 57" West a distance of 2743.90 feet to a 1/2 inch iron rod set in south right-of-way line of Farm-to-Market Road 504 and the north line of said 2947.884 acre tract for the northeast corner of said 509.223 acre tract and the northwest corner hereof;

THENCE South 89° 38' 59" East a distance of 50.02 feet along the north line of said 2947.884 acre tract and the south line of said FW 504 to a 1/2 inch iron rod set in the common line of said Survey No. 2596 and the A. Hoelscher Survey No. 1261, Abstract No. 501 for the most northerly northeast corner of said 2947.884 acre tract, the northwest corner of said 1212.285 acre tract and the northeast corner hereof and from which a 6 inch cedar post fence corner found bears South 25° 31' 31" East a distance of 1.77 feet and a 4 inch post fence corner found bears South 84° 32' 19" East a distance of 43.01 feet;

THENCE along the record common line of said Survey No. 1261, said Survey No. 2596, said Survey No. 1259, said Survey No. 1258, said Survey No. 39, said Survey No. 61 and the A. Hoelscher Survey No. 1260, Abstract No. 500 for the west line of said 1212.285 acre tract and the east line of said 2947.884 acre tract the following three (3) courses:

1. South 00° 19' 57" East a distance of 2746.03 feet 1/2 inch iron rod found with a plastic cap marked "WATSON 5740" at the southwest corner of said Survey No. 1261 and the northwest corner of said Survey No. 1260;

2. South 00° 13' 32" East a distance of 2875.34 feet to a 14 inch cedar fence corner post found for the southeast corner of said Survey No. 2596, the southwest corner of said Survey No. 1260, the northwest corner of said Survey No. 61 and the northeast corner of said Survey No. 1259;

3. South 00° 11' 03" East a distance of 5534.73 feet to the POINT OF BEGINNING, containing 12.872 acres, more or less.

Note: Bearings and distances are, grid, NAD 83 US TX Central Zone. Iron rods set are 1/2 inch rebar with plastic caps marked "WATSON 1989".

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EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

TRACT ONE: BEING an area of 665.161 acres of land, more or less, in McCulloch County comprised of 626.50 acres out of C.R. Tisdale Survey 38, Abstract No. 2211, and 38.66 acres out of C. Schmidt Survey No. 1252, Abstract No. 1234, McCulloch County, Texas, and said 665.161 acre tract being out of 2554 acres conveyed by deed from Ollie M. Johnson, a widow, and Noble M. Johnson to Joe Dale Johnson, described and recorded May 15th, 1953, in Volume 144, Page 526, Deed Records of McCulloch County, Texas, and said 665.161 acre tract being more particularly described by metes and bounds as follows;

BEGINNING at a 1/2" iron rod found, from which a fence corner post bears South 1.0 feet, for the Northeast corner of this tract being the Northeast corner of the Survey 38, Northwest corner of H. Schaefer Survey 1221, Abstract 1215, the Southeast corner of Thos. Kreiter Survey 1256, Abstract 814, the Southwest corner of H. & T. C. Ry. Co. Survey 63, Abstract 634, and being the Northeast corner of 2554 acre Johnson tract, the Northwest corner of 349.952 acres described in a Warranty Deed from John P. Eastley, and wife, Mary Lou Eastley to J. P. Eastley Family Partnership, LTD, recorded in Volume 328, Page 6, Deed Records of McCulloch County, Texas, and being a Southern corner of 4,369.319 acres described in a Warranty Deed to Beakley Cattle Company, LLC, recorded in Volume 366, Page 252, Deed Records of McCulloch County, Texas;

THENCE with the East line of Survey 38 and the West line of Survey 1221, and the West line of said 349.952 acres, the East line of 2554 acre Johnson tract, the East line of this tract along and with a fence, S0° 10' 37"E (Call North), at 1186.46 feet passing a 1/2" iron rod found, at 2309.28 feet passing a 1/2" iron rod found, at 2586.94 feet passing the Southwest corner of Survey 1221 and the Northwest corner of H. Schaefer Survey 1222, Abstract 1216, and continuing with the East line of Survey 38 and the West line of Survey 1222, at 4083.05 feet passing a 1/2" iron rod found, and continuing for a total of 5146.41 feet to a three way fence corner post, being the Southeast corner of Survey 38, the Southwest corner of Survey 1222, the Northwest corner of G. & B.N. Co. Survey 34, Abstract 443, the Northeast corner of Jacob Klock Survey 1250, Abstract 820, also being the Southwest corner of 349.952 acre tract, the Northwest corner of a 364.43 acres described in a Warranty Deed from Jesse L. Stanfield and wife, Margaret Stanfield to SMIKID, LTD., a Texas Limited Partnership, recorded in Volume 332, Page 511, Deed Records of McCulloch County Texas, and the Northeast corner of a 125.293 acres described in a General Warranty Deed from Joe H. Johnson and wife, Mackye M. Johnson; Joen Johnson and husband, Gary Sutton; Janice Johnson Cook and husband, Ronnie Lee Cook; Justine Johnson McNeely and husband, Ted E. McNeely to SMIKID, Ltd recorded in Volume 380 Page 100, Deed Records of McCulloch County, Texas, and being the Southeast corner of this tract;

THENCE with the North line of Survey 1250 and the South line of Survey 38, and the North line of 125.293 acre tract with a fence, N87° 46' 07"W, 1699.29 feet (Call S. 87° 22' 12" E, 1700.06 feet) to a 1/2" iron rod with cap marked "ROSS", for the Northwest corner of 125.293 acre SMIKID tract, and an interior corner of the remainder of 2,554 acre Johnson tract;

THENCE upon and across 2,554 acre Johnson tract, along the South line of Survey 38 and North line of Survey 1250, with a fence, N87° 46' 07"W, at 976.88 feet passing a calculated point for the Northwest corner of Survey 1250 and the Northeast corner of Jacob Klock Survey 1251,

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Abstract 822, continuing for a total distance of 3653.05 feet to a four way fence corner post, from which an Oak tree, 36" diameter, bears S43° 36' 09"E, 56.34 feet, being the Northwest corner of Survey 1251, the Southwest corner of Survey 38, the Northeast corner of H. & T. C. Survey 37. Abstract 820, the Southeast corner of C. Schmidt Survey 1252, Abstract 1234, and being an angle point for the South line of this tract;

THENCE upon and across Survey 1252, and 2554 acre Johnson tract, with a fence, N84° 54' 58"W, 592.71 feet to a 2 1/2" pipe fence corner post, for the Southwest corner of this tract;

THENCE with a fence, N0° 19' 28"W, 2689.66 feet to a 2 1/2" pipe fence corner post, being in the North line of Survey 1252, the South line of C. Schmidt Survey 1255, Abstract 1235, and being in the South line of 617.7 acres described in a Warranty Deed to Harold Lanier Price recorded in Volume 206, Page 506, Deed Records of McCulloch County, Texas, the North line of 2554 acre Johnson tract, and being the Western most Northwest corner of this tract;

THENCE along the North line of Survey 1252, the South line of Survey 1255, the South line of 617.7 acre Price tract, the North line of 2554 acre Johnson tract, with a fence, N89° 52' 54"E, 649.28 feet to a cedar fence corner post, being the Northeast corner of Survey 1252, the Southeast corner of Survey 1255, being in the West line of Survey 38, for an interior corner of this tract;

THENCE along the East line of Survey 1255, the West line of Survey 38, the East line of 617.7 acre Price tract, the West line of 2554 acre Johnson Tract, with a fence, N0° 54' 43"E, 2407.29 feet (Call South 950 varas) to a 1/2" iron rod by a three way fence corner post, for the Northeast corner of Survey 1255, the Northwest corner of Survey 38, the Southeast corner of H. & T. C. R.R. Survey 39, Abstract 621, the Southwest corner Survey 1256, being the Southwest corner of 4369.319 acre Beakley tract, and being the Northern most Northwest corner of 2554 acre Johnson tract, and being the Northern most Northwest corner of this tract;

THENCE along the South line of Survey 1256, the North line of Survey 38, the South line of 4369.319 acre Beakley tract, the North line of 2554 acre Johnson tract, with a fence, S87° 40' 57"E, 5254.71 feet (Call West 1900 varas) to the PLACE OF BEGINNING and containing an area of 665.161 acres of land.

TRACT TWO:

A non-exclusive easement as described in an easement dated April 25, 1994 from Carol Ann Johnson to Joceen Johnson Sutton, et al, recorded in Volume 265, Page 264, Deed Records, McCulloch County, Texas, to be held, used and enjoyed in common with the other Grantors herein, said easement described as follows:

Said 30-foot wide strip is 15.0 feet on each side of a centerline, more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a point in the north line of public road for the south end hereof from which point a railroad spike set by a "T" corner post in the south line of said public road for the southeast

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COOK FAMILY REVOCABLE TRUST

corner of said Fisher & Miller Survey No. 2591 bears South 82° 39' 51" East 461.51 feet;

THENCE with the approximate centerline of an existing road across said Carol Ann Johnson 524 acres, North 15° 15' 58" West 1504.37 feet, a railroad spike, North 12° 46' 58" West 1999.73 feet, a railroad spike, North 12° 13' 58" West 577.82 feet, a railroad spike at the intersection of another access road, (which bears northwest to the east property line of Grantee's property, said access road to the Northwest to Grantee's property is included herein), North 09° 08' 00" East 148.54 feet, North 33° 02' 48" East 1008.57 feet, and North 11° 59' 16" East 169.17 feet to a point in the north line of said Survey No. 2591, being the north line of said Carol Ann Johnson 524 acres, from which a point a 1/2 inch steel stake set by a "T" corner post for the Northeast corner of said Survey No. 2591 bears South 88° 31' 20" East 731.97 feet, also from said point a railroad spike in a west pine gatepost bears North 88° 31' 21" West 10.0 feet.

TRACT THREE:

A non-exclusive easement as described in an easement from J. A. Jones, James M. Anderson, Patrick S. Anderson and Timothy Lee Anderson to Joe H. Johnson, Joceen Johnson Sutton, Janice Johnson Cook, and Justine Johnson McNelly dated June 30, 2008, recorded in Volume 380, Page 95, Official Public Records, McCulloch County, Texas, to be held, used and enjoyed in common with the other Grantors herein, said easement described as follows:

Easement and right-of-way upon and across a thirty (30) foot wide strip of land crossing a 109.252 acre tract out of Jacob Klock Survey No. 1249, Abstract No. 819, in McCulloch County, Texas described in Deed from Noble M. Johnson and wife, Modenia Johnson dated November 19, 1993 to J. A. Jones and J. S. Anderson, recorded in Volume 265, Page 560, Official Public Records of McCulloch County, Texas. Said 30-foot wide strip is 15.0 feet on each side of a centerline, more particularly described by metes and bounds as follows, to wit:

BEGINNING at a point in the North line of the F & M Survey No. 2591, Abstract No. 268 and the South line of said Jacob Klock Survey No. 1249, Abstract No. 819, also being the ending point of an easement from Carol Ann Johnson dated April 25, 1994, recorded in Volume 265, Page 264, Official Public Records, McCulloch County, Texas, and further being in the North line of a public road for the south end hereof, from which point a 1/2 inch steel stake set by a "T" corner post for the Northeast corner of said Survey No. 2591 bears South 88° 31' 20" East 731.97 feet, also from said point a railroad spike in a west pine gatepost bears North 88° 31' 21" West 10.0 feet;

THENCE continuing with said centerline hereof, North 13° 23' 21" East 250.79 feet North 04° 21' 34" East 725.71 feet, North 8° 46' 23" East 913.85 feet, and North 19° 12' 58" East 55.33 feet to a point in the center of a catleguard, being in the north line of said J. A. Jones et al tract, from which point a 1/2 inch steel stake set by a "T" fence corner post for a Northeasterly corner of said Noble Johnson tract bears South 88° 35' East 427.28 feet.

WIND ENERGY GROUND LEASE
12330233v.3

EXHIBIT "A"

COOK FAMILY REVOCABLE TRUST

TRACT FOUR:

A non-exclusive easement as described in a Warranty Deed dated July 3, 2008 from Joe H. Johnson et ux et al to SMIKID Ltd recorded in Volume 380, Page 100, Official Public Records, McCulloch County, Texas, to be held, used and enjoyed in common with the other Grantors herein, and being an easement over, upon and across a strip or tract of land located in the Jacob Klock Survey No. 1249, Abstract No. 819, and the Jacob Klock Survey No. 1250, Abstract No. 820, in McCulloch County, Texas, said easement being fifteen feet on each side of a center line described by metes and bounds as follows, to-wit:

BEGINNING at a point in the North line of that tract described in Deed form Ollie M. Johnson et al to Noble Johnson, dated May 31, 1955, recorded in Volume 144, page 529, Deed Records of McCulloch County, Texas, being also at a point in a southerly line of a 2,544.0 acre tract, from which point a 1/2 inch steel stake set by a "T" fence corner post for a northeasterly corner of said Noble Johnson tract bears S. 88° 35' East 427.28 feet, and being also the ending point of that easement from Carol Ann Hagler et al to Ona Green, dated July 15, 1985, recorded in Volume 228, Page 366, Deed Records of McCulloch County, Texas;

THENCE North 38° 16' 12" East 57.77 feet, North 78° 36' 10" East 176.95 feet, North 63° 38' 18" East 101.77 feet, North 35° 22' 43" East 180.45 feet, a 30d nail, North 06° 44' 28" West, at 362.02 feet cross the North line of said Jacob Klock Survey No. 1249 at a point from which a 1/2 inch steel stake set by a "T" fence corner post for the Northeast corner of said Survey No. 1249 bears East 54.15 feet, a total distance this course of 831.36 feet, a railroad spike, North 01° 35' 29" East 409.77 feet, North 21° 59' 17" East 82.84 feet, North 63° 23' 31" East 36.91 feet to a point for an angle hereof, from which point the center of a cattle guard in the East line of said Jacob Klock Survey No. 1250 bears North 63° 23' 31" East 16.65 feet;

THENCE parallel to and 15.0 feet West of the East line of Jacob Klock Survey No. 1250, North 01° 00' West, at 1,599.5 feet pass the North line of said Survey No. 1250, at a point 15.0 feet West of the Northeast corner of said Survey No. 150, a total distance this last course of 1,614.5 feet;

THENCE East 15.0 feet to a point in the West line of H. Schaefer Survey No. 1222, Abstract No. 1216, for the North end hereof, from which said point the Southwest corner of said Survey No. 1222 bears South 01° East 15.0 feet.

WIND ENERGY GROUND LEASE
12330253X.3

EXHIBIT "A"

COOK FAMILY REVOCABLE TRUST

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

Being 99.77 acres, more or less, out of a 100 acre tract out of the Southwest corner of the N. P. Fletcher Survey No. 110, Abstract No. 1750, Patent No. 103, Volume 3-A, McCulloch County, Texas, dated June 17, 1919, conveyed by E. J. D. Peters and wife, Minnie Peters, to O. G. Dahlberg, by deed dated September 23, 1920, recorded in Volume 40, Page 330, Deed Records, McCulloch County, Texas, described by metes and bounds as follows:

Beginning at a stake and mound in the West line of said Survey set in the North line of Brady and Eden public road, and set 10.8 varas North from the Southwest corner of said Survey;

Thence with the West line of said Survey No. 110, North 1239 varas to a stake and mound set for the Northwest corner of a .350 acre tract out of said Survey, conveyed by G. J. Burger to E. J. D. Peters, by deed dated January 3, 1905, recorded in Volume 4, Page 216, Deed Records, McCulloch County, Texas, with bearings as called for in said Deed at said corner, and with a new bearing, a Mesquite 6" bears North 370 West 11 varas;

Thence with the North line of said 350 acre tract, South 85° East 455 varas to a stake and mound from which a Live Oak 10" bears South 850 West 15-4/5 varas;

Thence South 1239 varas to stake and mound in the North side of Brady and Eden public road;

Thence with the North line of said Brady and Eden public road, North 89° West 455 varas to the place of beginning;

Save and Except a certain .23 of an acre tract of land out of the Southwest corner of said 100 acre tract, conveyed by O. G. Dahlberg and Judith Dahlberg to State of Texas, for highway purposes, by Deed dated March 28, 1934, recorded in Volume 90, Page 450, Deed Records, McCulloch County, Texas, leaving 99.77 acres; and being the same land conveyed by Judith Dahlberg, et al to Virgil L. Dahlberg by Deed dated September 20, 1956, recorded in Volume 146, Page 609, Deed Records, McCulloch County, Texas.

WIND ENERGY GROUND LEASE
12975432X.2

EXHIBIT "A"

DAHLBERG, DANIEL A.

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

Tract 1:

(1) The west half of Johann H. Lochmann Survey No. 1132, Abstract No. 939, Certificate No. 741, patented to Johann H. Lochmann by Patent No. 543, Volume 17; and

(2) The West half of Johann H. Lochmann Survey No. 1133, Abstract No. 940, Certificate No. 741, patented to Johann H. Lochmann by Patent No. 545, Volume 17.

SAVE AND EXCEPT THEREFROM, HOWEVER, the following three tracts of land:

(1) A 1 acre cemetery lot out of the West part of Survey 1133; and

(2) A strip of land 40 feet wide off of the east side of the west half of J.H. Lochmann surveys 1132 and 1133, abstract 939 and 940, certificate 741, patented to J.H. Lochmann by patents 543 and 545, Vol. 17, said strip of land extending from the south boundary line of survey 1133 to the north line of survey 1132 and being bounded on the east by the east boundary line of portions of said surveys conveyed to J.H. White and G.R. White, executors, by Abner Hanson and wife Jennie Hanson by deed dated December 7, 1923 and recorded in Volume 65, Page 384, Deed Records, McCulloch County, Texas; and said strip of land bounded on the west by a line running from south boundary line of said Survey 1133 to the north boundary line of said Survey 1132 parallel with said east line and 40 feet west therefrom and being the same strip above reserved in deed from G.R. White, et al. to W.N. White, recorded in Volume 65, Page 452, Deed Records, McCulloch County, Texas.

(3) A strip of land 30 feet side off of the south side of the west half of J.H. Lochmann survey 1133, abstract 940, certificate 741, patented to J.H. Lochmann by patent 543 and 545, Vol. 17, said strip of land extending from the west boundary line of survey 1133 to the east boundary line of the west half of survey 133.

Tract 2:

10 acres, more or less, and being part of ABSTRACT. Survey No. 24, Abstract No. 445, Certificate No. 84, patented to H. M. Sears by Patent No. 13, Volume 20, described by metes and bounds as follows:

BEGINNING at a stake set 30 ft. South from the NW cor. of said Survey No. 24, for the NW cor. this tract;

THENCE South 250 $\frac{1}{2}$ yards with West line of said Survey No. 24, to stake;

THENCE East 350.4 yds. to stake;

THENCE North 87 yards to stake in South line of old Brady and Eden public road;

THENCE with South line of said public road, North 66° West 374 yards to the place of beginning.

WIND ENERGY GROUND LEASE
1308612v.2

EXHIBIT "A"

DAHLBERG, DAVID AND JUNE

EXHIBIT A**LEGAL DESCRIPTION OF EASEMENT PROPERTY**

The following lands situated in McCulloch County, Texas

TRACT 1:

160 acres, more or less, being all of the John C. Prude Survey No. 1289, Abstract No. 1900, patented by the State of Texas to W.H. Donathan, Sr., Assignee, by Patent No. 349, Volume 20, dated December 20, 1897, recorded in Volume J-1, Page 87, Deed Records, McCulloch County, Texas.

Said land being the same land described in that certain Deed and Stipulation of Interests recorded on February 7, 2012 in Volume 408, Page 240, Deed Records, McCulloch County, Texas.

TRACT 2:

324.535 acres, more or less, being all of the Peter Bonn Survey No. 1288, Abstract No. 57, Cert. No. 645, McCulloch County, Texas.

Said land being the same land described in that certain Deed and Stipulation of Interests recorded on February 7, 2012 in Volume 408, Page 240, Deed Records, McCulloch County, Texas.

TRANSMISSION FACILITIES EASEMENT AGREEMENT

Rattlesnake
13385043v.2

A-15

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

BEING 168.61 acres, more or less, in the J. H. Lochmann Survey No. 1132, Abstract No. 939, McCulloch County, Texas, said tract is that land that Virgil L. Dahlberg, et ux, deeded to Judith E. Carpenter by Deed dated January 31, 2000, recorded in Volume 309, Page 67, Deed Records, McCulloch County, Texas:

BEGINNING at a corner post with a set $\frac{1}{2}$ " iron stake located at the recognized Southeast corner of said Survey No. 1132, said point is the Southeast corner of this tract;

THENCE North $00^{\circ} 15' 57''$ East 2667.3 ft. (North 2652.8 ft - deed call) along a fence line to a corner post with a found $\frac{1}{2}$ " iron stake, said point is the Northeast corner of Survey No. 1132;

THENCE North $63^{\circ} 04' 55''$ West 3089.9 ft. (North $63^{\circ} 23'$ West 3072.2 ft. - deed call) along the North line of said Survey No. 1132 and near a fence line to a corner post located 1.7 ft. South of an iron corner post;

THENCE South $00^{\circ} 05' 05''$ West 2664.2 ft. (South 2654.2 ft - deed call) along a fence line located on the East line of County Road 154 to a set $\frac{1}{2}$ " iron stake by a broken corner post;

THENCE South $62^{\circ} 57' 35''$ East 3083.8 ft. (South $63^{\circ} 23'$ East 3066.0 ft - deed call) along a fence line located on the South line of said Survey No. 1132 to the POINT OF BEGINNING.

WIND ENERGY GROUND LEASE
12981222v.1

EXHIBIT "A"

EMERSON, M. REX AND KELLI A.

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

The following lands situated in McCulloch County, Texas, described as Parcel A and Parcel B below.

PARCEL A: 524.696 ACRES

BEING 524.696 acres, more or less, located in McCulloch County, Texas, and being all of a tract of land containing 1324.75 acres, more or less, described in a deed dated November 15, 1993 from Nellie Belle Snyder to Kay Snyder Fortson recorded in Volume 262, Page 540, Deed Records, McCulloch County, Texas, which 1324.75 acre tract is hereinafter described as Tracts One, Two and Three, LESS, SAVE, AND EXCEPT, three tracts of land containing 800.054 acres, more or less, which three tracts are hereinafter described as Parcels One, Two, and Three.

Tract One: 797.35 acres, more or less, described as follows:

(1) 159.3 acres, more or less, the East half of Carl Usener Survey No. 1351, Certificate No. 402, patented to James F. Edmunds by Patent No. 382, Volume 24, Abstract No. 1383.

(2) 178 acres, more or less, off of the East part of Carl Usener Survey No. 1352, Certificate No. 402, patented to James F. Edmunds by Patent No. 381, Volume 24, Abstract No. 1382.

(3) 409-8/10 acres, more or less, the North part of H. & T.C. R.R. Co. School Section No. 16, purchased from the State by and patented to S.E. McKnight by Patent No. 487, Volume 21, Certificate No. 337207, Abstract No. 2236.

(4) 50-1/4 acres, more or less, the West part of the South half of H. & T.C. R.R. Co. School Section No. 16, purchased from the State by and patented to S.E. McKnight by Patent No. 487, Volume 21, Certificate No. 337207, Abstract No. 2236.

Tracts (1), (2), (3) and (4), being all of Tract One above and is more particularly described by metes and bounds in deed dated November 21, 1932, from Elmer Wallace, et ux, to Mrs. Elizabeth Snyder and Kenneth Snyder, recorded in Volume 87, Page 594, Deed Records, McCulloch County, Texas.

Tract Two: 320.00 acres, more or less, all of Simon Balmert Survey No. 1349, Certificate No. 39, Abstract No. 63, patented to heirs of Simon Balmert by Patent No. 125, Volume 31, and being the land described as Tract (1) in deed dated March 2, 1942, from J. A. Henton, et ux, to Elizabeth Snyder, a widow, and Kenneth L. Snyder, recorded in Volume 107, Page 596, Deed Records of McCulloch County, Texas.

Tract Three: 207.4 acres, more or less, described as follows:

(1) 114.2 acres, more or less, out of the West part of Carl Usener Survey No. 1351, Certificate No. 402, Abstract No. 1383, patented to James F. Edmunds by Patent No. 382, Volume 24.

(2) 93.2 acres, more or less, out of the West part of Carl Usener Survey No. 1352, Certificate No. 402, Abstract No. 1382, patented to James F. Edmunds by Patent No. 381, Volume 24.

Tracts (1) and (2), being all of Tract Three, are described by metes and bounds in deed dated October 14, 1960, from W. T. Russell and wife, Pattie Russell, to Kenneth L. Snyder, recorded in Volume 158, Page 203, Deed Records of McCulloch County, Texas.

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12280944v.2

EXHIBIT "A"

FORTSON

SAVE AND EXCEPT from the 1,324.75 acre, more or less, parcel of land;

Parcel One: Being an area of 130.054 acres of land, more or less, out of and a part of Carl Usener Survey No. 1352, Abstract No. 1382, McCulloch County, Texas and said 130.054 acre tract also being out of that certain 207.4 acre (Tract Three) described and recorded in Volume 275, Page 562, Official Public Records of McCulloch County, Texas and out of that certain 1324.75 acre tract (Tract One) described and recorded in Volume 275, page 562, Official Public Records of McCulloch County, Texas and said 130.054 acre tract being more particularly described by metes and bounds in Deed dated August 24, 2007 from Kay Snyder Fortson, a single woman to Shawn M. Gaudet, a single man and filed for record in Volume 371, Page 443, Official Public Records, McCulloch County, Texas, and said deed and the record thereof is here incorporated for all purposes. Said 130.054 acres being more particularly described by metes and bounds as follows:

Beginning at a 1/2" iron rod with cap set for the southwest corner of this tract and said 207.4 acre tract and being in the east right-of-way line of F. M. Highway No. 503 and from which a 5" steel fence corner bears N. 31° 40' 42" E. 29.0 feet;

Thence with the west line of this tract and said 207.4 acre tract and the east line of said F. M. Highway No. 503 with a curve to the left, having a radius of 756.38 feet, central angle of 09° 15' 31", arc length of 122.23 feet and whose long chord bears N. 06° 54' 16" E. 122.09 feet to a 1/2" iron rod with cap set for the end of this curve;

Thence continuing with the west line of this tract and said 207.4 acre tract and the east line of said F. M. Highway No. 503, N. 02° 16' 30" E. 463.89 feet to a 1/2" iron rod with cap set, N. 02° 18' 50" E. 1196.97 feet to a 1/2" iron rod with cap set for the northwest corner of this tract;

Thence with the north line of this tract and across said 207.4 acre tract and said 1324.75 acre tract, S. 87° 16' 52" E. 3144.12 feet to a 1/2" iron rod with cap set for the northeast corner of this tract;

Thence with the east line of this tract, S. 01° 05' 52" W. 1799.89 feet to a 1/2" iron rod with cap set for the southeast corner of this tract;

Thence with the south line of this tract and said 1327.75 acre tract and said 207.4 acre tract, N. 86° 59' 00" W. 3191.94 feet to the place of beginning and containing an area of 130.054 acres of land.

Bearings recited hereon are based on Texas Coordinate System NAD83 - Texas Central Zone by GPS observation.

Parcel Two: Being 70,000 acres of land, more or less, out of and a part of Carl Usener Survey No. 1352, Abstract No. 1382, McCulloch County, Texas and said 70,000 acre tract also being out of that certain 207.4 acre (Tract Three) and certain 1324.75 acre (Tract One) described and recorded in Volume 275, Page 562, Official Public Records of McCulloch County, Texas and said 70,000 being more fully described in deed dated February 15, 2010 from Kay Snyder Fortson, a single woman, to Shawn Gaudet and wife, Erin Gaudet, filed for record in Volume 393, Page 571, Official Public Records, McCulloch County, Texas, which deed and the record thereof are here incorporated for all purposes, and said 70,000 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod with cap found for the Southwest corner of this tract in the East right-of-way line of F.M. Highway No. 503 and from which the Southwest corner of said 207.4 acre tract bears South 02° 18' 50" West 1196.97 feet, South 02° 16' 30" West 463.89 feet and South 06° 54' 16" West 122.09

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feet;

THENCE with the West line of this tract and said 207.4 acre tract and the East line of said F.M. Highway 503, North 02° 18' 50" East 124.45 feet to an iron rod with cap found for an angle corner, North 04° 17' 18" East 810.41 feet to an iron rod with cap found for the beginning of a curve to the left;

THENCE with said curve to the left, having a radius of 2904.79 feet, central angle of 05° 33' 00", arc length of 281.38 feet, and whose long chord bears North 01° 30' 47" East 281.27 feet to an iron rod with cap found for the end of this curve;

THENCE continuing with the West line of this tract and said 207.4 acre tract, North 01° 15' 42" West 438.50 feet to an iron rod with cap found for the beginning of a curve to the left;

THENCE with said curve to the left, having a radius of 4623.32 feet, central angle of 05° 34' 00", arc length of 449.19 feet, and whose long chord bears North 04° 02' 42" West 449.01 feet to an iron rod with cap found for the end of this curve;

THENCE continuing with the West line of this tract and said 207.4 acre tract, North 06° 49' 42" West 58.32 feet to a 1/2" iron rod with cap set for the Northwest corner of this tract;

THENCE with the North line of this tract and across said 207.4 acre tract and said 1324.75 acre tract, South 75° 23' 33" East 1894.36 feet to a 5" fence corner occupying the Northeast corner of this tract;

THENCE with the easterly line of this tract, along and with a fence, South 17° 59' 48" West 1419.71 feet to a 5" fence corner found, South 18° 12' 45" West at 339.19 feet pass a 1/2" iron rod with cap set, in all a total distance of 411.78 feet to a 1/2" iron rod with cap set for the Northeast corner of this tract;

THENCE with the South line of this tract, North 87° 16' 51" West 1292.03 feet to **THE PLACE OF BEGINNING** and containing an area of 70,000 acres of land, more or less.

Bearings recited hereon are based on Texas Coordinate System NAD83 - Texas Central Zone by GPS observation.

Parcel Three: Being an area of 600,000 acres, more or less, of land, out of Carl Usener Survey No. 1351, Abstract No. 1383, Carl Usener Survey No. 1332, Abstract No. 1382, and S. McKnight Survey No. 16, Abstract No. 2236, McCulloch County, Texas, and said 600,000 acre tract being a portion of 1324.75 acres of land conveyed by Warranty Deed to Kay Snyder Fortson, described and dated November 15, 1993, in Volume 262, Page 540, Deed Records of McCulloch County, Texas, said 600,000 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with cap marked "SKG ENGINEERS" found at a fence corner post found in said Survey No. 1351, in the East right of way line of F.M. Highway No. 503 at station 191+80.28, being the Northwest corner of 70,000 acres described and recorded in a Warranty Deed from Kay Snyder Fortson to Shawn Gaudet, in Volume 393, Page 571, McCulloch County, Texas, and being in a western corner of the remainder of said 1324.75 acres and being a Southwest corner hereof;

THENCE with the East right of way of said F.M. 503 and the West line of the remainder of said 1324.75 acres, with the following bearings and distances: North 07° 11' 36" West, 713.82 feet, to a 1/2" iron rod with cap marked "SKG ENGINEERS" set at the beginning of a curve;

THENCE with a curve to the left having a long chord of North 28° 16' 30" West, 680.25 feet and a radius

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of 944.65, to a $\frac{1}{2}$ " iron rod with cap marked "SKG ENGINEERS" set for the end of a curve;

THENCE North 49° 21' 28" West, 381.46 feet to a $\frac{1}{2}$ " iron rod with cap marked "SKG ENGINEERS" set at the beginning of a curve;

THENCE with a curve to the right having a long chord of North 45° 30' 40" West, 46.73 feet, radius of 343.34 feet to a $\frac{1}{2}$ " iron rod with cap marked "SKG ENGINEERS" set in the North line of Survey No. 1351, the South line of H & T.C. R.R. Survey No. 15, Abstract No. 608, in the East right of way line of F.M. Highway No. 503 on a curve to the left at station 209+94.81, being the Southwest corner of 161.93 acres described and recorded in a Warranty Deed to Dorman Dan Jacoby in Volume 210, Page 560, Deed Records, McCulloch County, Texas, being the Northwest corner hereof;

THENCE with the North line of said Survey No. 1351 and the South line of said Survey No. 15, the South line of said 161.93 acres, the North line of said 1324.75 acres, the North line hereof, South 85° 43' 15" East (East), passing at 2487.85 feet the Southeast corner of said 161.93 acres and the Southwest corner of 160 acres (SE $\frac{1}{4}$) of said Survey 15 described and recorded in a Warranty Deed to J.B. Lewis and wife, Daisy Dwan Lewis in Volume 306, Page 1016, McCulloch County Official Public Records, continuing with the South line of said 160 acres, the North line of said 1324.75 acres and the North line hereof a total of 5187.54 feet to a rock marked "X" buried on the North side of a 4 way fence corner post being the Southeast corner of said Survey No. 15, the Northeast corner of said Survey No. 1351, the Southwest corner of D. Rothenberg Survey No. 1348, Abstract No. 1144, the Northwest corner of S. McKnight Survey No. 16, Abstract No. 2236, the Southwest corner of 336 acres described and recorded in a Deed to Willie R. Siler in Volume 114, Page 352, Deed Records of McCulloch County, being in the North line of said 1324.75 acres and the North line hereof;

THENCE with the South line of Survey No. 1348 and said 336 acres, the North line of said Survey No. 16 and said 1324.75 acres, with a fence and the North line hereof, South 89° 53' 01" East, 2832.48 feet to a $\frac{1}{2}$ " iron rod with cap marked "SKG ENGINEERS" set for the Northeast corner hereof, from which a rock marked "X" buried on the North side of a 4 way fence corner post being the Northeast corner of said Survey No. 16 bears South 89° 53' 01" East, 2679.79 feet;

THENCE upon and across said Survey No. 16 and said 1324.75 acres, South 07° 42' 28" East, 1193.03 feet to a $\frac{1}{2}$ " iron rod with cap marked "SKG ENGINEERS" set for an angle hereof;

THENCE continuing upon and across said Survey No. 16 and said 1324.75 acres, South 12° 59' 10" West, 1938.97 feet to a $\frac{1}{2}$ " iron rod with cap marked "SKG ENGINEERS" set at a fence in the South line of said 1324.75 acres and the North line of 258.33 acres (First Tract) described and recorded in a Deed to Harold Lanier Price in Volume 160, Page 68, Deed Records, McCulloch County, Texas, said iron rod being a Southeast corner hereof;

THENCE with the North line of said 258.33 acres and the South line of said 1324.75 acres with a fence, North 86° 08' 48" West (North 86° West), 1618.90 feet to a three way fence corner post being the Northwest corner of said 258.33 acres and an interior corner of said 1324.75 acres and being an interior corner hereof;

THENCE with the West line of said 258.33 acres and an East line of said 1324.75 acres with a fence, South 00° 09' 47" East (South), 2409.74 feet (860 varas) to a $\frac{1}{2}$ " iron rod with cap marked "SKG ENGINEERS" set in the South line of Survey No. 16, the North line of A. Neundorff Survey No. 1353, Abstract No. 1067, being the Southwest corner of said 258.33 acres and in the North line of 677.75 acres (First Tract), described and recorded in a Deed to Harold Lanier Price in Volume 160, Page 68, Deed Records, McCulloch County, said iron rod being a Southeast corner hereof, from which a 3 way fence

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1228094W.2

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corner post bears North 02° 35' 29" West 32.25 feet;

THENCE with the North line of said 677.75 acres, said Survey No. 1353, and the South line of said 1324.75 acres, said Survey No. 16, North 84° 47' 57" West (North 86° West), 916.61 feet (330 varas) to a rock marked "X" buried on the West side of a fence post being the Southwest corner of said Survey No. 16, the Northwest corner of said Survey No. 1353, the Southeast corner of Carl Usener Survey No. 1352, Abstract No. 1382, the Northeast corner of H. & T.C. R.R. Co. Survey No. 17, Abstract No. 609, the Northwest corner of said 677.75 acres, the Northeast corner of 105.81 acres (Fourth Tract) described and recorded in a Deed to Harold Lanier Price in Volume 160, Page 68, Deed Records, McCulloch County, being in the South line hereof;

THENCE with the North line of said 105.81 acres, the North line of said Survey No. 17 and the South line of said 1324.75 acres, the South line of said Survey No. 1352, North 86° 41' 44" West (North 87° West), 1366.09 feet to a $\frac{1}{2}$ " iron rod with cap marked "SKG ENGINEERS" found for the Southeast corner of 130.054 acres described and recorded in a Warranty Deed with Vendor's Lien to Shawn M. Gaudet in Volume 371, Page 443, Official Public Records, McCulloch County, being the Southwest corner hereof;

THENCE upon and across said 1324.75 acres, with the East line of said 130.054 acres, North 00° 42' 55" East, 1799.78 feet (North 01° 05' 52" East, 1799.89) to a $\frac{1}{2}$ " iron rod with cap marked "SKG ENGINEERS" found being the Northeast corner of said 130.054 acres, being an interior corner hereof;

THENCE with the North line of said 130.054 acres, North 87° 40' 37" West, 1831.95 feet (North 87° 16' 52" West) to a $\frac{1}{2}$ " iron rod with cap marked "SKG ENGINEERS" found in a fence in the East line of said 70.000 acres, being a Southwest corner hereof.

THENCE with the East line of said 70.000 acres with a fence, North 17° 52' 47" East, 339.68 feet (North 18° 12' 45" East, 339.19) to a 5" fence post, continuing, North 17° 34' 58" East, 1419.21 feet (North 17° 59' 48" East, 1419.71) to a 3 way fence corner post, being an interior corner hereof;

THENCE with a fence and the North line of said 70.000 acres, North 75° 47' 01" West, 1893.42 feet (North 75° 23' 33" West, 1894.36) to the PLACE OF BEGINNING and containing 600.000 acres of land, more or less.

Bearings recited herein are based on Texas coordinate system NAD-83-Texas Central zone by GPS observation.

PARCEL B: EASEMENT

Being a 40 foot wide easement across Carl Usener Survey No. 1351, Abstract No. 1383, S. McKnight Survey No. 16, Abstract No. 2236, McCulloch County, Texas, and said easement being out of a portion of 1324.75 acres of land conveyed by Warranty Deed to Kay Snyder Fortson, described and dated November 15, 1993, in Volume 262, Page 540, Deed Records of McCulloch County, Texas, said easement being more particularly described by metes and bounds as follows:

Beginning at a $\frac{1}{2}$ " iron rod with cap marked "SKG ENGINEERS" found in said Survey No. 1351, in the East right of way line of F. M. Highway No. 503 on a curve to the left at station 199+51.87, from which a $\frac{1}{2}$ " iron rod with cap marked "SKG ENGINEERS" found in the East right of way line of F. M. Highway No. 503 at station 191+80.28, bears South 07° 19' 59" West, 774.29 feet, being the Northwest corner of 70,000 acres described and recorded in a Warranty Deed from Kay Snyder Fortson to Shawn Gaudet, in Volume 303, Page 571, McCulloch County, Texas, another $\frac{1}{2}$ " iron rod with cap marked "SKG

WIND ENERGY GROUND LEASE
1228094W.2

EXHIBIT "A"

FORTSON

ENGINEERS" set in the North line of Survey No. 1351, the South line of H. & T. C. R.R. Survey No. 15, Abstract No. 608, in the East right of way line of F. M. Highway No. 503 on a curve to the left at station 209+94.81, bears North 37° 45' 36" East, 1037.87 feet, being the Southwest corner of 161.93 acres described and recorded in a Warranty Deed to Dorman Dan Jacoby in Volume 210, Page 560, McCulloch County, Texas.

Thence upon and across said Survey No. 1351 and said Survey No. 16 with the following centerline bearings and distances:

North 85° 15' 41" East, 631.87 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" set;

North 88° 39' 33" East, 177.94 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" set;

North 59° 23' 04" East, 159.42 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" set;

South 82° 21' 57" East, 481.74 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" set;

South 82° 30' 33" East, 480.68 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" set;

South 29° 52' 17" East, 492.80 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" set;

South 73° 53' 58" East, 471.24 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" set;

North 73° 14' 21" East, 239.83 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" set;

North 64° 05' 21" East, 1837.98 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" set;

South 86° 11' 18" East, 76.28 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" set;

North 00° 04' 49" West, 101.40 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" set;

South 89° 53' 02" East, 2815.16 feet to a 1/2" iron rod with cap marked "SKG ENGINEERS" set, to the end of this centerline description in the East line of the above described 600.00 acre tract, from which a 1/2" iron rod with cap marked "SKG ENGINEERS" set for the Northeast corner of said 600.000 acres bears North 07° 42' 28" West, 20.19 feet, and from which a rock marked "X" buried on the North side of a 4 way fence corner post being the Northeast corner of said Survey No. 16 bears North 89° 41' 17" East, 2677.11 feet.

Bearings recited hereon are based on Texas coordinate system NAD-83 Texas Central Zone by GPS observation.

WIND ENERGY GROUND LEASE
12280944v.2

EXHIBIT "A"

FORTSON

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of the following described land situated in McCulloch County, Texas, to-wit:

TRACT ONE: 160 acres, more or less, being all of the Johann D. Haltermann Survey No. 1225, Abstract No. 508, Certificate No. 729, patented to John H. Herndon by Patent No. 797, Volume 17, Deed Records, McCulloch County, Texas.

TRACT TWO: 160 acres, more or less, being all of the Johann D. Haltermann Survey No. 1226, Abstract No. 509, Certificate No. 729, patented to John H. Herndon by Patent No. 798, Volume 17, Deed Records, McCulloch County, Texas.

TRACT THREE: 320 acres, more or less, being all of H. & T. C. R.R. Co. Survey No. 81, Abstract 645, Certificate 33/3240, patented to H. & T. C. R.R. Co. by Patent 184, Volume 44, McCulloch County, Texas.

TRACT FOUR: A non-exclusive easement as described in an Agreement for Access Easement dated July 29, 2002 from Charles B. Patton and wife, Alice Patton to Michael L. Fullagar, recorded in Volume 325, page 907, Official Public Records, McCulloch County, Texas. Said easement is described as follows:

Situated in McCulloch County, Texas and being out of the East one-half (1/2) of H. & T. C. R.R. Co. Survey No. 81, Abstract No. 645, described as follows:

BEGINNING at the Northwest corner of the East one-half (E-1/2) and the Northeast corner of the West one-half (W-1/2) of the H. & T. C. R.R. Co. Survey No. 81, Abstract No. 645, for the Northwest corner of this easement tract;

THENCE with the West line of the East one-half (E-1/2) and East line of the West one-half (W-1/2) of said Survey No. 81, South 65 feet;

THENCE parallel with the North line of the East one-half of said Survey No. 81, and South 65 feet therefrom, East to the intersection with public road Broadmore Lane;

THENCE with said Broadmore Lane, North to the North line of the East one-half (E-1/2) of said Survey No. 81;

THENCE with the North line of the East (E-1/2) of said Survey No. 81, West to the place of BEGINNING.

Said Easement tract is for the benefit of (1) 299.04 acres out of the West one-half (W-1/2) of said Survey No. 81, being all of the West one-half of said Survey except 20.96 acres out of the Northwest corner of said West one-half of said Survey; (2) 160 acres all of Johann D. Haltermann Survey No. 1225, Abstract No. 508 and (3) 160 acres all of Johann D. Haltermann Survey No. 1226, Abstract No. 509.

WIND ENERGY GROUND LEASE
12275655v.2

EXHIBIT "A"

FULLAGAR

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

186 acres of land, more or less, in McCulloch County, Texas, and being a portion of the East half of H. & T. C. R. Co. Survey No. 135, Abstract No. 671, Patent No. 245, Volume 44, McCulloch County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a stake and mound in the middle of the Brady and Coleman Road from which a stake and mound a live oak 16 inches bears South 74-1/2 degrees West 40-2/5 varas, a live oak 10' bears South 86 degrees 15' West 36 varas;

THENCE South 560 varas to mound for S.E. corner of said Survey No. 135;

THENCE North 63 degrees 55' West 1093-2/10 varas to stake and mound which is on the rimrock of the Brady Mountains and is midway between the S.E. and S.W. corner of said Survey No. 135;

THENCE North 1459 varas to stake and mound in the middle to the Brady and Coleman Public Road and also set for Cotton and Savages S.W. corner from which a live oak 10' bears South 23-1/2 degrees East 78-1/5 varas;

THENCE with said road as follows: South 40 degrees 13' East 390 varas; South 53 degrees 12' East 320 varas; South 46 degrees 5' East 190 varas; South 22 degrees 45' East 819 varas to the Place of Beginning.

EXHIBIT A

LEGAL DESCRIPTION OF EASEMENT PROPERTY

The following lands situated in McCulloch County, Texas:

640 acres, more or less, situated in McCulloch County, Texas and being all of H. & T. C. R. Co. Survey No. 47, Abstract No. 625, Certificate No. 33/3223, patented to H. & T. C. R. Co. by Patent No. 198, Volume 44, in McCulloch County, Texas.

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

BEING an area of 672.411 acres of land, more or less, in McCulloch County, Texas, comprised of 158.45 acres out of Jacob Klock Survey 1251, Abstract 822, 57.82 acres out of Jacob Klock Survey 1250, Abstract 820, 23.88 acres out of Jacob Klock Survey 1249, Abstract 819, 157.77 acres out of Jacob Klock Survey 1248, Abstract 821, 116.98 acres out of Fisher and Miller Survey 2591, Abstract 268, 4.17 acres out of C. Schmidt Survey 1252, Abstract 1234, 149.81 acres out of H. & T. C. Survey 37, Abstract 620, 3.53 acres out of H. W. A. Bothmer Survey 1247, Abstract 77, McCulloch County, Texas, and said 672.411 acre tract being out of 2554 acres conveyed by deed from Ollie M. Johnson, a widow, and Noble M. Johnson to Joe Dale Johnson, described and recorded May 15th, 1953, in Volume 144, Page 526, Deed Records of McCulloch County, Texas and said 672.411 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found, from which a fence corner post bears East 0.2 feet, for a Eastern angle of this tract, being in the North line of the Survey 2591, and the South line of Survey 1249, and being the Southwest corner of 109.252 acres described in a Warranty Deed with Vender's Lien from Noble M. Johnson and wife, Modenia Johnson, to J. A. Jones and J. S. Anderson, recorded in Volume 262, Page 560, Deed Records of McCulloch County, Texas, the Northern most Northwest corner of 397.264 acres described in a Warranty Deed from 4K Land and Cattle Company, to 4K Comfort Ranches, L.P., recorded in Volume 340, Page 1043, and being an Eastern angle point for 2554 acre Johnson tract, from which a 1/2" iron rod found, for the Northeast corner of Survey 2591, bears S87° 48' 31" E, 2440.36 feet.

THENCE with the Northwest line of 397.264 acre 4K tract, and the Southeastern line of the 2554 Johnson tract, the Southeastern line of this tract, with a fence with the next three calls (Call N 04° E, 432 varas) S8° 07' 58" W, 218.90 feet to a 60d nail in the East side of a large Live Oak tree, S9° 56' 22" W, 240.90 feet, to a 1/2" iron rod set with cap marked "SKG ENGINEERS" in the center of a road, S9° 32' 40" W, 516.43 feet, to a 1/2" iron rod found at a fence angle, with the next two calls (Call N 56.5° E) S59° 21' 40" W, 567.83 feet, to a 1/2" iron rod found in a fence, S59° 27' 04" W, 625.05 feet, to a 1/2" iron rod found at a fence corner post, being the Western most Northwest corner of 397.264 acre 4K tract, and the Northeast corner of 125 acres described in a Warranty Deed with Vender's Lien from Douglas E. Moore and wife, Laura Y. Moore, to Richard J. Malaszowski and wife Felicitas Malaszowski, recorded in Volume 275, Page 14, Deed Records of McCulloch County, Texas, and being a Southeastern angle of this tract;

THENCE with the North line of 125 acre Malaszowski tract, the South line of 2554 acre Johnson tract, with a fence, S59° 23' 57" W (Call N 56.5° E) 461.67 feet to a 1/2" iron rod at the base of a Live Oak tree, S89° 21' 42" W, 3.59 feet to a 1/2" iron rod at the base of a Live Oak tree, with the next two calls (Call N 60° E), S63° 12' 24" W, 1501.94 feet to 1/2" iron rod by a cedar fence corner post, S86° 40' 37" W, 13.37 feet to a 4x4 concrete monument being in the West line of Survey 2591, and being the Northeast corner of H. W. A. Bothmer Survey 1246, Abstract 76, the Southeast corner of H. W. A. Bothmer Survey 1247, Abstract 77, the Northwest corner of 125 acre Malaszowski tract, the Northeast corner of 139.534 acres described in a Warranty Deed from Leslie M. Sellers and wife, Mary Patricia Sellers, to Glen R. Kent III and wife, Donna S. Kent, recorded in Volume 354, Page 949, Deed Records McCulloch County, Texas, and being a southern angle of this tract;

WIND ENERGY GROUND LEASE
12330270v.2

EXHIBIT "A"

JOHNSON, JOE H.

THENCE with the North line of Survey 1246, and the South line of Survey 1247, the North line of 139.534 acre Kent tract, the South line of 2554 acre Johnson tract, and the South line of this tract, with a fence, S88° 11' 12" W (Call S 88° 35' 24" E) 226.73 feet to a 2 1/2" pipe fence corner post for the Southwest corner of this tract;

THENCE upon and across Survey 1247 and 2.554 acre Johnson tract, with a fence, N5° 06' 00" W, 612.16 feet to a 2 1/2" pipe fence corner post for an exterior corner of this tract;

THENCE with a fence, S88° 14' 04" E, at 284.27 feet crossing the East line of Survey 1247 and the West line of Survey 2591, continuing for a total distance 294.31 feet to a 2 1/2" pipe fence corner post for an interior corner of this tract;

THENCE with a fence, N0° 00' 43" E, 1997.47 feet to a cedar fence corner post, being the Northeast corner of Survey 1247, the Northwest corner of Survey 2591, the Southeast corner of Jacob Klock Survey 1248, Abstract 821, the Southeast corner of H. & T. C. Survey 37, Abstract 620, from which a large Oak tree bears N2° 14' 49" E, 43.62 feet;

THENCE with a fence, N0° 06' 43" E, 1948.15 feet to a 1/2" iron rod set with cap marked "SKG ENGINEERS" at a fence corner post for an interior angle of this tract;

THENCE with a fence, N82° 03' 31" W, at 7.23 feet passing the West line of Survey 1248 and the East line of Survey 37, continuing for a total distance 2265.15 feet to a 1/2" iron rod set with cap marked "SKG ENGINEERS" at a fence corner for an exterior angle of this tract;

THENCE with a fence, N3° 27' 15" E, at 2873.21 feet passing the North line of Survey 37 and the South line of C. Schmidt Survey 1252, Abstract 1234, continuing for a total distance of 3039.74 feet to a 2 1/2" pipe corner post for an exterior angle of this tract;

THENCE with a fence, S86° 18' 56" E, 1460.23 feet to a 2 1/2" pipe fence corner post, S84° 54' 58" E, 592.71 feet to a four way fence corner post, being the Northeast corner of Survey 37, the Southwest corner of Survey 1252, the Southwest corner of C.R. Tisdale Survey 38, Abstract No. 2211, the Northwest corner of Jacob Klock Survey 1251, Abstract 822, from which an Oak tree, 36" diameter, bears S43° 36' 09" E, 56.34 feet,

THENCE along the South line of Survey 38, the North line of Survey 1251, with a fence, S87° 46' 07" E, passing at 2676.17 feet a calculated point for the Northeast corner of Survey 1251, the Northwest corner of Jacob Klock Survey 1250, Abstract 820, and continuing with the North line of Survey 1250, the South line of Survey 38, a total distance of 3653.05 feet to a 1/2" iron rod with cap marked "ROSS" found at a fence corner post, for the Northwest corner of 125.293 acres described in a General Warranty Deed from Joe H. Johnson and wife, Mackye M. Johnson; Joen Johnson and husband, Gary Sutton; Janice Johnson Cook and husband, Ronnie Lee Cook; Justine Johnson McNeely and husband, Ted E. McNeely to SMKID, Ltd recorded in Volume 380 Page 100, Deed Records of McCulloch County, Texas, and being the Northeast corner of this tract;

WIND ENERGY GROUND LEASE
12330270v.2

EXHIBIT "A"

JOHNSON, JOE H.

THENCE along the West line of 125.293 acre SMIKID tract, the East line of this tract, with a fence, S0° 16' 47"E (Call N 00° 08' 01" E), passing at 2574.77 feet, the South line of Survey 1250, the north line of Survey 1249, continuing for a total of 3216.81 feet (Call 3216.02 feet) to a 2 1/2" pipe fence corner post, being the Southwest corner of 125.293 acre tract and in the North line of 109.252 acre tract, and being an exterior corner of this tract;

THENCE along the North line of 109.252 acre tract, a South line of this tract, with a fence, N87° 49' 28"W (Call S 88° 38' 14" W), 799.74 feet, to a 1/2" iron rod found at a fence corner post, being the Northwest corner of 109.252 acre tract, and being an interior angle of this tract;

THENCE along the West line of 109.252 acre tract and an East line of this tract, with a fence, S2° 05' 00"E, 1393.71 feet (Call N 02° 48' 24" W, 1394.20 feet) to a 1/2" iron rod found, continuing S1° 54' 44"E, 535.57 feet (Call N 02° 37' 40" W 535.73 feet) to the PLACE OF BEGINNING and containing an area of 672.411 acres of land.

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF LANDLORD'S PROPERTY

The Landlord's Property is described as follows:

Being 915.485 acres, more or less, in McCulloch County, Texas, consisting of approximately 328.712 acres out of the G. H. & S. A. Railroad Company Survey No. 63, Abstract No. 430, approximately 173.382 acres out of the W. J. Fullager Survey No. 64, Abstract No. 2179, approximately 163.636 acres out of the Alfred Lane Survey No. 105 1/2, Abstract No. 2328, 243.0 acres out of the W.M. Myers Survey No. 106, Abstract No. 2199 and approximately 6.755 acres out of the J.B. Roberts Survey No. 106, Abstract No. 2266 and being out of and a part of that certain land described in a Deed to Donald and Tracey Kiesling, recorded in Volume 289, Page 550 of the McCulloch County Official Public Records, said 6.755 acres conveyed to Donald and Tracey Kiesling by Deed recorded in Volume 307, Page 391 of said Official Public Records and being more fully described by metes and bounds as follows:

BEGINNING at a 1/2" steel stake found in concrete by a corner post in the north line of that certain tract described as 670.359 acres in a Deed from Donald and Tracey Kiesling to Byron E. McCollum, et ux, recorded in Vol. 298, Pg. 614 of said Official Public Records for the S.W. corner hereof, S.E. corner of that certain tract described in a Deed to James L. Ross, recorded in Vol. 198, Pg. 483 of the McCulloch County Deed Records and being the occupational common corner of said Survey No. 63, the S.W. Colton Survey No. 63 1/2, the H. & T.C. Railroad Company Survey No. 107, the Carl Froehlich Survey No. 1150 and the H. & T.C. Railroad Company Survey No. 82, Abstract No. 2178;

THENCE with a fence, being on or near the west line of said Survey No. 63 for the occupational east line of said "Ross" tract and occupational west line hereof,

N	00	32	33	E	713.09 feet, a 3" pipe post,
N	00	35	20	E	997.38 feet, a 3" pipe post,
N	00	36	17	E	896.45 feet, a 4" pipe post,
N	00	33	17	E	729.81 feet, a 4" pipe post,
N	00	31	52	W	612.29 feet, a 3" pipe post, fence bears S.E., and
N	00	26	25	E	1360.46 feet to a 1/2" steel stake found for the N.W.

corner hereof and being the occupational common corner of said Survey No. 64, said Survey No. 82, the H. Frerichs Survey No. 1156 and the H. & T.C. Railroad Company Survey No. 105;

THENCE with the north line of said Survey No. 64 for the north line hereof and south line of said Survey No. 105, also being the south line of that certain tract described in a Deed to Grace White, recorded in Vol. 160, Pg. 587 of said Deed Records, S 89 49 22 E, at approximately 2790.81 feet pass the N.E. corner of said Survey No. 64 and N.W. corner of Survey No. 105 1/2, at approximately 5430.81 feet pass the N.W. corner of said Myers Survey No. 106 and approximate S.E. corner of the Alvarie S. Taylor tract described in a Deed recorded in Vol. 160, Pg. 589 of said Deed Records, a total distance this course of 7738.42 feet to a railroad spike found in the bed of County Road No. 306 for the N.E. corner hereof;

THENCE with the east line hereof, S 00 47 22 W, at 20.71 feet pass the N.W. corner of a 40 acre tract described in a Deed to Gary Palmer, recorded in Vol. 329, Pg. 894 of said Official Public Records, a total distance this course of 2108.71 feet, a 1/2" steel stake found by a "T" fence corner post, fence bears east for the S.W. corner of said 40 acre tract and being the N.W. corner of that certain tract described as 106.846 acres in a Deed to Fadal Abdalla, et ux, recorded in Vol. 330, Pg. 724 of said Official Public Records, and S 00 46 49 W 1650.96 feet, a 3" pipe post, and S 00 53 25 W 868.13 feet to a 3 1/2" pipe "T" fence corner post in the occupational north line of said Roberts Survey No. 106 for the most E.S.E. corner hereof and being the east corner of said 6.755 acre tract, in the north line of that

WIND ENERGY GROUND LEASE
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EXHIBIT "A"

JOHNSON, JOE H.

WIND ENERGY GROUND LEASE
1227651W-3

EXHIBIT "A"

KIESLING

certain tract described as 209.5 acres in a Deed to Louise Chance and Ronnie D. Moore, et al, recorded in Vol. 217, Pg. 491 of said Deed Records;

THENCE with a fence for the south line hereof and south line of said 6.755 acre tract and north line of said "Chance, et al" tract, S 58 57 44 W 829.54 feet, a 3 1/2" pipe post, and N 60 22 45 W 813.77 feet to a 3 1/2" pipe post for the west corner of said 7.55 acres, S 88 48 40 W 824.55 feet to a 6" pipe corner post for the occupational N.W. corner of said Roberts Survey No. 106 occupational N.W. corner of said "Chance, et al" tract;

THENCE continuing with a fence, being on or near the east line of said Survey No. 63, S 00 17 27 E 659.10 feet to a 3 1/2" pipe "T" fence corner post for the occupational N.E. corner of said 670.359 acres and being the most S.S.E. corner hereof;

THENCE with a fence and north line of said 670.359 acres and south line hereof, being on or near the north line of said Colton Survey No. 63 1/2,

N	89	41	05	W	637.04 feet, a 1/2" steel stake found,
N	89	31	47	W	1964.10 feet, a 1/2" steel stake found,
N	89	34	49	W	1566.56 feet, a 1/2" steel stake found, and
N	89	26	41	W	1304.93 feet to the place of beginning and containing

915.485 acres, more or less.

EXHIBIT A

LEGAL DESCRIPTION OF EASEMENT PROPERTY

The following lands situated in McCulloch County, Texas

335.5 acres, more or less, being the North part of H. & T. C. R. R. Co. Survey No. 44, Abstract No. 1765, Certificate No. 33/3221, patented to Adam T. Brown by Patent No. 332, Volume 26, McCulloch County, Texas, and described by metes ad bounds as follows:

Beginning at a rock mound set for the Northeast corner of Survey No. 44, the Northeast corner of this tract from which a rock bears North 19 varas Do. Bears South 10 varas;

Thence South 950 varas along the East line of Survey No. 44, to stake and mound for Southeast corner of this tract from which a Mesquite 6" bears North 23/34 ~~2/3~~ 2/3 varas Do. 4' bears North 28 1/2 West 11 varas;

Thence South 88' West 1985 varas to stake in West boundary line of said Survey No. 44, for Southwest corner of this tract from which a Mesquite 6" bears South 11 3/4' West 8 1/2 varas. Do. Bears South 6 East 22 varas;

Thence North 950 varas with the West line, of said Survey No. 44 to stake and mound for Northwest corner of Survey No. 44 and Northwest corner of this tract from which a Mesquite 2" bears South 82' West 33/34 varas;

Thence North 88' East 1985 varas to the place of beginning.

And being the same land described in a Deed from Jean Hutto Mitchell, et al to Ben D. Klausmeyer, et ux, dated October 10, 2002, and recorded in Volume 327, Page 958 of the Official Records of McCulloch County, Texas.

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

TRACT ONE: 160 acres, more or less, in McCulloch County, Texas, all of the Michael Bay Survey No. 1047, certificate No. 838, Abstract No. 147, patented to Daniel C. Osborne by Patent No. 462, Volume 12.

TRACT TWO: 160 acres, more or less, in McCulloch County, Texas, all of Michael Bay Survey No. 1046, Certificate No. 838, Abstract No. 148, patented to Daniel C. Osborne by Patent No. 463, Volume 12.

TRACT THREE: 93 acres of land, more or less, in McCulloch County, Texas, the East 93 acres of a certain 240 acre tract, the East one-half of W. M. Myers Survey No. 106, Certificate No. 33/3251, Abstract No. 2199, patented to M. Jones by Patent No. 424, Volume 31, conveyed by Moses Jones to J. W. Hemphill by Deed dated December 9, 1914, and recorded in Volume 32, Page 63, Deed Records of McCulloch County, Texas, described by metes and bounds as follows:

BEGINNING at a stake set for the NE corner of said 240 acre tract for the NE corner of this tract;

THENCE with East line of said 240 acre tract, South 1667 varas to stake set for the SE corner of said 240 acre tract, and the SE corner of this tract;

THENCE with South line of said 240 acre tract, West 315.2 varas to stake set for the SE corner of a certain 147 acre tract out of the West part of said 240 acre tract, for the SW corner of this tract;

THENCE with East line of said 147 acre tract, North 1667 varas to stake in North line of said 240 acre tract for the NE corner of said 147 acre tract; and NW corner of this tract;

THENCE with North line of said 240 acre tract, East 315.2 varas to the place of beginning.

WIND ENERGY GROUND LEASE
1230276;2

EXHIBIT "A"

MARSHALL

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

TRACT ONE: Being 303.591 acres of land, more or less, out of the H. & T.C. RR Co. Survey No. 39, Abstract No. 621, in McCulloch County, Texas and being a portion of that certain 2947.884 acre tract described in Volume 366, Page 252 of the Official Public Records of McCulloch County, Texas; said 303.591 acre tract being more particularly described as follows and as surveyed under the supervision of Watson Professional Group, Inc.;

BEGINNING at a 1/2 inch iron rod set in the record common line of the Heinrich Herder Survey No. 1258, Abstract No. 510 and said Survey No. 39 in the south line of a 1000.011 acre tract and in the west line of a 12.872 acre tract, both said tracts surveyed this same day by Watson Professional Group, Inc. being a portion of said 2947.884 acre tract for the most northerly northeast corner hereof and from which an 8-inch cedar fence corner post found at the southeast corner of said Survey No. 1258, the southwest corner of the H. & T.C. RR Co. Survey No. 61, Abstract No. 633, the northwest corner of the Thomas Kreiker Survey No. 1257, Abstract No. 813 and the northeast corner of said Survey No. 39 for an interior corner of said 2947.884 acre tract, bears South 83° 32' 31" East a distance of 50.46 feet.

THENCE crossing said Survey No. 39 along the west and south line of said 12.872 acre tract the following two (2) courses:

1. South 00° 01' 00" East a distance of 55.52 feet to a 1/2 inch iron rod set for the southwest corner of said 12.872 acre tract;
2. South 89° 49' 02" East a distance of 50.28 feet to a 1/2 inch iron rod set in the record common line of said Survey No. 39 and said Survey No. 1257 and the west line of a 1288.274 acre tract surveyed this same day by Watson Professional Group, Inc. being a portion of said 2947.884 acre tract for the southeast corner of said 12.872 acre tract and the most easterly northeast corner hereof;

THENCE South 00° 20' 14" East a distance of 3091.74 feet along the record common line of said Survey No. 39, said Survey 1257 and the Thomas Kreiker Survey No. 1256, Abstract No. 814 and the west line of said 1288.274 acre tract to a 10 inch cedar fence gate post found for a corner of that certain tract described in Volume 206, Page 506 of said Deed Records, an interior corner of said 2947.884 acre tract, and the southeast corner hereof;

THENCE crossing said Survey No. 39, along the general meanders of a fence for the south line of said 2947.884 acre tract and the north line of said tracts described in Volume 206, Page 506 the following 6 courses:

1. South 85° 53' 55" West a distance of 1284.61 feet to a 4 inch cedar fence corner post found;
2. North 86° 51' 02" West a distance of 1045.94 feet to a 36 inch live oak tree found used as a fence corner post;
3. North 76° 48' 42" West a distance of 595.40 feet to a 24 inch live oak tree found used as a fence corner post;
4. North 67° 04' 15" West a distance of 1778.95 feet to a dead 10 inch mesquite found used as a fence corner post;
5. North 65° 25' 50" West a distance of 378.58 feet to a 26 inch live oak tree found used as a fence corner post;
6. South 85° 01' 53" West a distance of 688.77 feet to a 12 inch cedar fence corner post found in the record common line of the Carl Schmiedekne Survey No. 1350, Abstract No. 1195 and said Survey 39 for the southwest corner of said 2947.884 acre tract and a corner of said tracts described in Volume 206, Page 506 of said Deed Records tract and the southwest corner hereof;

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MCCANTS RANCH, L.L.C.

THENCE along the record common line of said Survey No. 39, said Survey No. 1350 and the Simon Baltmore Survey No. 1349, Abstract No. 63, the west line of said 2947.884 acre tract and the east line of said tracts described in Volume 206, Page 506 tract and that certain 320 acre tract as described in Volume 262, Page 540 of said Deed Records the following 3 courses:

1. North 01° 57' 44" West a distance of 540.11 feet to a 4 inch pipe fence corner post found;
2. North 01° 09' 41" West a distance of 519.57 feet to a 12 inch cedar fence corner post found;
3. North 00° 25' 36" West a distance of 449.77 feet to a 6 inch cedar fence corner post found for the southwest corner of said 1000.011 acre tract and the northwest corner hereof;

THENCE crossing said Survey No. 39, said 2947.884 acre tract and along the south line of said 1000.011 acre tract the following 3 courses:

1. North 88° 50' 06" East a distance of 3430.38 feet to a ½ inch iron rod set;
2. North 59° 25' 24" East a distance of 1509.73 feet to a ½ inch iron rod set in the record common line of said Survey No. 39 and said Survey No. 1258;
3. South 83° 32' 31" East a distance of 814.68 feet along the record common line of said Survey No. 1258 and said Survey No. 39 to the POINT OF BEGINNING containing 303.591 acres, more or less.

NOTE: Bearings and distances are grid, NAD 83 US TX Central Zone. Iron rods set are ½ inch rebar with plastic caps marked "WATSON 1989" or "Watson 5740"

TRACT TWO: A non-exclusive right of way and easement for access and utilities over and across a parcel of land of 12.872 acres, more or less, out of the H. & T. C. RR Co. Survey No. 39, Abstract No. 621, the Heinrich Herder Survey No. 1258, Abstract No. 510, the Heinrich Herder Survey No. 1259, Abstract No. 511 and the Fisher & Miller Survey No. 2596, Abstract No. 287 and also being a portion of that certain 2947.884 acre tract of land as described in Volume 366, Page 352 of the Official Public Records of McCulloch County, Texas and a portion of a called 160 acre tract described in a deed recorded in Volume 228, Page 811 of the Deed Records of McCulloch County, Texas; Said 12.872 acre tract being more particularly described as follows and as surveyed under the supervision of Watson Professional Group, Inc;

BEGINNING at a 8 inch cedar fence corner post found for the southeast corner of said Survey No. 1258, the southwest corner of the H. & T. C. RR Co. Survey No. 61, Abstract No. 633, the northwest corner of the Thomas Krelier Survey No. 1257, Abstract No. 813, the northeast corner of said Survey No. 39 for an interior corner of said 2947.884 acre tract, the southwest corner of that certain 1212.285 acre tract as described in Volume 338, Page 529 of said Official Public Records and the northwest corner of that certain 1288.274 acre tract as surveyed this same day by Watson Professional Group, Inc. as a portion of said 2947.884 acre tract;

THENCE South 00° 20' 14" East a distance of 50.00 feet along the record common line of said Survey No. 1257 and said Survey No. 39, the west line of a right of way easement as described in Volume 167, Page 207 of the Deed Records of McCulloch County, Texas and the west line of said 1288.274 acre tract to a ½ inch iron rod set for a corner of that certain 303.591 acre tract as surveyed this same day by Watson Professional Group, Inc. being a portion of said 2947.884 acre tract and the southeast corner hereof;

THENCE crossing said Survey No. 39, said Survey No. 1258, said Survey No. 1259 and said Survey No. 2596 along the north line of said 303.591 acre tract, the east line of that certain 1000.011 acre tract as surveyed this same day by Watson Professional Group, Inc. being a portion of said 2947.884 acre tract, surveyed this same day by Watson Professional Group, Inc. being a portion of said 2947.884 acre tract, the east line of that certain 509.223 acre tract as surveyed this same day by Watson Professional Group,

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EXHIBIT "A"

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Inc. being a portion of said 2947.884 acre tract and crossing said 2947.884 acre tract the following five (5) courses;

1. South 89° 49' 02" West a distance of 50.28 feet to a ½ inch iron rod set for the southwest corner hereof;
2. North 00° 10' 00" West a distance of 55.52 feet to a ½ inch iron rod set in the record common line of said Survey No. 39 and said Survey No. 1258 for a corner hereof;
3. North 00° 10' 58" West a distance of 5535.13 feet to a ½ inch iron rod set in the common line of said Survey 1259 and said Survey 2596;
4. North 00° 13' 32" West a distance of 2872.44 feet to a ½ inch iron rod set;
5. North 00° 19' 57" West a distance of 2743.90 feet to a ½ inch iron rod set in south right-of-way line of Farm-to-Market Road 504 and the north line of said 2947.884 acre tract for the northeast corner of said 509.223 acre tract and the northwest corner hereof;

THENCE South 89° 38' 59" East a distance of 50.02 feet along the north line of said 2947.884 acre tract and the south line of said FM 504 to a ½ inch iron rod set in the common line of said Survey No. 2596 and the A. Hoelscher Survey No. 1261, Abstract No. 501 for the most northerly northeast corner of said 2947.884 acre tract, the northwest corner of said 1212.285 acre tract and the northeast corner hereof and from which a 6 inch cedar post fence corner found bears South 25° 31' 31" East a distance of 1.77 feet and a 4 inch post fence corner found bears South 84° 32' 19" East a distance of 43.01 feet;

THENCE along the record common line of said Survey No. 1261, said Survey No. 2596, said Survey No. 1259, said Survey No. 1258, said Survey No. 39, said Survey No. 61 and the A. Hoelscher Survey No. 1260, Abstract No. 500 for the west line of said 1212.285 acre tract and the east line of said 2947.884 acre tract the following three (3) courses:

1. South 00° 19' 57" East a distance of 2746.03 feet ½ inch iron rod found with a plastic cap marked "WATSON 5740" at the southwest corner of said Survey No. 1261 and the northwest corner of said Survey No. 1260;
2. South 00° 13' 32" East a distance of 2875.34 feet to a 14 inch cedar fence corner post found for the southeast corner of said Survey No. 2596, the southwest corner of said Survey No. 1260, the northwest corner of said Survey No. 61 and the northeast corner of said Survey No. 1259;
3. South 00° 11' 03" East a distance of 5534.73 feet to the POINT OF BEGINNING, containing 12.872 acres, more or less.

NOTE: Bearings and distances are grid, NAD 83 US TX Central Zone. Iron rods set are 1/2 inch rebar with plastic caps marked "WATSON 1989".

WIND ENERGY GROUND LEASE
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EXHIBIT "A"

MCCANTS RANCH, L.L.C.

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

BEING an area of 649.172 acres of land, more or less, in McCulloch County, Texas, comprised of 82.047 acres out of H. W. A. Bothner Survey 1247, Abstract 77, 263.909 acres out of H. & T. C. Survey 37, Abstract 620, 129.546 acres out of C. Schmidt Survey 1252, Abstract 1234, 173.670 acres out of J. A. Scherffus Survey 1253, Abstract 1979, McCulloch County, Texas, and said 649.172 acre tract being out of 2554 acres conveyed by deed from Ollie M. Johnson, a widow, and Noble M. Johnson to Joe Dale Johnson, described and recorded May 15th, 1953, in Volume 144, Page 526, Deed Records of McCulloch County, Texas and said 649.172 acre tract being more particularly described by metes and bounds as follows;

BEGINNING at a 4x4 concrete monument found, being the Northeast corner of S. E. McKnight Survey M-2, Abstract 2305, the Northeast corner of Indianola Railway Co. Survey 13, Abstract 759, the Southeast corner of J. C. Peter Survey 1359, Abstract 1106, the Southwest corner of H. & T. C. Survey 37, Abstract 620, the Northwest corner of H. W. A. Bothner Survey 1247, Abstract 77, and being the Northeast corner of 80.2 acres described in a Deed without Warranty to Jason Jacoby and Randal Jacoby, recorded in Volume 267, Page 168, Deed Records of McCulloch County, Texas, the Southeast corner of 83.990 acres described in a Warranty Deed with Vendor's Lien to Lawrence Rex Marks and wife, Jacqueline L. Marks, recorded in Volume 250, Page 789, Deed Records of McCulloch County, Texas, being in the West line of 2554 acre Johnson tract, from which a Live Oak tree bears N 40° 07' 27" E, 49.95 feet, and a 1" pipe found, bears S88°55'08"W, 30.26 feet, and being in the West line of this tract;

THENCE with the East line of Survey 1359, the West line of Survey 37, the East line of 83.990 acre Marks tract, and the West line of 2554 acre Johnson tract, generally along and West of a fence, N0°03'23"W (Call South), passing at 1406.3 feet, a 1" pipe for the Northeast corner of 83.990 acre Marks tract and the Southeast corner of 132.61 acres described in a Warranty Deed to Wesley Brian Sparks, ET UX, recorded in Volume 314, Page 293, Deed Records of McCulloch County, Texas, passing at 2611.4 feet, the calculated Northeast corner of Survey 1359 and the Southeast corner of J. C. Peter Survey 1358, Abstract 1105, passing at 3579.7 feet, a 1" pipe for the Northeast corner of 132.61 acre Sparks tract, the Southeast corner of 100 acres described in a Warranty Deed, called the "Fourth Tract (3)", to Harold Lanier Price recorded in Volume 206, Page 506, Deed Records of McCulloch County, Texas, for a total distance of 5219.53 feet, to a rock mound found at a fence offset, being the Northeast corner of Survey 1358, the Northwest corner of Survey 37, the Southwest corner of J. A. Scherffus Survey 1253, Abstract 1979, the Southeast corner of W. H. & O. T. Melvin Survey 16, Abstract 1569, the Northeast corner of the 100 acre Price tract, the Southeast corner of 640 acres described in a Warranty Deed, called "First Tract (4)" to Harold Lanier Price recorded in Volume 160, Page 68, Deed Records of McCulloch County, Texas, and being in the West line of 2554 acre Johnson tract and this herein described tract, from which, a Live Oak tree bears S85° 18' 38"W, 158.14 feet, and fence corner posts bear N73°16'39"E, 11.07 feet, and N81°13'14"W, 15.00 feet;

THENCE with the East line of Survey 16 and the West line of Survey 1253, N0°37'58"W (Call South), converging on a fence on the West side of survey line, 2784.60 feet, to a 4 way fence corner post, being the Northwest corner of Survey 1253, the Southwest corner of J. A. Scherffus Survey 1254, Abstract 1980, in the East line of Survey 16, and the Southwest corner of 617.7 acres described in a Warranty Deed, called the "Fourth Tract (1)", to Harold Lanier Price

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EXHIBIT "A"

MCNEELY, JUSTINE

recorded in Volume 160, Page 68, Deed Records of McCulloch County, Texas, being the Western most Northwest corner of the 2554 acre Johnson tract and this herein described tract;

THENCE with the South line of Survey 1254 and the North line of Survey 1253, with a fence, N89°52'54"E (Call West), passing at 2745.49 feet, the calculated Southeast corner of Survey 1254, Northeast corner of Survey 1253, Southwest corner of C. Schmidt Survey 1255, Abstract 1235, the Northwest corner of C. Schmidt Survey 1252, Abstract 1234, continuing with the South line of Survey 1255 and the North line of Survey 1252, for a total distance of 4841.70 feet, to a 3 way fence corner post, in a North line of 2554 acre Johnson tract and being the Northern most Northeast of this tract;

THENCE upon and across Survey 1252 and 2554 acre Johnson tract, with a fence, S0°19'28"E, 2689.66 feet, to a 2 1/2" pipe, 3 way fence corner post, for an exterior corner of this tract;

THENCE with a fence, N86°18'56"W, 1460.23 feet, to a 2 1/2" pipe fence corner post, for an interior corner of this tract;

THENCE with a fence, S3°27'15"W, passing at 166.53 feet the South line of Survey 1252 and the North line of Survey 37, continuing with a fence, a total distance of 3039.74 feet, to a 1/2" iron rod with cap marked "SKG Engineers", set at a fence intersection, for an exterior corner of this tract;

THENCE with a fence, N82°09'20"W, 2168.10 feet to a 1/2" iron rod with cap marked "SKG Engineers", set in a fence, for an interior corner of this tract;

THENCE S0°33'04"E, passing at 2656.00 feet the South line of Survey 37 and the North line of Survey 1247, continuing a total distance of 2701.55 feet, to a 1/2" iron rod with cap marked "SKG Engineers", set in a fence, for an interior corner of this tract;

THENCE with a fence, N89°51'58"E, 214.44 feet, to a fence corner post, S7°42'40"E, 641.69 feet, to a fence corner post, N55°51'06"E, 691.71 feet, to a fence corner post, S3°11'58"E, 180.74 feet, to a fence corner post, S40°29'16"W, 684.45 feet, to a fence corner post, S2°43'28"W, 630.13 feet, to a fence corner post, S4°56'26"W, 851.02 feet, to a fence corner post, S83°14'12"W, 292.89 feet, to a fence corner post, S1°46'06"E, 243.58, to a fence corner post;

THENCE with a fence, S87°58'23"W, 913.69 feet, to a 4X4 concrete monument found, being the Southwest corner of Survey 1247 and the Northwest corner of H. W. A. Bothner Survey 1246, Abstract 76, in the East line of Survey M-2, and in the East line of County Rd. 148, being the Southwest corner 2554 acre Johnson tract, and the Southwest corner of this tract, from which a fence corner post bears N86°23'22"W, 0.94 feet;

THENCE with the East line of Survey M-2 and the West line of Survey 1247 and the West line of 2554 acre Johnson tract, generally along a fence, N0°05'29"W, 2645.79 feet, to the PLACE OF BEGINNING containing an area of 649.172 acres of land.

WIND ENERGY GROUND LEASE
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EXHIBIT "A"

MCNEELY, JUSTINE

EXHIBIT A

LEGAL DESCRIPTION OF EASEMENT PROPERTY

Approximately 295.369 acres of land situated in McCulloch County, Texas, and more particularly described as follows:

320 acres of land, more or less, being all of Bronaugh Bros. Survey No. 54, Abstract No. 1621, Certificate No. 33/2224, patented to The Corchillo Cattle Company of Texas by Patent No. 344, Volume 14; called "Tract One" in that certain Warranty Deed dated April 7, 1980, and recorded in Volume 207, Page 513, Official Public Records of McCulloch County, Texas;

SAVE AND EXCEPT: Approximately 24.631 acres of land, conveyed to Rattlesnake Power, LLC in that certain Special Warranty Deed dated December 18, 2008, and recorded in Volume 384, Page 424, Official Public Records of McCulloch County, Texas, and more particularly described as follows:

BEGINNING at a 1/2 inch iron rod set at the centerline of a 345 KV transmission line in a 160 foot wide easement recorded in Volume 323, Page 606 of the Official Public Records of McCulloch County, Texas, for the most northerly northeast corner hereof and from which a 1/2 inch iron rod found in the west line of the Ludwig Erkhart Survey No. 1299, Abstract 246 for the common east corner of the Johann Leyendecker Survey No. 1296, Abstract No. 962 and said Survey No. 54 bear North 72° 13' 58" East a distance of 285.46 feet;

THENCE South 00° 08' 21" East a distance of 411.49 feet to a 1/2 inch iron rod set for an interior corner hereof;

THENCE North 89° 51' 39" East a distance of 254.12 feet to a 1/2 inch iron rod set in a fence line for the west line of said County Road No. 368 (CR 368) and the east line of said 320 acre tract for the most easterly northeast corner hereof;

THENCE South 00° 32' 14" East a distance of 1200.03 feet along the general meanders of said fence line for the west line of said CR 368 and the east line of said 320 acre tract to a 1/2 inch iron rod set for the southeast corner hereof;

THENCE South 89° 51' 39" West a distance of 450.00 feet to a 1/2 inch iron rod set for the most southerly southwest corner hereof;

THENCE North 00° 08' 21" West a distance of 400.00 feet to a 1/2 inch iron rod set for an interior corner hereof;

THENCE South 89° 51' 39" West a distance of 450.00 feet to a 1/2 inch iron rod set for the most westerly southwest corner hereof;

THENCE North 00° 08' 21" West a distance of 800.04 feet to a 1/2 inch iron rod set for the most westerly northwest corner hereof;

THENCE North 89° 51' 39" East a distance of 220.88 feet to a 1/2 inch iron rod set for an interior corner hereof;

THENCE North 00° 06' 21" West a distance of 410.30 feet to a 1/2 inch iron rod set at the centerline of said 345 KV transmission line for the most northerly northwest corner hereof and from which a 1/2 inch iron rod in the north line of said Survey No. 54, the south line of said Survey No. 1296, the north boundary line of said 320 acre tract (Volume 2 P513) and the south boundary line of a 389 acre tract described in a deed recorded in Volume 228, Page 241 of said Deed Records bears North 89° 51' 52" West a distance of 220.74 feet

THENCE North 89° 42' 47" East a distance of 425.00 feet along the said 345 KV transmission line to the POINT OF BEGINNING, containing 24.631 acres, more or less.

TRANSMISSION FACILITIES EASEMENT AGREEMENT

Rattlesnake
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A-1

SCHEDULE I

LAND

640 acres, more or less, all of H & TC Ry Co Survey No. 51, Abstract No. 627, McCulloch County, Texas.

640 acres, more or less, all of the Bronaugh Bros. Survey No. 50, Abstract 1622, McCulloch County, Texas.

Said tracts of land being described as Tract 3 and Tract 4, in that certain Executor's Distribution Deed, dated February 6, 2002 and recorded in volume 323, page 134, Official Public Records of McCulloch County, Texas

TRANSMISSION EASEMENT AGREEMENT - SCHEDULE I

11421263v.14

PATTY MONCUS

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

TRACT ONE: BEING 377.402 acres, more or less, consisting of the following approximate acreages out of these various surveys:

40.708 acres, more or less, out of the J. Buhlmann Survey No. 1124, Abstract No. 134,
40.805 acres, more or less, out of the J. Buhlmann Survey No. 1127, Abstract No. 135,
295.872 acres, more or less, out of the H. & T.C. Railroad Company Survey No. 107, Abstract
No. 657, and
0.017 acres, more or less, out of the S.W. Colton Survey No. 108, Abstract No. 2168, all in
McCulloch County, Texas and being out of and a part of that certain parent tract described as
1299.853 acres in a Deed to Byron E. McCollum, et ux, et al, recorded in Vol. 291, Pg. 3 of the
McCulloch County Official Public Records.

BEGINNING at a 1/2" steel stake found for the common corner of said surveys 1127, 107, 108
and the H. & T.C. Railroad Company Survey No. 133, Abstract No. 670, being the N.E. corner
of a 550.523 acre tract described in a Partition Deed to Tom J. Sammons, Jr., et ux, recorded July
29, 1996 in Vol. 280, Pg. 198 of said Public Records, being the N.W. corner of that certain tract
described as 419.5 acres in a Deed to Gardner S. Broad, recorded November 3, 1960 in Vol. 158,
Pg. 221 of the McCulloch County Deed Records, from which point a L.O. stump with young
L.O. springing therefrom for an original witness tree, (see Vol. E, Pg. 339 of the McCulloch
County Deed of Trust Records) bears, N 02 E 83.3 feet;

THENCE along a fence and north line of said 550.523 acres and south line of said parent tract,
south line hereof and along a boundary line agreement between LaRue G. Swenning and
Manuelita Shelton, recorded December 1, 1953 in Vol. 141, Pg. 137 and referred to in a Deed to
Lori L. Noonan, recorded in Vol. 248, Pg. 141 of said Deed Records;

S 89 50 00 W 29.25 feet, a 1/2" steel stake found by a "T" fence corner post, fence bears
S.E.,

N 52 36 25 W 600.08 feet, a 3" pipe post,
N 52 38 16 W 607.43 feet, a 3" pipe post,
N 52 28 25 W 625.01 feet, a 3" pipe post,
N 53 13 39 W 908.90 feet, a 3" pipe post,
N 53 15 26 W 1190.39 feet, a 3" pipe post, being the most easterly corner of that certain
tract described as "Tract Nine", 7.65 acres in said Deed recorded in Vol. 248, Pg. 141 of said
Deed Records;

THENCE continuing with said fence and boundary line agreement for south line hereof and
south line of said parent tract,

N 84 55 06 W 588.56 feet, a 3" pipe post,
N 67 37 13 W 367.85 feet, a 3" pipe post, and
N 16 00 51 W 642.40 feet, a 1/2" steel stake found at the S.E. end of a 40 foot wide
easement described in a Deed to Gordon R. Youngblood, et ux (Linda I.), recorded in Vol. 327,
Pg. 852 of said Public Records;

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EXHIBIT "A"

MOORE

THENCE with the east end of said easement and west line hereof
N 24 54 28 E 64.64 feet, a 1/2" steel stake found on the north side of a gate and N.E. end
of said easement for the most southerly corner of that certain tract described as 191.664 acres in
Deed to Scott Arbuckle, et ux, recorded in Vol. 297, Pg. 296 of said Public Records;

THENCE with a fence and south line of said 191.664 acres and north line hereof,
N 24 47 43 E 371.85 feet, a 3" pipe angle post for the N.W. corner hereof, and
continuing with said fence and south line of 191.664 acres,
N 65 42 15 E 872.57 feet, a 1/2" steel stake found,

N 65 44 01 E 1184.98 feet, a 1/2" steel stake found,
N 65 44 50 E 938.94 feet a calculated point,
N 65 46 04 E 1583.92 feet, a 1/2" steel stake found, and

N 00 22 26 E 25.08 feet to a 1/2" steel stake found in the north line of said parent tract,
being the most N.E. corner of said 191.664 acres for a northerly corner hereof and being in the
south line of that certain tract described as 1536.047 acres in a Deed to Donald Kiesling,
recorded in Vol. 289, Pg. 550 of said public records;

THENCE with said north line of parent tract and south line of said "Kiesling" tract,
S 89 49 28 E 54.94 feet to a 1/2" steel stake found for the S.E. corner of said "Kiesling"
tract and S.W. corner of that certain tract described in a Deed to Ronnie D. Moore, et al,
recorded in Vol. 217, Pg. 491 of said Deed Records (also see Vol. 126, Pg. 73 of said Deed
Records) for an angle point hereof and being the common corner of said surveys 107, 1124, the
S.W. Colton Survey No. 63 1/2 Abstract No. 2259 and the J.B. Roberts Survey No. 106, Abstract
2266;

THENCE with a fence, being on or near the north line of Survey No. 1124 for the south line of
said "Moore" tract and north line of said parent tract,
N 59 54 20 E 764.17 feet to a 3/8" pipe corner post for the N.E. corner of said parent tract
and N.E. corner hereof, same being the N.W. corner of that certain tract described as "Tract 2" in
a Deed to Jack Bob Smith, recorded in Vol. 168, Pg. 138 of said Deed Records;

THENCE with a fence for the east line hereof and west line of said "Jack Bob Smith" tract,
S 01 35 43 W 1825.25 feet, a 1/2" steel stake found,

S 01 34 30 W 718.07 feet, a 1/2" steel stake found,

S 01 30 56 W 1524.52 feet, a 1/2" steel stake found, and

S 01 30 37 W 1410.90 feet to a 1/2" steel stake found by a "T" fence corner post in the
north line of said Survey No. 133 for the E.S.E. corner of said parent tract and hereof and S.W.
corner of said "Jack Bob Smith" tract in the north line of said "Broad" tract;

THENCE with a fence and approximate north line of Survey No. 133 and south line of Survey
No. 1127 for the south line hereof and north line of said "Broad" tract,

S 59 23 26 W 763.77 feet to the PLACE OF BEGINNING and containing 377.402 acres,
more or less.

TRACT TWO: A 30' wide nonexclusive access and utility easement on, over and along an
existing road the beginning point being on the East line of County Road 152. Said beginning
point being the Northwest corner of the 1299.853 acres tract in McCulloch County, Texas,

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EXHIBIT "A"

MOORE

surveyed by Kenneth H. Ross, R.P.L.S. No. 2012, dated October 23, 1997. The said tract transferred from Lori L. Noonan, dba Texas Ranching Company and husband, T.A. Noonan, Jr. to Byron E. McCollum and wife, Vera Ellen McCollum and Charles R. McCollum and wife, Deborah Lynn McCollum, as recorded in Volume 291, Page 3 of the McCulloch County Deed records. Said beginning point also being in the Northwest corner of the Carl Froehlich Survey No. 1148, Abstract No. 343 of the McCulloch County Deed Records; from beginning point said easement to be the 30 feet South of and parallel to a line, being the North boundary line of the above described tract, bearing South 89 deg. 49' 24" East 2,405.05'; The east most 130' of said easement to be 60' wide to allow meandering through gates of existing cattle pens; The east end being or extended to the west boundary line, also a gate, of that certain 377.402 acres according to a plat and survey dated June 30, 2005, prepared by Kenneth H. Ross, R.P.L.S. No. 2012 conveyed by Warranty Deed from Byron E. McCollum and Vera Ellen McCollum and Charles R. McCollum and Deborah Lynn McCollum to Gene Moore, Randy Moore and Stevie Moore dated July 22, 2005 and recorded in Volume 353, Page 112, Official Public records, McCulloch County, Texas.

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EXHIBIT "A"

MOORE

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of the following land described situated in McCulloch County, Texas, to-wit:

TRACT ONE: 209.5 acres, being all of J. B. Roberts Survey No. 106, Certificate No. 33/3257, Abstract No. 2266, patented to G. R. White by Patent No. 322, Volume 12A.

SAVE AND EXCEPT 6.755 acres, more or less, out of the North part of the J. B. Roberts Survey No. 106, Abstract No. 2266, being out of and a part of that certain land described in Deed from Emmett and Ada V. Dameron to Ronnie D. Moore, et al, recorded January 4, 1983 in Volume 217, Page 491, Deed Records, McCulloch County, Texas, described by metes and bounds as follows:

Beginning at a 3 1/2" pipe angle post in a new fence for the West end hereof, being on or near the common line of the J. B. Roberts Survey No. 106 and the W. M. Myers Survey No. 106, Abstract No. 2199, from which point a 1/2" steel stake found by a "T" fence corner post in the West line of Roberts Survey No. 106 for the Southeast corner of the G. H. & S. A. Railroad Co. Survey No. 63, Abstract No. 430 bears South 50° 30' 40" West 1063.66 feet, said beginning point being on a southerly line of that certain tract described as 1536.047 acres in a Deed from Lori L. Noonan and husband, T. A. Noonan, Jr. to Donald Kiesling and wife, Tracey Kiesling, recorded November 4, 1997 in Volume 289, Page 550, Official Public Records, McCulloch County, Texas.

Thence with said common line of Survey No. 106 and a southerly line of said 1536.047 acres for the North line hereof, North 88° 58' 11" East 1418.42 feet to a 3 1/2" pipe angle post for the Northeast corner hereof, from which point a "T" fence corner post, fences bear East, West and North for a southeasterly corner of said 1536.047 acres bears, East 2.30 feet;

Thence with a new fence for the South line hereof, South 58° 57' 44" West 829.54 feet, a 3 1/2" pipe angle post and North 60° 22' 45" West 813.77 feet to the place of beginning.

TRACT TWO: 168.52 acres, more or less, being all of Michael Bay Survey No. 1044, Abstract No. 145; Certificate No. 838, patented October 19, 1855, by Patent No. 377, Vol. 12, to F. Brichta, Assignee of Michael Bay.

TRACT THREE: 171.06 acres, more or less, being all of Michael Bay Survey No. 1045, Abstract No. 146, Certificate No. 378, Vol. 12, to F. Brichta, Assignee of Michael Bay.

TRACT FOUR: 306.162 acres of land being a portion of the W.R. Herren Survey No. 158, Abstract No. 2143, Block No. 60, located in McCulloch County, Texas and being a portion of a called 627.16 acre tract described in a deed recorded in Volume 331, Page 211 of the Official Public Records of McCulloch County, Texas; Said 306.162 acre tract being more particularly described as follows:

BEGINNING at a 6 inch pine fence corner post found for the common corner of the A. Dumzlaief Survey No. 1043, Abstract No. 225, the S.T. Ward Survey No. 134, Abstract No. 2084, the Michael Bay Survey No. 1044, Abstract No. 145, the said Survey 158, the called

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EXHIBIT "A"

MOORECARLAWAY

163.7 acre tract described in a deed recorded in Volume 168, Page 138 of the Deed Records of McCulloch County, Texas, the called 555.3 acre tract described in a deed recorded in said Volume 168, Page 138, the called 168.52 acre tract described in Volume 331, Page 211, said Deed Records and the southwest corner hereof;

THENCE with the east line of said Survey 1044, the Michael Bay Survey No. 1047, Abstract No. 147, said 168.52 acre tract and the called 160 acre tract described in a deed recorded in Volume 363, Page 1 of said Official Public Records and the west line of said Survey 158, the following two courses: North 00° 00' 11" West, a distance of 2672.87 feet to a 5 inch cedar post; North 00° 03' 07" West a distance of 2671.44 feet to a 6 inch cedar post for the common corner of said Survey 1047, the H. & T. C. R.R. Co. Survey 135, Abstract 671, Block 60, the J. Helfrich Survey No. 1048, Abstract No. 493, said Survey No. 158, said 160 acre tract, the called 186 acre tract described in a deed recorded in Volume 271, Page 99 of said Deed Records, the called 24.6 acre tract described in a deed recorded in Volume 331, Page 211 of said Official Public Records for the northwest corner hereof;

THENCE North 88° 48' 07" East a distance of 881.33 feet along the common line of said Survey No. 1048 and said Survey 158, said 24.6 acre tract to a calculated point in the south right-of-way line of County Road 304;

THENCE along the general meanders of a fence for the south right-of-way line of County Road 304, the following 8 courses: South 36° 26' 22" East a distance of 38.84 feet to an 18 inch oak fence corner post found; South 52° 18' 47" East a distance of 63.21 feet to a 4 inch cedar post found; South 60° 20' 06" East a distance of 185.54 feet to a 6 inch cedar post found; South 87° 23' 10" East a distance of 374.67 feet to an 8 inch cedar post found; South 89° 26' 29" East a distance of 55.40 feet to an 8 inch cedar post found; North 84° 20' 53" East a distance of 58.94 feet to a 4 inch cedar post found; North 71° 21' 29" East a distance of 490.77 feet to a 13 inch cedar post found; North 88° 48' 49" East a distance of 194.59 feet to a 4 inch cedar post found;

THENCE South 05° 44' 59" East a distance of 5325.65 feet across said 627.16 acre tract to a 4 inch cedar post found in the south line of said Survey No. 158 and the said 627.16 acre tract for the northwest corner of the A. Dumzlaief Survey No. 1042, Abstract No. 226, the northeast corner of said Survey No. 1043, the northwest corner of the called 169.34 acre tract described in a deed recorded in Volume 331, Page 211 of the Official Public Records, the northeast corner of said 163.7 acre tract, and the southeast corner hereof;

THENCE South 88° 56' 58" West a distance of 2794.79 feet with the north line of said Survey 1043 and the north line of said 163.7 acre tract of land to the POINT OF BEGINNING, containing 306.162 acres, more or less.

Note: Bearings and distances are grid, NAD 83 US TX Central Zone.

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of the following described land in McCulloch County, Texas, to-wit:

All of H. & T. C. R.R. Co. Survey 81, Patent 184, Volume 44, Certificate 33/3240, Abstract 645, SAVE AND EXCEPT THE FOLLOWING TRACTS:

229.04 acres, more or less, all of the West one-half (W 1/2) of H. & T. C. R.R. Co. Survey 81, Abstract 645, Cert. 33/3240, patented to H. & T. C. R.R. Co. by Patent 184, Volume 44; Said land being the same land described in a deed from W. J. Fullagar and wife, Nita Fullagar to Michael Lloyd Fullagar dated January 10, 1978, recorded in Volume 199, page 502, Deed Records, McCulloch County, Texas.

A strip of land 60 feet wide, as described in a Road Deed from W. J. Fullagar to McCulloch County, dated April 23, 1909, recorded in Volume 14, Page 259, Deed Records, McCulloch County, Texas.

A strip of land 40 feet wide off and along the North line of said Survey 81, as described in a Partition Deed from W. J. Fullagar, et al to W. S. L. Fullagar, et al, dated July 1, 1912, recorded in Volume 34, Page 170, Deed Records, McCulloch County, Texas.

20.96 acres, more or less, out of the Northwest part of H. & T. C. R.R. Co. Survey 81, Abstract 645, Cert. 33/3240, Patent No. 184, Volume 44, as described in a deed from W. J. Fullagar et ux to Sterling Fullagar dated May 8, 1969, recorded in Volume 174, Page 92, Deed Records, McCulloch County, Texas.

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MOORE CARWAY

EXHIBIT "A"

WIND ENERGY GROUND LEASE
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EXHIBIT "A"

PATTON, CHARLES B. AND ALICE K.

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

212.69 acres, more or less, out of the East part of the H.Z. Berge Survey No. 1245, Abstract No. 144, McCulloch County, Texas, and being the same land referred to as (5) in a Deed to Noble M. Johnson recorded in Volume 144, Page 529 of the McCulloch County Deed Records, which said land is described by metes and bounds as follows:

BEGINNING at a 1/2" steel stake set in the South line of County Road No. 128, for the Northeast corner hereof and the Northwest corner of that certain tract described as 218.234 acres in a Deed to Tony Wilson, recorded in Volume 313, Page 328 of the McCulloch County Official Public Records, and being in the East line of said Survey No. 1245;

THENCE with the East line of Survey No. 1245 and West line of the G. & B.N. Company Survey No. 32 and West line of said 218.234 acre tract, South 01° 10' 32" West 1009.54 feet, a 120d nail found; South 01° 04' 22" West 1069.17 feet a 120d nail found by a T fence corner post, fence bears East; and South 01° 23' 44" West 542.48 feet to a 1/2" steel stake found by a T fence corner post, fence bears South for the Southeast corner hereof and the Northeast corner of that certain tract described as 210 acres in a Deed from Noble M. Johnson, et ux, to A. F. Schwertner, recorded in Volume 215, Page 658 of said Deed Records, being the occupational common easterly corner of said Survey No. 1245 and the H. Z. Berge Survey No. 1244, Abstract No. 143;

THENCE with the South line hereof, being on or near the common lines of said Surveys No. 1245 and 1244 and North line of said 210 acre tract, North 87° 42' 45" West 244.59 feet, a 3/8" steel stake set, North 87° 40' 17" West 1331.80 feet, a 3/8" steel stake set by a T fence corner post, fence bears South, and North 87° 40' 11" West 2020.08 feet to a 1/2" steel stake found by a T fence corner post, fence bears South for the Northwest corner of said 210 acre tract, Southwest corner hereof and being in the East line of that certain land described in a Deed to John H. Edwards, et ux, (Dorothy) recorded in Volume 299, Page 648 of said Official Public Records;

THENCE with the West line hereof and the East line of said Edwards tract, North 01° 12' 20" East 1021.43 feet, a 3/8" steel stake set; North 01° 16' 18" East 928.66 feet, a 3/8" steel stake set, and North 01° 19' 09" East 581.93 feet to a 1/2" steel stake found in said South line of County Road No. 128 for the Northwest corner hereof and Northeast corner of said Edwards tract;

THENCE with said South line of County Road No. 128 for the North line hereof, South 89° 05' 21" East 1115.69 feet, a 3/8" steel stake set; South 89° 07' 31" East 1661.5 feet, a 3/8" steel stake set, and South 89° 02' 15" East 815.20 feet to the PLACE OF BEGINNING.

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12979047v2

EXHIBIT "A"

PEEL, LARRY G. AND MARCO S.

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

TRACT ONE: 258.33 acres, more or less, part of H. & T. C. R. Co. School Section No. 16, Certificate 33/3207, Abstract 2236, originally purchased from the State by, and patented to S. E. McKnight by Patent No. 487, Volume 21, said land being originally patented for 640 acres, but upon a resurvey it was found to contain 718.38 acres, and being all of said survey, excepting therefrom, two tracts described as follows:

(a). 409.80 acres out of said survey conveyed by G. S. Johnson and wife, Kate Johnson to J. A. Henton by deed dated July 1, 1909, and recorded in Vol. 14, Page 395, Deed Records of McCulloch County, Texas, described by metes and bounds as follows:

BEGINNING at a rock mound in the East line of said Survey No. 16, set for the S.W. Corner of the H. Balmert Survey 1349, for the S.E. Corner of said tract, from which a L.O. 8' brs N. 80 Deg. E. 18 varas (old bearings).

THENCE North 86 Deg. W. 2110 varas to a rock mound on top of Brady Mountain for the S.W. Corner of this tract from which a L.O. 16' brs. S. 2-3/4 Deg. W. 38-3/4 varas; do. 4' brs S. 53-3/4 E. 26-1/2 varas;

THENCE North 1050 varas with the West line of said Survey 16, to a rock mound for the N.W. Corner of this tract from which a Mes. 6' brs. S. 33-1/2 Deg. W. 77 var; do. 3' brs North 43 Deg 10' W. 12 varas;

THENCE East 2043-1/2 varas to a rock mound from which a Mes. 6' brs. S. 49-1/2 Deg. E. 17-1/4 varas; do. 4' brs. N. 52 Deg. E. 22-1/4 varas;

THENCE South 3 Deg. E. 1181 varas to the place of beginning; and

(b). 50-1/4 acres, conveyed by G. S. Johnson and wife Kate Johnson to J. A. Henton by deed dated December 18, 1913, and recorded in Vol. 29, Page 394, Deed Records of McCulloch County, Texas, and described by metes and bounds as follows:

BEGINNING at the S.E. Corner of Carl Usener Survey 1352, the N.E. Corner of H. & T. C. R. Co. one half section 17-1/2, the N.W. Corner of Anton Nauendorf Sur. 1353, for the S.W. Corner of this tract from which a S.O. 3' dia. brs. S. 62 E. 6-1/4 varas; do. 3' brs. S. 43 W. 4-9/10 varas;

THENCE with the East line of said Survey No. 1352, North 860 varas to a stake and mound for the N.W. Corner of this tract.

THENCE South 86 East 330 varas to a stake from which a L.O. 12' brs. N. 39-1/2 Deg. E. 29-3/5 varas; do. 10' brs. 40-1/4 East 30 varas;

THENCE South 860 varas to a stake and mound on South line of said Sec. No. 16, for the S.E. Corner of this tract.

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THENCE with the South line of said Sec. 16, North 86 West 330 varas to the place of beginning.

TRACT TWO: 677.75 acres, more or less, and being all of:

- (a). Anton Nauendorf Survey 1353, Abstract 1067, Certificate No. 720, patented to Jacob De Cordova by Patent 276, Vol. 15;
- (b). Anton Nauendorf Survey 1354, Abstract 1068, Certificate No. 720, patented to Jacob De Cordova by Patent 286, Vol. 15;
- (c). Anton Nauendorf Survey 1356, Abstract 1069, Certificate No. 720, patented to Jacob De Cordova by Patent 285, Vol. 15;
- (d). Anton Nauendorf Survey 1355, Abstract 1070, Certificate No. 720, patented to Jacob De Cordova by Patent 290, Vol. 15.

TRACT THREE: 162.1 acres described in two tracts as follows:

- (a). 159.7 acres, all of J. C. Peter dec'd. Survey 1357, Abstract 1103, Certificate 187, patented to the Heirs of Johann C. Peter by Patent No. 1077, Vol. 13;
- (b). 2.4 acres, out of the North part of S.E. McKnight Survey M-1, Abstract 2304, patented to S.E. McKnight by Patent 286, Vol. 29.

Said two tracts of land are contiguous and form a solid body of land described by metes and bounds as follows:

BEGINNING at a rock mound set for the N.W. Corner of Survey 1357, and the North end of said McKnight Sur. No. M-1 from which a L.O. 6' brs. N. 67 West 51 varas; do. 12' brs. S. 85 W. 61 varas (old bearings);

THENCE N. 88-1/2 Deg. East 955 varas to a stake and mound set for the N.E. Corner of said Survey 1357, and the N.W. Corner of Survey 1358, from which a Mes. 4' brs. S. 2-1/2 Deg. W. 10 varas;

THENCE South 944 varas to a stake and mound set for the S.W. Corner of Sur. 1358, the N.W. Corner of Survey 1359.

THENCE South 88 West 978 varas (at 949-1/2 varas passing the South West corner of said Survey 1357, and the E. line of said McKnight Survey M-1) to a stake in the West line of said McKnight Survey No. M-1 from which a L.O. 12' brs. N. 61-1/2 W. 38 varas;

THENCE N. 2 E. 951 varas to the place of beginning.

TRACT FOUR: 640 acres, all of W. H. R. & O. T. Melvin Survey 16, Abstract 1569, Certificate 16/115, patented to S. E. McKnight by Patent 16, Vol. 30, which patent is here referred to and

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made part hereof for all purposes.

Tracts One through Four above are the same tracts described as Tracts Nos. One, Two, Three and Five in a deed from G. S. Johnson to Kate Irene Johnson et al, dated May 29, 1936, recorded in Vol. 96, page 126, Deed Records of McCulloch County, Texas, and said deed and record are here referred to and made part hereof for all purposes.

TRACT FIVE: 320 acres, more or less, described in two tracts as follows:

- (a). All of Heinrich Brandis Survey 1361, Abstract 52, Certificate 1069, patented to Heinrich Brandis by Patent 355, Vol. 30.
- (b). All of Heinrich Brandis Survey 1362, Abstract 53, Certificate 1069, patented to Heinrich Brandis by Patent 356, Vol. 30.

Being the same land described in deed from G. S. Johnson to Kate Irene Johnson et al, dated May 29, 1936, recorded in Vol. 96, page 125, Deed Records of McCulloch County, Texas, and said Deed and record are here referred to and made part hereof for all purposes.

TRACT SIX: 332.6 acres, all of W. H. & O. T. Melvin Survey 18, Certificate 33/3208, Abstract 1571, patented to O. T. Melvin and W. H. Melvin by Patent 389, Vol. 16, which patent is here referred to and made part hereof for all purposes. The said survey here conveyed is described by metes and bounds as follows:

BEGINNING at a rock mound set for N.E. Corner of State Survey 18, the S.E. Corner of F. Mueller Sur. 1674, the N.W. Corner of H. Brandis Survey 1362, and S.W. Corner of this survey from which a L.O. 10' brs. N. 69-1/2 W. 44 varas (old bearings);

THENCE with the East line of said Survey 1674, North 964 varas to a stake and mound set for the N.E. Corner of said Survey 1674 and the S.E. Corner of Survey 1675, the S.W. Corner of H. & T. C. R. Co. one half section 17, and the N.W. Corner of this survey from which a L.O. 12' brs. S. 3-1/2 W. 54-3/4 varas; do. 12' brs. S. 8-1/2 Deg. E. 51-1/4 varas;

THENCE with the South line of said Survey 17, S. 88-1/4 E. 1951 varas to a stake and mound set for the S.W. Corner of Survey 1353, the N.W. Corner of Survey 1355, and S.E. Corner of said Survey 17, and N.E. Corner of this Survey from which a S.O. 4' brs. N. 54-1/2 Deg. W. 1-3/5 varas; do. 3' brs. S. 30-1/2 varas;

THENCE with the West line of said Survey 1355, South 968 varas to a rock mound set for the S.E. Corner of said Survey 1355, the N.W. Corner of I.R.R. Co. Survey 15, and the N.E. Corner of survey 1361, and the S.E. Corner of this survey from which a L.O. 14' brs. N. 12-1/2 E. 33-2/5 ; do. 10' brs. S. 58-20' W. 10 varas;

THENCE with North line of said Surveys Nos. 1361 and 1362 North 88-1/4 W 1951 varas to the place of beginning.

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Said land is the same land described in deed from G. S. Johnson to Kate Irene Johnson et al, dated May 19th, 1944, recorded in Vol. 113, page 373, Deed Records of McCulloch County, Texas, and said deed and record are here referred to and made part hereof for all purposes.

TRACT SEVEN: All that certain land situated in McCulloch County, Texas, and being 320 acres, all of Carl Schmiedekne Survey No. 1350, Certificate No. 737, Abstract No. 1195, patented to F. Berkemeyer by Patent No. 625, Vol. 44, patented June 23, 1879 and which patent and record thereof in Volume 54, Page 210 of the Deed Records of McCulloch County, Texas, being here referred to and made part hereof for description.

TRACT EIGHT: 301 acres, more or less, the North one half (N. 1/2) of Indianola R. R. Co. Survey 15, Certificate 16/115, Abstract 760, patented to G. W. & W. F. Nortonby Patent 70, Volume 22, and which patent is here referred to and made part hereof for description. Said tract is described by metes and bounds as follows:

BEGINNING at a stake set for the NE. Corner of said Survey 15, from which a L.O. 6 in brs. N. 67 Deg. W. 51 varas; do. 12 in brs. S. 85 deg. W. 61 varas (old bearings);

THENCE S. 2 Deg. W. 826-1/2 varas to a stake set in the middle of the East line of said Survey No. 15, from which stake a L.O. 10 in. dia. brs. N. 43 Deg. W. 54-1/2 varas; a mesq. 4' brs. S. 50 Deg. W. 2-3/4 varas;

THENCE in a westerly direction across said Survey 15, to a stake in the West boundary line of said Survey No. 15, which stake is set 906 varas North of the S.W. Corner of said Survey No. 15.

THENCE North 1004 varas to the Northwest corner of said Survey No. 15, the Northeast corner of Survey 1361, the S.W. Corner of Survey No. 1356, from which a L.O. 14 brs. N. 12-1/2 Deg. East 33-3/5 varas do. 10 in brs. S. 58 Deg. and 10 minutes W. 10 varas.

THENCE S. 82 Deg. and 45 minutes East 2030 varas to the place of beginning, and being the same land conveyed by J. E. Shopshire et al, to L. A. Patton, by deed dated September 2, 1937, recorded in Vol. 96, page 578, Deed Records of McCulloch County, Texas, and said deed and record are here referred to and made part hereof for description.

TRACT NINE: 617.7 acres, more or less, described in three tracts as follows:

(a). 160 acres, more or less, all of J. A. Scherffus Survey 1254, Abstract 1980, Certificate 1073, Patent No. 237, Vol. 46;

(b). 160 acres, more or less, all of C. Schmidt Survey No. 1255, Abstract 1235, Certificate 1094, Patent No. 91, Vol. 19;

(c). 297.7 acres, more or less, out of the South part of Survey 39, Block 60, H. & T. C. R. R. Co. Abstract 621, Certificate 33/3219, Patent 533, Vol. 18, described by metes and bounds as follows:

BEGINNING at the Southeast corner of Survey 39.

THENCE with the East line of said Survey, North to the S.E. Corner of a 37.8 acre tract described in deed from J. A. Johnson to E. W. Harris, dated January 15, 1911, recorded in Vol 28, page 465, Deed Records of McCulloch County, Texas.

THENCE in a Northwesterly direction with the South line of said 37.8 acre tract, to a point in the West line of Survey 39 and the Southwest corner of said 37.8 acre tract.

THENCE with the West line of said Survey 39, south to its Southwest corner.

THENCE with the South line of said Survey 39, East to the place of beginning.

Said land is the same land described in deed from Ollie M. Johnson et al to W. C. Johnson, dated July 12, 1952, recorded in Vol. 136, Page 346, Deed Records of McCulloch County, Texas, and said deed and the record thereof are here referred to and made part hereof for all purposes.

TRACT TEN: 105.81 acres, more or less, the east part of H. & T. C. R. R. Co. Survey No. 17, Abstract No. 609, Certificate No. 33/3208, patented to H. & T. C. R. R. Co. by Patent No. 147, Vol. 44, which patent is here referred to and made part hereof for description.

The land here conveyed begins at a stone mound in the North line of said Survey 17, and the South line of Survey 1352, at a point of Brady Mountain, and which stone mound is set North 87 degrees West 650 varas from the N.E. Corner of said Survey No. 17.

THENCE with the South line of said Survey 1352, and the North line of said Survey 17, South 87 degrees E. 650 varas to planted stone marked "X" for the S.E. Corner of Survey 1352, the S.W. Corner of S. E. McKnight Survey No. 16, and the Northwest corner of Survey 1353, and the Northeast corner of said Survey 17.

THENCE with the West line of said Survey 1353, and the East line of said Survey 17, South 1-1/2 Deg. East 915 varas to planted stone marked "X" for southwest corner of said Survey 1353, the Northeast corner of W. H. & O. T. Melvin Survey 18, the Northwest corner of Survey 1355, and Southeast corner of Survey 17, from which stone mound a Spanish Oak 6' bears North 77-1/2 degrees East 4 varas; a spotted oak 6' bears South 51-1/2 degrees West 7 varas.

THENCE with the North line of said Survey No. 18, and the South line of said Survey 17, North 88-1/4 degrees West 650 varas to a stone mound from which a Live Oak 24' bears North 29-1/2 degrees East 70 varas; a Live Oak 30' bears South 32 degrees West 104-1/2 varas;

THENCE parallel with the East line of said Survey 17, and 650 varas West therefrom, North 3-1/2 degrees West 923 varas to the place of beginning.

Said land is the same land described in deed from Jess Sherman et ux to W. C. Johnson et al, dated August 28, 1941, recorded in Vol. 107, Page 177, Deed Records of McCulloch County, Texas, and said deed and the record thereof are here referred to and made part hereof for all

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EXHIBIT A TO OPTION AGREEMENT: LEGAL DESCRIPTION OF PROPERTY

purposes.

TRACT ELEVEN: 100 acres, more or less, lying about four miles Northeast of the town of Melvin, and described as follows, to-wit:

Being 100 acres off of the North side of J. C. Peter, dec'd Survey No. 1358, Certificate No. 187, Patent No. 1079, Vol. 13, Abstract No. 1105. The 100 acres here conveyed begins at a rock set for the N.W. Corner of H. & T. C. R. Co. Survey No. 37, the S.W. Corner of Survey No. 1253, the S.E. Corner of Survey No. 16, and the N.E. Corner of this tract, from which a L.O. 13' dia brs. S. 87 Deg. W. 56 varas;

THENCE S. 592 varas to a stake and mound in the East line of said Survey No. 1358, for the S.E. Corner of this tract from which a Mes. 6' brs. N. 23-3/4 Deg. W. 2-3/5 varas; a L.O. 14' brs. S. 81 Deg. E. 18-1/4 varas;

THENCE S. 88-1/2 Deg. W. 952-1/2 varas to a stake in West line of said Survey No. 1358, for the S.W. Corner of this tract.

THENCE N. 592 varas to a stake and mound set for the N.E. Corner of Survey No. 1357, and N.W. Corner of said Survey No. 1358, from which a Mes. 4' brs. S. 2-1/2 Deg. W. 10 varas;

THENCE N. 88-1/4 Deg. E. 955 varas with N. line of said Survey No. 1358, to the place of beginning.

TRACT TWELVE: 150.5 acres, out of and a part of I.R.R. Co. Survey No. 15, Certificate No. 16/115, Abstract No. 760 patented to G.W. and W.F. Norton by Patent No. 70, Volume 22, and described by metes and bounds as follows:

BEGINNING at a stake set on West line of said Survey No. 15, which stake is 431 1/4 varas North of the S.W. Corner of said Survey No. 15, and from which stake a L.O. 12 in. dia. bears North 17° East 16 varas, a L.O. 9 in. dia. bears North 34° West 20 varas;

THENCE North 454-3/4 varas to a stake set for the SW corner of a portion of said Survey formerly owned by Mrs. Sallie Willis;

THENCE South 88° East along South side of said Willis tract, 1965 varas to stake set in the East line of said Survey No. 15, and from which a L.O. 10 in. dia. bears North 43° West 54 1/2 varas to a stake, a Mesquite 4 in. dia. bears 50° East 2-3/4 varas;

THENCE South 413-1/4 varas with East line of said Survey No. 15, to stake in said East line which stake is set for the NE corner of a portion of said Survey formerly owned by J.B. Nichols;

THENCE North 89° West with North line of said Nichols tract, 1965 varas to the place of BEGINNING.

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(1001560N.2)

Exhibit A

All of that certain land situated in McCulloch County, Texas, described as follows:

TRACT 1: All that certain lot, tract, or parcel of land more particularly described as 160.55 acres, more or less, of land in McCulloch County, Texas, being out of G. & B. N. Co. Survey No. 34, Certificate No. 83, Abstract No. 443, also being the East 160.55 acres of that certain tract of land conveyed to CHAS. YOST by O.P. BEVERS, ET UX by deed of record in Volume 40, Page 380, Deed Records of McCulloch County, Texas, said tract of land is said to contain 238.9 acres, but on resurvey found to contain only 227.22 acres of land and said 160.55 acre tract of land being described by metes and bounds as follows: BEGINNING at a fence corner in the East line of said Survey No. 34 for the Southwest corner of H. & B. Zillers Survey No. 1224, and Northwest corner of Survey No. 1227, for the Northeast corner of said 238.9 acre tract of land and for the Northeast corner hereof;

THENCE with a fence and East line of said Survey No. 34, S 01 deg. 42 min. W 626 varas to a fence corner for the recognized Southeast corner of said 238.9 acre tract of land and for the Southeast corner hereof;

THENCE with a fence and recognized South line of said 238.9 acre tract of land, S 63 deg. 04 min. W 1659.4 varas to a stake and iron pin set for the Southeast corner of the West 66.67 acres of said 227.22 acre tract of land and for the Southwest corner hereof; THENCE with the East line of said 66.67 acre tract of land, North 601.4 varas to a stake and iron pin set in a fence and North line of said 238.9 acre tract of land for the Northeast corner of said 66.67 acre tract of land for the Northwest corner hereof;

THENCE with a fence, N 62 deg., 37 min. E 1687 varas to the place of beginning; containing 160.55 acres of land.

Said land being the same land described in deed from ROY L. MOOS AND WIFE, MARGARET MOOS to WILLIAM L. BROWN AND WIFE, DONORRY BELL BROWN, dated May 12, 1979, and recorded in Volume 204, Page 312, of the Deed Records of McCulloch County, Texas, and said deed and record are here referred to and made part hereof for all purposes.

TRACT II: All that certain lot, tract, or parcel of land more particularly described as 66.67 acres, more or less, of land in McCulloch County, Texas, being out of G. & B. N. Co. Survey No. 34, Certificate No. 83, Abstract No. 443, McCulloch County, Texas, also being the west 66.67 acres of that certain tract of land conveyed to CHAS. YOST by O.P. BEYERS, ET UX by deed of record in Volume 40, Page 380, Deed Records of McCulloch County, Texas, said tract of land is said to contain 238.9 acres, but on survey found to contain only 227.22 acres of land and said 66.67 acre tract of land being described by metes and bounds as follows:

BEGINNING at a stake and iron pin set in a fence corner located 34.8 varas North of the recognized Southwest corner of said Survey No. 34 for the Southwest corner of said 238.9 acre tract of land and for the Southwest corner hereof; from said fence corner an 18'-1.0" bears S 68 deg. 45 min. W 93 varas;

THENCE on and along a fence and west line of said Survey No. 34, North 595.4 varas, to a stake and iron pin set in a fence corner for the recognized Northeast corner of V. Koch Survey No. 1249, and Southeast corner of Survey No. 1250, for the Northwest corner of said 238.9 acre tract of land and for the Northwest corner hereof;

THENCE with a fence and recognized North line of said 238.9 acre tract of land, N 62 deg. 37 min. E 708.4 varas to a stake and iron pin set in said fence for the Northwest corner of the East 160.55 acres of said 227.22 acre tract of land and for the Northeast corner hereof;

THENCE with the West line of said 160.55 acre tract of land, South 601.4 varas to a stake and iron pin set in a fence and recognized South line of said 238.9 acre tract of land for the Southwest corner of said 160.55 acre tract of land for the Southeast corner hereof;

THENCE with a fence, S 63 deg. 04 min. W 705.5 varas to the place of beginning.

Said land being the same land described in deed from ROY L. MOOS AND WIFE, MARGARET MOOS to WILBUR L. BROWN AND WIFE, DOROTHY NEIL BROWN, dated May 12, 1979, and recorded in Volume 204, Page 312, of the Deed Records of McCulloch County, Texas, and said deed and record are here referred to and made part hereof for all purposes.

14011560v.2

Exhibit A

2

EXHIBIT A**LEGAL DESCRIPTION OF EASEMENT PROPERTY**

The following lands situated in McCulloch County, Texas

(1) 640 acres, more or less, all of H. & T.C. R.R. Co. Survey No. 45, Abstract No. 624, Certificate No. 333/222, patented to H. & T.C. R.R. Co. by Patent No. 534, Volume 18;

(2) An undivided one-fifth (1/5), being all of our right, title and interest in and to 100 acres, more or less, described as follows:

(A) Out of and a part of H. & T.C. R.R. Co. Survey No. 43, Abstract No. 623, Certificate No. 333/221, patented to H. & T.C. R.R. Co. by Patent No. 535, Volume 18; and

(B) Out of H. Schneider Survey No. 1274, Abstract No. 1310, Certificate No. 298, patented to Evan Shelby by Patent No. 830, Volume 12; and

said 100 acre tract is described by metes and bounds as follows:

BEGINNING at a stake and mound on the West line of Survey No. 1274, set for the NW corner of a 260 acre tract conveyed by W.C. Sellers by G.V. Gansel by Deed dated November 25, 1905, recorded in Volume 7, Page 549, Deed Records of McCulloch County, Texas, from which stake and mound a Mes. 3" brs. S. 42-3/4 deg. East 9-1/4 varas; and which stake and mound is 115 varas North of the SW corner of said Survey No. 1274;

THENCE South 281-9/10 varas with the west line of said Survey No. 1274, and Survey No. 43, to a stake in the West line of said Survey No. 43;

THENCE South 87 deg. 27 min. East 2005 varas to a stake in the East line of Survey No. 43;

THENCE North with the East line of said Survey No. 43 and Survey No. 1274, 281-8/10 varas to a stake and mound in the East line of said Survey No. 1274, from which a Mes. 4" bears North 13-3/4 deg. East 20-1/5 varas; a Mes. 4" bears North 89-1/2 deg. West 38 varas, and which stake and mound is 115 varas North of the SE corner of said Survey No. 1274, and which stake and mound was set for the NE corner of said 260 acre tract conveyed to W.C. Sellers by G.V. Gansel;

THENCE with the North line of said tract so conveyed to W.C. Sellers, North 87 deg. 27 min. West 2005 varas to the place of **BEGINNING**.

(3) The North 295 acres of H. Schneider Survey No. 1274, Abstract No. 1310, Certificate No. 298, patented to Evan Shelby by Patent No. 830, Volume 12 (This land, together with all of the land out of said survey described in paragraph (b) above, is all of Survey No. 1274).

(4) The South 295 acres of H. Schneider Survey No. 1275, Abstract No. 1309, Certificate No. 298, Patented to Evan Shelby by Patent No. 829, Volume 12, being all of the land out of said Survey owned by Grantors.

TRANSMISSION FACILITIES EASEMENT AGREEMENT
Rattlesnake
12364983v.6

A-1

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

The certain property situated in McCulloch County, Texas and being all of H. & T. C. R.R. Co. Survey No. 82, Abstract No. 2178, Certificate No. 33/3240, patented to W. J. Fullager by Patent No. 210, Volume 25, McCulloch County, Texas.

EXHIBIT A

LEGAL DESCRIPTION OF EASEMENT PROPERTY

The following lands situated in McCulloch County, Texas

The West 89 acres, more or less, of Carl Bahr Survey No. 1270, Abstract No. 47, McCulloch County, Texas, more particularly described by metes and bounds on Exhibit "A-1" attached hereto and made a part hereof for all purposes; and

A portion of the Northwest one-quarter (NW-1/4) and South one-half (S-1/2) of Benjamin Henton Survey No. 42, Abstract No. 1667, McCulloch County, Texas, containing 531.11 acres of land, more or less, more particularly described by metes and bounds on Exhibit "A-2" attached hereto and made a part hereof for all purposes; and

A portion of H. & T.C.R.R. Co. Survey No. 44, Abstract No. 1765, McCulloch County, Texas, containing 374.09 acres of land, more or less, more particularly described by metes and bounds on Exhibit "A-3" attached hereto and made a part hereof for all purposes; and

A portion of Carl Bahr Survey No. 1270, Abstract No. 47, McCulloch County, Texas, containing 7.62 acres of land, more or less, more particularly described by metes and bounds on Exhibit "A-4" attached hereto and made a part hereof for all purposes; and

A portion of Carl Bahr Survey No. 1270, Abstract No. 47, McCulloch County, Texas, containing 12.98 acres of land, more or less, more particularly described by metes and bounds on Exhibit "A-5" attached hereto and made a part hereof for all purposes;

Exhibit "A-1"

FIELD NOTES DESCRIPTION FOR 50.00 ACRES OF THE FORMER J. E. WHITE LAND IN MCCULLOCH COUNTY, TEXAS

Being all of a certain tract or parcel of land out of Carl Blair Survey No. 1270, Abstract No. 47, in McCulloch County, Texas, the same land conveyed as 3rd Tract to Ellis Jean Rooks, et al. from Josephine Mistella White by a Correction C/D Deed executed the 22nd day of September, 1959 and recorded in Volume 306 at Page 777 of the Deed Records of McCulloch County, Texas; and being more particularly described by notes and bounds as follows (record entries shown in parentheses):

Beginning at a 1/2" iron stake set in the east right-of-way line of a public road designated as C.R. 330 for the southwest corner of the herein described tract and said 3rd Tract, the southeast corner of a forty (40) ft. wide strip of land conveyed to McCulloch County from Lattie R. Dinger, et al. for road purposes, by a deed executed the 5th day of May, 1910 and recorded in Volume 23 at Page 166 of the Deed Records of McCulloch County, Texas; which point is at or near the southwest corner of said Survey No. 1270;

THENCE, with the west line of said 3rd Tract and said Survey No. 1270, the east line of said forty (40) ft. wide strip, the east right-of-way line of said C.R. 330, west of and generally parallel with a fence, N. 89°00'00"E. 2726.13 ft. to a 1/2" iron stake set for the northwest corner of the herein described tract and said 3rd Tract, the southwest corner of 357 acres conveyed to Dennis B. Kadberg from Delmon Bradley by a Warranty Deed executed the 31st day of March, 1998 and recorded in Volume 253 at Page 197 of the Deed Records of McCulloch County, Texas, at or near the northwest corner of said Survey No. 1270;

THENCE, with the common line between said 3rd Tract and said 357 acres, S. 88°13'22"E. at 7.85 ft. passing a three-way fence cornerpost, then along a fence for a total distance of 1422.91 ft. to a 1/2" iron stake set for the northeast corner of the herein described tract and said 3rd Tract, the northwest corner of 267 acres conveyed as Tract 3 to Chris W. McDonald from Leita White Casey by a Warranty Deed executed the 1st day of April, 1994 and recorded in Volume 265 at Page 6 of the Deed Records of McCulloch County, Texas;

THENCE, with the common line between said 3rd Tract and said 267 acres, S. 89°00'06"W. at 1449.14 ft. passing a 1/2" iron stake set in a fence, at 1680.88 ft. passing a 1/2" iron stake set in a fence, then continuing for a total distance of 2727.07 ft. to a 1/2" iron stake set for the southeast corner of the herein described tract, the southerly common corner of said 3rd Tract and said 267 acres, in the north line of 1772 acres conveyed to James E. White, Jr., et al. by a deed executed the 29th day of March, 1950 and recorded in Volume 126 at Page 672 of the Deed Records of McCulloch County, Texas;

THENCE, with the south line of said 3rd Tract, N. 88°13'22"W., with the north line of said 1772 acres, at 1404.10 ft. passing a 1/2" iron stake set at the northwest corner of said 1772 acres, the northeast corner of a forty (40) ft. wide strip of land conveyed for road purposes from Mary A. Henton to McCulloch County by a deed executed the 10th day of May, 1910 and recorded in Volume 25 at Page 159 of the Deed Records of McCulloch County, Texas, then continuing with the north line of said forty (40) ft. wide strip for a total distance of 1424.11 ft. to the PLACE OF BEGINNING containing 59.00 acres of land, more or less, within these metes and bounds.

TRANSMISSION FACILITIES EASEMENT AGREEMENT

Rattlesnake
12364964v.3

Exhibit "A-2"

FIELD NOTES DESCRIPTION FOR 511.11 ACRES OF THE FORMER J. E. WHITE LAND IN MCCULLOCH COUNTY, TEXAS

Being all of a certain tract or parcel of land out of Benjamin Henson Survey No. 43, Abstract No. 1667, in McCulloch County, Texas; parts of 1355.5 acres conveyed as 2nd Tract to Rilla Jean Rooks, et al. from Josephine Mistella White by a Correction C/D Deed executed the 22nd day of September, 1959 and recorded in Volume 306 at Page 777, and 2) 1772 acres conveyed to James E. White, Jr., et al. by a deed executed the 29th day of March, 1950 and recorded in Volume 126 at Page 672, both recordings in the Deed Records of McCulloch County, Texas; and being more particularly described by notes and bounds as follows (record entries shown in parentheses):

Beginning at a three-way fence cornerpost in the east right-of-way line of a public road designated as C.R. 330 for the southwest corner of the herein described tract in the common line between said 255.5 acres and said 356.6 acres conveyed to R. R. Bradshaw, Jr., et al. from James F. Grote, et al. by a deed executed the 1st day of November, 1983 and recorded in Volume 164 at Page 559, the southeast corner of a forty (40) ft. wide strip of land conveyed to McCulloch County from Mary A. Henton for road purposes, by a deed executed the 10th day of May, 1910 and recorded in Volume 25 at Page 159, then along a fence, by a deed executed the 1st day of April, 1994 and recorded in Volume 265 at Page 6 of the Deed Records of McCulloch County, Texas; which point is at or near the southwest corner of said Survey No. 42;

THENCE, along or near a fence with the east right-of-way line of said C.R. 330, N. 00°00'06"E. at 1636.1 ft. passing 34.3 ft. west of the approximate center of a 21 ft. diameter concrete water storage tank, at 2957.8 ft. passing 26.9 ft. west of a water well, then continuing for a total distance of 5418.06 ft. to a 1/2" iron stake set for the northwest corner of the herein described tract in the common line between said 1772 acres and 89 acres conveyed as 3rd Tract in said White to Rooks Deed, Volume 306, Page 777;

THENCE, with the common line between said 1772 acres and said 29 acres, S. 88°13'22"E. (S. 88°10'E.) 1404.10 ft. to a 1/2" iron stake set at the southeast corner of said 89 acres, the southwest corner of 267 acres conveyed as Tract 3 to Chris W. McDonald from Leita White Casey by a Warranty Deed executed the 1st day of April, 1994 and recorded in Volume 265 at Page 6 of the Deed Records of McCulloch County, Texas;

THENCE, with the common line between said 1772 acres and said 267 acres, S. 88°13'22"E. (S. 88°10'E.) 117.27 ft. to a fence endpoint and along a fence, S. 88°13'22"E. (S. 88°10'E.) 803.55 ft. to a three-way cornerpost and S. 87°47'21"E. (S. 88°10'E.) 413.33 ft. to a three-way cornerpost for the northerly northeast corner of the herein described tract at the northeast corner of said 1772 acres, the northwest corner of 180 acres conveyed as Tract 1 to Chris W. McDonald in said deed in Volume 265 Page 6;

THENCE, along a fence with the common line between said 1772 acres and said 180 acres, S. 00°14'00"W. 2759.51 ft. (South 2736.9 ft.) to a cornerpost for a restraint corner of the herein described tract, the southerly common corner of said 1772 acres and said 180 acres, in the north line of said 355.5 acres;

THENCE, along a fence with the common line between said 355.5 acres and said 180 acres, S. 87°12'21"E. (S. 87°19'E.) 2799.26 ft. to a three-way cornerpost for the easterly northeast corner of the herein described tract in the occupied west right-of-way line of a public road designated as C.R. 340;

THENCE, along a fence, partly along the occupied west right-of-way line of said C.R. 340, S. 00°00'07°09"E. 1334.81 ft. to a three-way cornerpost, S. 00°09'29"W. 1436.05 ft. to an anglepost, S. 26°43'01"W. 14.28 ft. to an anglepost, and S. 69°35'10"W. 31.20 ft. to a four-way cornerpost for the southeast corner of the herein described tract, the occupied northeast corner of said 356.4 acres;

THENCE, along a fence with the common line between said 355.5 acres and said 316.4 acres, N. 86°24'43"W. (N. 87°19'E.) 2770.29 ft. to a four-way cornerpost; and N. 86°35'24"W. (N. 87°19'E.) 2797.12 ft. to the PLACE OF BEGINNING containing 511.11 acres of land, more or less, within these metes and bounds.

TRANSMISSION FACILITIES EASEMENT AGREEMENT

Rattlesnake
12364964v.3

Exhibit "A-3"

FIELD NOTES DESCRIPTION FOR 374.09 ACRES OF THE FORMER J. E. WHITE LAND IN MCCULLOCH COUNTY, TEXAS

Being all of a certain tract or parcel of land out of 1/4 E. T.C. B.R. Co. Survey No. 44, Abstract No. 1765, in McCulloch County, Texas; the same land conveyed to 368 acres, 4th Tract, in Ellis Jean Road, et al, from Josephine Mostella White by a Correlation Gift Deed executed the 22nd day of September, 1939 and recorded in Volume 310 at Page 777 of the Dead Records of McCulloch County, Texas; and being more particularly described by metes and bounds as follows (record calls shown in parentheses):

Beginning at a three-way fence cornerpost in the occupied east right-of-way line of a public road designated as C.R. 350 for the southwest corner of the herein described tract in the common line between said 368 acres and 335 acres conveyed to Larry Dorego, et ux, from U.S. Title Company, Inc. by a Special Warranty Deed recorded in Volume 263 at Page 789 of the Dead Records of McCulloch County, Texas; which point bears, approximately, 21.3 ft. N. 85° 31' 46" E. from a point in the approximate center of said C.R. 350 believed to be at or near the southwest corner of said Survey No. 44;

THENCE, along a fence and the occupied east right-of-way line of said C.R. 350, N. 00° 24' 04" E., at 1122.29 ft. passing an anglepost for reference, then continuing not along a fence for a total distance of 1138.32 ft. to an surveyed point for the northwest corner of the herein described tract in the common line between said 368 acres and 335.5 acres conveyed to Albert R. Crumley, et ux, from J. L. Parker, et ux, by a deed executed the 15th day of June, 1943 and recorded in Volume 111 at Page 81 of the Dead Records of McCulloch County, Texas;

THENCE, with the common line between said 368 acres and said 335.5 acres, N. 88° 56' 19" E. (N. 88° E.), at 16.67 ft. passing an anglepost for reference, then along a fence for a total distance of 5462.71 ft. to a three-way cornerpost for the northwest corner of the herein described tract in the west right-of-way line of a public road designated as C.R. 310, the northwest corner of a forty (40) ft. wide strip of land conveyed to McCulloch County from Lattie Ridinger et al, for road purposes, by a deed executed the 5th day of May, 1910 and recorded in Volume 23 at Page 166 of the Dead Records of McCulloch County, Texas;

THENCE, with the west right-of-way line of said C.R. 310, east of and diverging from a fence, S. 00° 00' 00" W., 2310.28 ft. to a 1/2" iron stake for the southeast corner of the herein described tract in the south line of said 368 acres, in the north line of said 335 acres (Volume 263 Page 789);

THENCE, with the common line between said 368 acres and said 335 acres, S. 85° 31' 46" W. (S. 84° 30' W.), at 6.08 ft. passing a three-way fence cornerpost, then along a fence for a total distance of 5807.42 ft. to the PLACE OF BEGINNING containing 374.09 acres of land, more or less, within these metes and bounds.

TRANSMISSION FACILITIES EASEMENT AGREEMENT

Rattlesnake
12/04/94 v.3

Exhibit "A-4"

FIELD NOTES DESCRIPTION FOR 7.62 ACRES IN MCCULLOCH COUNTY, TEXAS

Being all of a certain tract or parcel of land out of Carl Blair Survey No. 1270, Abstract No. 47, in McCulloch County, Texas; and being more particularly described by metes and bounds as follows:

Beginning at a 1/2" iron stake set in a fence for the northwest corner of the herein described tract, the northeast corner of 39 acres conveyed as Tract 3 to Rita Jean Boats, et al, from Josephine Mostella White by a Correlation Gift Deed executed the 22nd day of September, 1939 and recorded in Volume 306 at Page 171, in the south line of 337 acres conveyed to Donald R. Kuebel from Delmar Bradley by a Warranty Deed executed the 31st day of March, 1938 and recorded in Volume 293 at Page 191, both deeds recorded in the Dead Records of McCulloch County, Texas; which point bears 1423.91 ft. S. 83° 30' 07" E. from the northwest corner of said Survey No. 1270;

THENCE, along a fence with the south line of said 337 acres, S. 83° 30' 07" E., 458.29 ft. to a three-way cornerpost for the northeast corner of the herein described tract;

THENCE, along a fence, S. 17° 40' 57" W., 1508.42 ft. to a 1/2" iron stake set for the south corner of the herein described tract in the east line of said 89 acres;

THENCE, with the east line of said 89 acres, N. 00° 00' 00" E., 1449.14 ft. to the PLACE OF BEGINNING containing 7.62 acres of land, more or less, within these metes and bounds.

TRANSMISSION FACILITIES EASEMENT AGREEMENT

Rattlesnake
12/04/94 v.3

Exhibit "A-5"

FIELD NOTES DESCRIPTION FOR 12.98 ACRES IN
MCCULLOCH COUNTY, TEXAS

Being all of a certain tract or parcel of land out of Carl Bahr Survey No. 1270, Abstract No. 17, in McCulloch County, Texas; and being more particularly described by metes and bounds as follows:

Beginning at a 1/2" iron stake set for the southwest corner of the herein described tract, the southeast corner of 89 acres conveyed as Tract 3 to Rita Jean Roels, et al. from Josephine Martella White by a Correction Gift Deed executed the 22nd day of September, 1999 and recorded in Volume 306 at Page 777, in the north line of 177.2 acres conveyed to James E. White, Jr., et ux, by a deed executed the 29th day of March, 1950 and recorded in Volume 126 at Page 632, both deeds recorded in the Deed Records of McCulloch County, Texas; which point bears 1424.11 ft. S. 88° 13' 22" E. from the southwest corner of said Survey No. 1270;

THENCE, with the east line of said 89 acres, N. 00° 00' 00" E. 1016.19 ft. to a 1/2" iron stake set in a fence line the northwest corner of the herein described tract;

THENCE, along a fence: S. 89° 42' 01" E. 85.49 ft. to a cornerpost for the northeast corner of the herein described tract; S. 40° 13' 07" E. 1385.30 ft. to an anglepost; and S. 02° 43' 37" W. 15.20 ft. to a three-way cornerpost for the southeast corner of the herein described tract in the north line of said 177.2 acres;

THENCE, with the north line of said 177.2 acres: along a fence, N. 88° 26' 27" W. (N. 88° 30' W.) 862.55 ft. to the fence endpoint; and N. 88° 13' 22" W. (N. 88° 30' W.) 117.27 ft. to the PLACE OF BEGINNING containing 12.98 acres of land, more or less, within these metes and bounds.

TRANSMISSION FACILITIES EASEMENT AGREEMENT
Rattlesnake
1230994v.3

A-5

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

Being 105.320 acres, more or less, in McCulloch County, Texas, out of the Carl Froehlich Survey No. 1151, Abstract No. 342 and being out of that certain parent tract described as 670.359 acres in a deed to Byron E. McCollum, et ux, et al. recorded in Vol. 298, Pg. 614, McCulloch County Official Public Records.

Said 105.320 acres tract being more fully described as follows:

Beginning at a 1/2" steel stake found in the south line of the H. & T. C. R.R. Co. Survey No. 82, Abstract No. 2178, north line of said Survey No. 1151, south line of that certain tract described as 480 acres in a deed to James L. Ross recorded in Vol. 198, Pg. 483, McCulloch County Deed Records, in the north line of said parent tract, for the northeast corner of that certain tract described as 11.71 acres in a deed to Scott G. Arbuckle, et ux, recorded in Vol. 299, Pg. 144, McCulloch County Official Public Records and northwest corner hereof, from which point the northwest corner of said parent tract bears S 87° 55' 03" W. 328.52 feet;

Thence with said south line of Survey No. 82, said north line of Survey No. 1151, said south line of 480 acre tract, said north line of parent tract and north line hereof, as follows:

N 87° 55' 03" E. 190.99 feet a 1/2" steel stake found;

N 87° 47' 40" E. 926.48 feet to a 1/2" steel stake found;

N 87° 52' 03" E. 961.53 feet to a 1/2" steel stake set for the northeast corner hereof;

Thence with east line hereof, S 09° 00' 00" E. at 116.04 feet pass a 3/8" steel stake set, at 407.73 feet pass a 3/8" steel stake set, at 1455.68 feet pass a 3/8" steel stake set, at 1753.46 feet pass a 3/8" steel stake set, at 2165.76 feet pass a 3/8" steel stake set, in all a total distance of 2368.53 feet to a 1/2" steel stake set for a northerly corner of a 232.283 acre partition tract out of said parent tract and the most northerly southeast corner hereof;

Thence with north line of said 232.283 acre tract and south line hereof, as follows:

S 90° 00' 00" W. 475.00 feet a 1/2" steel stake set;

S 17° 25' 49" E. 120.34 feet to a 1/2" steel stake set for the northeast corner of a 67.037 acre partition tract out of said parent tract, the most southerly southeast corner hereof;

Thence with fence, north line of said 67.037 acre tract and continuing with said south line hereof, N 68° 33' 39" W.

690.96 feet to a 1/2" steel stake found and N 68° 28' 31" W. 1410.33 feet to a 1/2" steel stake found in the west line of said parent tract, east line of Country Road No. 152, for the northwest corner of said 67.037 acre tract and southwest corner hereof;

Thence with said east line of said country road, west line of said parent tract and west line hereof, N 02° 19' 22" E. 38.47 feet to a 3" pipe post fence corner post in the south line of said 11.71 acre tract;

Thence with said south & east lines of 11.71 acre tract, continuing with said west line hereof, N 40° 25' 28" E. 485.81 feet to a 1/2" steel stake found and N 00° 00' 00" W. 1226.70 feet to the Point of Beginning containing 105.320 acres, more or less.

WIND ENERGY GROUND LEASE
12280621v.3

EXHIBIT "A"

SCHIRATO, DENNIS

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

Being 67,037 acres, more or less, in McCulloch County, Texas, consisting of approximately 22,564 acres out of the Carl Froehlich Survey No. 1151, Abstract No. 342 and approximately 44,473 acres out of the Carl Froehlich Survey No. 1148, Abstract No. 343 and being out of a combination of those certain tracts described as 670,359 acres in a deed to Byron E. McCollum, et ux, recorded in Vol. 298, Pg. 614, McCulloch County Official Public Records and described as 1299,853 acres in a deed to Byron E. McCollum, et ux, et al, recorded in Vol. 291, Pg. 3, McCulloch County Official Public Records, for the parent tract hereof.

Said 67,037 acre tract being more fully described as follows:

Beginning at a 1/2" steel stake found in the west line of said parent tract, east line of County Road No. 152, for the southwest corner of a 105,320 acre partition tract out of said parent tract and northwest corner hereof;

Thence with fence, south line of said 105,320 acre tract and north line hereof, S 68°28'31" E, 1410.33 feet to a 1/2" steel stake found and S 68°33'39" E, 690.96 feet to a 1/2" steel stake set in the west line of a 232,283 acre partition tract out of said parent tract, for the southeast corner of said 105,320 acre tract and northeast corner hereof;

Thence with said west line of said 232,283 acre tract and east line hereof, S 17°25'49" E, 280.61 feet to a 1/2" steel stake set and S 00° 00'00" E, at 292.77 feet pass a 3/8" steel stake set, in all total distance of 800.00 feet to a 1/2" steel stake set for an "L" corner of said 232,283 acre tract and southeast corner hereof;

Thence with north line of said 232,283 acre tract and south line hereof, N 89°30'34" W, at 328.58 feet pass a 3/8" steel stake set, at 705.92 feet pass a 3/8" steel stake set, at 990.65 feet pass a 3/8" steel stake set, at 1384.90 feet pass a 3/8" steel stake set, at 1780.69 feet pass a 3/8" steel stake set, in all a total distance of 2060.61 feet to a 1/2" steel stake set in the east line of said county road, said west line of parent tract, for the northwest corner of said 232,283 acre tract and southwest corner hereof;

Thence with said east line of county road, said west line of parent tract and west line hereof, as follows:

N 00°35'26" E, 474.38 feet to a 1/2" steel stake found;

N 00°43'23" E, 435.62 feet to a 3" pipe post;

N 00°43'23" E, 105.25 feet to a 1/2" steel stake found;

N 00°41'10" E, 804.97 feet to the Point of Beginning containing 67,037 acres, more or less.

WIND ENERGY GROUND LEASE
12280654v.2

EXHIBIT "A"

SCHIRATO, MATTHEW

EXHIBIT A**LEGAL DESCRIPTION OF EASEMENT PROPERTY**

The following lands situated in McCulloch County, Texas

TRACT 1:

320 acres, more or less, all of J.C. Doebner Survey No. 1325, Abstract No. 199, Certificate No. 746, patented to James R. Sweet by Patent No. 661, Volume 13.

TRACT 2:

Being a 350.0 acre tract in and a part of J.C. Doebner Survey 1326, A-200, McCulloch County, Texas; said 350.0 acre tract also being part of a "320" acre tract described in Deed from Bryson to Gansel dated December 2, 1907 and recorded in Volume 13, Page 623 of the Deed Records of McCulloch County; said 350.0 acre tract being described by metes and bounds as follows:

Beginning at a 5/8" iron rod set near the center of a north-south lane for the apparent N.W. corner of Survey 1326 and S.W. corner of J.C. Doebner Survey 1325.

Thence with the apparent north line of Survey 1326 and south line of Survey 1325, N.89°45'49"E., at 22.5 feet set a 5/8" iron rod in the fenced east line of the lane, and continuing along or near a line of fence posts at 5465.47 feet set a 5/8" iron rod at a fence corner post in the fenced west line of a county road, and continuing in all 5478.03 feet to a point in said road for the N.W. corner of a 20 foot wide strip described in Deed from Gansel to McCulloch County dated May 10, 1910 and recorded in Volume 25, Page 163 of the Deed Records of McCulloch County from which a 5/8" iron rod set near the center of said road bears N.89°45'49"E. 20.00 feet.

Thence with the west line of the 20 foot wide strip, S.0°15'00"E. 2712.63 feet to a point in another county road for the S.W. corner of the 20 foot wide strip from which a 5/8" iron rod set at a fence corner post bears N.8°11'11"W. 14.5 feet and a 5/8" iron rod set in the intersection of said roads bears N.88°27'00"E. 20.01 feet.

Thence along and in the last mentioned county road and with the apparent south line of Survey 1326 and the north line of A.M. Jamison Survey 44, S.88°27'00"W. 5510.00 feet to a 5/8" iron rod set in the intersection said county road with another road to the south for the apparent S.W. corner of Survey 1326, N.W. corner of Survey 44 and S.E. corner of H. & T.C. Ry. Co. Survey 9.

Thence with the apparent west line of Survey 1326 and east line of Survey 9, N.0°22'00"E., at 25.79 feet set a 5/8" iron rod from which a fence corner post bears N.88°28'40"E. 18.9 feet, and continuing along and in the aforementioned lane in all 2839.11 feet to the point of beginning and containing 350.0 acres of land and including 3.3 acres in said county roads as currently fenced.

Courses, distances and areas are of the Texas Coordinate System of 1983 - Central Zone per GPS observations.

TRANSMISSION FACILITIES EASEMENT AGREEMENT

Rattlesnake
1236496rv.6

A-1

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

Tract One:

164.7 acres, more or less, out of J.H. Lockmann Survey No. 1133, Abstract No. 940, Certificate No. 741, patented to Johann H. Lockmann by Patent No. 545, Volume 17, McCulloch County, Texas, described by metes and bounds as follows:

BEGINNING at a stake and mound set 30 ft. North of the South line of said Survey No. 1133, and set 44.7 feet North 63° 23' West from the East line of said Survey;

THENCE North 955.2 varas parallel with East line of said Survey No. 1133 to stake and mound in North line said Survey; set 44.7 ft. North 63° 23' West from the Northeast corner of said Survey;

THENCE with North line of said Survey No. 1133, North 63° 23' West, 1087.60 varas to stake and mound from which a L.O. 8" bears South 18 1/4° West 16 varas; a L.O. 12" bears South 41 1/2° West 44 1/2 varas;

THENCE South 956 varas to stake and mound set 30 ft. North of South line of said Survey and set on North side of Brady-Eden Public Road from which stake and mound a Mesquite 10" bears North 73° West 86 1/2 varas;

THENCE South 63° 23' East with North line of said Road, and parallel with South line of said Survey No. 1133, 1085.40 varas to the PLACE OF BEGINNING, and being the same land conveyed by O.F. Linstrum and wife, to John Hanson by Deed dated December 26, 1907, recorded in Volume 17, Page 43, Deed Records of McCulloch County, Texas, being the same land noted in Correction Deed from J.H. White to O.F. Linstrum dated January 12, 1924, recorded in Volume 65, Page 464, Deed Records, McCulloch County, Texas.

Tract Two:

2.42 acres, more or less, off the East end of J.H. Lockmann Survey No. 1133, Abstract No. 940, Certificate 741, patented to John H. Lockmann by Patent 545, Volume 17, McCulloch County, Texas, described by metes and bounds as follows:

BEGINNING at the Southeast corner of said Survey;

THENCE with East line of said Survey, North 950 varas to the Northeast corner of said Survey;

THENCE with the North line of said Survey North 63° 23' West 44.7 feet;

THENCE parallel with and 40 ft. West from the East line of said Survey, South 950 varas to South line of said Survey.

WIND ENERGY GROUND LEASE
12983467v.1

EXHIBIT "A"

SCHWETTER, CALVIN EUGENE

WIND ENERGY GROUND LEASE
12983467v.1

EXHIBIT "C"

SCHWETTER, CALVIN EUGENE

THENCE with South line of said Survey, South 63° 23' East 44.7 feet to the PLACE OF BEGINNING.

Tract Three:

4.4 acres, more or less, out of and a part of J. H. Lockmann Survey No. 1133, Abstract No. 940, and being the portion of said Survey that was formerly used as right of way and road bed for Eden and Brady Road, conveyed by W.M. Deans, Commissioner, to H. John Hanson by Deed dated June 17, 1942, recorded in Volume 109, Page 125, Deed Records of McCulloch County, Texas.

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

TRACT ONE: 131.6 acres, more or less, out of the North part of C. E. Anderson Survey 1038, Abstract 1729, patented to C. E. Anderson by Patent 415, Volume 4.

TRACT TWO: 138-3/4 acres, more or less, out of the North part of H. & T. C. R.R. Co. Survey 133, Abstract 670, Certificate 33/3265, patented to H. & T. C. R.R. Co. by Patent 243, Volume 44.

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

TRACT THREE: 555.3 acres, more or less, part of the S. T. Ward Survey 134, Abstract 2084, Certificate 33/3265, patented to W. B. White by Patent 64, Volume 17.

TRACT FOUR: 141.4 acres, more or less, all of Johann Buhlmann Survey 1125, Abstract 136, Certificate 839, patented to Wash L. Hill by Patent 130, Volume 17.

TRACT FIVE: 141.4 acres, more or less, all of Johann Buhlmann Survey 1126, Abstract 137, Certificate 839, patented to Wash L. Hill by Patent 403, Volume 16.

TRACT SIX: 100.45 acres, more or less, out of the Johann Buhlmann Survey 1124, Abstract 134, Certificate 839, patented to Jacob DeCordova by Patent 772, Volume 9.

TRACT SEVEN: 100.45 acres, more or less, out of the Johann Buhlmann Survey 1127, Abstract 135, Certificate 839, patented to Jacob DeCordova by Patent 772, Volume 9.

All of said Tracts One through Seven are contiguous, forming a solid body of land described by metes and bounds as follows:

BEGINNING at the N.W. Corner of Johann Buhlmann Survey 1124;

THENCE N. 58° 45' E 1900 varas, along North lines of Johann Buhlmann Surveys Nos. 1124 and 1125 to stake set for the N.E. corner said Survey 1125; the N.W. corner S.T. Ward Survey 134, and from which a stake a Rock Oak 4 in. Dia. Brs. N. 7 varas;

THENCE South 65° 10' E. 2172 varas, along North line said S. T. Ward Survey 134 to stake set for N.E. corner said Ward Survey 134, and from which stake a L.O. 10 in. Dia. Brs. S 78-3/4 E. 18-1/2 varas.

THENCE South 956 varas, along East line said Survey 134, to stake set in said East line, and from which stake a L.O. 6 in. Brs. N 50 E. 74-1/2 varas, a L.O. 5 in. Dia. Brs. N 18 E 80 varas;

THENCE South 85 W. 836 varas to rock mound, and which rock mound is set for the part of said survey 134 conveyed by D. F. Savage and S. W. Colton to B. J. Fitzgerald.

THENCE South 964 varas, (at 597 varas, crossing South line said Survey 134 and North line C. E. Anderson Survey No. 1038) to stake.

THENCE West 1116.4 varas to stake set in West line Survey 1038 and East line H. & T.C.R.R. Survey No. 133, and which stake is set 964 varas South from N.E. corner said Survey No. 133.

THENCE West (across said Survey 133) 1625 varas to stake set for N.W. corner said Survey No. 133, the N.E. corner Survey No. 108, the S.E. corner H. & T.C.R.R. Co. Survey No. 107 and S.W. corner Johann Buhlmann Survey No. 1127, and from which stake a L.O. 10 in. Dia. Brs. S

WIND ENERGY GROUND LEASE
12354474V.1

EXHIBIT "A"

SMITH, JACK BOB JR.

WIND ENERGY GROUND LEASE
12350274V.2

EXHIBIT "A"

SMITH, JACK BOB JR.

41 W. 4 varas, a L.O. 8 in. Dia. Brs. N 2 E. 30 varas, and which stake is set in North line of the Brady and Boardmoor public road.

THENCE with the West lines of Johann Buhlmann Surveys 1127 and 1124, North to the place of beginning.

SAVE AND EXCEPT the West 40.95 acres of said Survey 1124 and the West 40.95 acres of said Survey 1127 as conveyed and described in a Warranty Deed from Manuella Shelton to J. T. Woodward, Latitia Woodward, Manuella Mitchell and Jym Mitchell, by deed dated August 21, 1965 recorded in Volume 166, Page 625, Deed Records, McCulloch County, Texas.

TRACT EIGHT- 163.7 acres, more or less, all of Adam Dumzlaief Survey 1042, Abstract 225, Certificate 835, patented to Wash L. Hill by Patent 408, Volume 16. Said land is the same land described in deed from Beulah V. Festervand et al to J. K. Shelton, dated August 10, 1928, recorded in Volume 80, Page 632, Deed Records of McCulloch County, Texas.

TRACT NINE: Being the North one-half (1/2) of the Adam Dumzlaief Survey No. 1040, Certificate No. 835, Abstract No. 227, containing 160 acres of land, more or less, patented to M. D. Conklin, assignee of Adam Dumzlaief under Patent No. 411, Vol. 16 issued December 1, 1857, being in the Fisher and Miller Colony land, and containing 80 acres of land, more or less, and being the same tract of land conveyed by deed from Thomas A. Conklin, et al., to Cornelia E. Burney dated January 1, 1897, recorded in Volume 9, page 79, and in Volume 146, page 521 of the McCulloch County Deed Records.

TRACT TEN: A 30 foot strip off of the South side of Adam Dumzlaief Survey No. 1042, Abstract 226, in McCulloch County, Texas, beginning at a stake and mound set for the S.E. Cor. of said Sur. 1042. Thence with the South line of said Survey 1042 West to a stake and mound set for the S.W. corner of said Survey No. 1042. Thence with the West line of said Survey 1042, North 30 feet to a stake. Thence parallel with the South line of said Survey 1042, and 30 feet North therefrom, East to a stake and mound set in the East line of said Survey 1042. Thence with the East line of said Survey 1042, South 30 feet to the place of beginning.

Being part of the same land conveyed by A. H. Broad et ux to Manuella Shelton by Deed dated March 22, 1939 recorded in Volume 100, Page 303, Deed Records of McCulloch County, Texas, said deed and record are here referred to and made part hereof for description.

SAVE AND EXCEPT 0.03 acres of land, more or less, conveyed by Jack Bob Smith et ux to the State of Texas by Deed dated January 5, 1982 recorded in Volume 214, Page 19, Deed Records, McCulloch County, Texas and said 0.03 acres of land being described as follows:

0.03 acres of land out of the A. Dumzlaief Survey 1042, Abstract No. 226, as conveyed by Manuella Shelton to Jack Bob Smith by deed dated December 20, 1965, recorded in Volume 168, Page 138, Deed Records, McCulloch County, Texas, said 0.03 acres being out of a 30 foot wide strip of land and referred to in said deed as Parcel (3) of Tract One, and more particularly described as follows:

WIND ENERGY GROUND LEASE
1235447v1

EXHIBIT "A"

SMITH, JACK BOB

BEGINNING at a stake in the south boundary line of the A. Dumzlaief Survey 1042, Abstract No. 226, being North 90° 00' West, 100 feet from its apparent southeast corner; said stake also being in the south boundary line of said 30 foot wide strip of land, 100 feet westerly opposite proposed U.S. Highway 283 centerline Station 312+42.8, for the southwest corner of this;

THENCE North 00° 27' West, 30.00 feet to a stake being 100 feet westerly opposite proposed centerline Station 312+72.8, for the northwest corner of this;

THENCE South 90° 00' East, along the north boundary line of said 30 foot wide strip of land, 50.00 feet to a point in the existing west right of way of said highway, for the northeast corner of this;

THENCE South 00° 27' East, along said existing west right of way, 30.00 feet to a point in the south boundary line of said Survey 1042, for the southeast corner of this;

THENCE North 90° 00' West, along said south boundary line, 50.00 feet to the PLACE OF BEGINNING.

WIND ENERGY GROUND LEASE
1235447v1

EXHIBIT "A"

SMITH, JACK BOB

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

PARCEL 1:

(1) 158.8 acres, more or less, all of J.C. Peters Survey No. 1360, Abstract No. 1104, Certificate No. 187, Patent No. 1078, Volume 13, which patent is here referred to and made part hereof, said patent calls for 160 acres, but by actual survey, the same is found to contain 158.8 acres of land.

(2) 7.2 acres, more or less, the South part of the S.E. McKnight Survey No. M-1, Abstract No. 2304, patented to S.E. McKnight by Patent No. 268, Volume 29, which patent is here referred to and made a part hereof.

Said land lies contiguous forming a solid body of land described by metes and bounds as follows:

BEGINNING at a stake and mound set for the SW corner of Survey No. 1359, and SE corner of said Survey No. 1360;

THENCE North 944 varas to a stake and mound set for the SW corner of Survey No. 1358;

THENCE West 978 varas to a stake and mound in West line of the McKnight Survey No. M-1, from which a L.O. 12' brs. N. 61-1/2° W. 38 varas;

THENCE South 2° West 951 varas, with the West line of the said McKnight Survey to a stake and mound;

THENCE East 57 varas to the SW corner of said Survey No. 1360;

THENCE North 87-1/2° East 944 varas to the place of BEGINNING.

Said land is the same land described in deed from A.P. Waldrup, et ux, to W.L. Satterfield and Ouita Satterfield, dated July 17, 1967, recorded in Volume 170, Page 424, Deed Records of McCulloch County, Texas, and said deed and record are here referred to and made part hereof for all pertinent purposes.

WIND ENERGY GROUND LEASE
1308856v2

EXHIBIT "A"

SPARKS, BRYAN AND LAURA JEAN

PARCEL 2:

Tract I: Being 132.61 acres, more or less, consisting of two (2) parcels described as follows:

A. The North 72.93 acres, more or less, out of J. C. Peter Survey No. 1359, Abstract No. 1106, Certificate No. 187, patented to Heirs of J. C. Peter by Patent No. 1080, Volume 12, McCulloch County, Texas; and

B. The South 59.68 acres, more or less, out of J. C. Peter Survey No. 1358, Abstract No. 1105, Certificate No. 187, patented to Heirs of J. C. Peter by Patent No. 1079, Volume 12, McCulloch County, Texas;

And which tracts lie contiguous and form a solid body surveyed by Abner G. Trigg, registered public surveyor on October 8, 1963, and described by metes and bounds as follows:

Beginning at a 1" iron pipe set for the Northwest corner of the South 83.99 acres of Survey No. 1359 and set for the Southwest corner of this 132.61 acres, from which the Southwest corner of Survey No. 1359 brs. South 00° 17' East 506.36 varas;

Thence North 00° 17' West at 433 varas the Northwest corner of Survey No. 1359 the Southwest corner of Survey No. 1358, continuing to 789 varas in all to a 1" iron pipe set at a fence corner post for the Northwest corner of this tract;

Thence with fence along the North line of this tract, North 88° 29' 25" East 957.63 varas to a 1" iron pipe set at a fence corner post for the Northeast corner of this tract;

Thence with fence along the East line of Survey No. 1358 South 00° 22' West at 349.5 varas the Southeast corner of Survey No. 1358, the Northeast corner of Survey No. 1359, continuing along the East line of Survey No. 1359 to 782.5 varas in all to a 1" iron pipe set for the Southeast corner of this tract, and set in the fence along the East line of Survey No. 1359 and set for the Northeast corner of a 30 foot road;

Thence parallel with the South line of Survey No. 1359 South 88° 05' West at 10.8 varas to a 1" iron pipe set for the Northwest corner of the 30 foot road and set for the Northeast corner of the 83.99 acre tract out of the South part of Survey No. 1359, continuing 948.9 varas in all to the place of beginning.

WIND ENERGY GROUND LEASE
1308856v2

EXHIBIT "A"

SPARKS, BRYAN AND LAURA JEAN

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

BEING an area of 649.172 acres of land, in McCulloch County, Texas, more or less, comprised of 239.624 acres out of H. W. A. Bothmer Survey 1247, Abstract 77, 177.999 acres out of H. W. A. Bothmer Survey 1246, Abstract 76, 231.159 acres out of H. & T. C. Survey 37, Abstract 620, 0.160 acres out of Jacob Klock Survey 1248, Abstract 821, 0.230 acres out of Fisher And Miller Survey 2591, Abstract 268, McCulloch County, Texas, and said 649.172 acre tract being out of 2554 acres conveyed by deed from Ollie M. Johnson, a widow, and Noble M. Johnson to Joe Dale Johnson, described and recorded May 15th, 1953, in Volume 144, Page 526, Deed Records of McCulloch County, Texas, and out of 317.10 acres described in Volume 227, Page 81, Deed Records of McCulloch County, Texas, and said 649.172 acre tract being more particularly described by metes and bounds as follows;

BEGINNING at a 4x4 concrete monument found, being the Southwest corner of 317.10 acre tract, in the East line of S. E. McKnight Survey M-2, Abstract 2305, in the West line of Survey 1246, and at the Northeast corner of an intersection of County Rd. 148 and County Rd. 128, and being the Southwest corner of this herein described tract of land;

THENCE with the East line of Survey M-2 and West line of Survey 1246, with a fence, N0°09'15"E, 2444.95 feet (Call S 0° 26' W 880 varas), to a 4X4 concrete monument found, being the Southwest corner of Survey 1247 and the Northwest corner of Survey 1246; Abstract 76, in the East line of Survey M-2, and in the East line of County Rd. 148, and being the Southwest corner of 2554 acre Johnson tract, being the Western most Northwest corner of this tract, from which a fence corner post bears N86°23'22"W, 0.94 feet;

THENCE upon and across Survey 1247, with a fence, N87°58'23"E, 913.69 feet, to a fence corner post, N1°46'06"W, 243.58 feet, to a fence corner post, N83°14'12"E, 292.89 feet, to a fence corner post, N4°56'26"E, 851.02 feet, to a fence corner post, N29°43'28"E, 630.13 feet, to a fence corner post, N40°29'16"E, 684.45 feet, to a fence corner post, N33°11'58"W, 180.74 feet, to a fence corner post, S55°51'06"W, 691.71 feet, to a fence corner post, N7°42'40"W, 641.69 feet, to a fence corner post, S89°51'58"W, 214.44 feet, to a 1/2" iron rod with cap marked "SKG Engineers", set in a fence, for an exterior corner of this tract;

THENCE N0°33'04"W, passing at 45.54 feet the South line of H. & T. C. Survey 37, Abstract 620, and the North line of Survey 1247, continuing a total distance of 2701.55 feet, to a 1/2" iron rod with cap marked "SKG Engineers", set in a fence, for an exterior corner of this tract;

THENCE with a fence, S82°09'20"E, 2168.10 feet to a 1/2" iron rod with cap marked "SKG Engineers", set at a fence intersection, for an exterior angle of this tract;

THENCE with a fence, S82° 03' 31"E, passing at 2257.92 feet the West line of Jacob Klock Survey 1248, Abstract 821, and the East line of Survey 37, continuing for a total distance 2265.15 feet to a 1/2" iron rod set with cap marked "SKG ENGINEERS" at a fence corner for an exterior angle of this tract;

THENCE with a fence, S0° 06' 43"W, 1948.15 feet, to a cedar fence corner post, being the Northeast corner of Survey 1247, the Northwest corner of Fisher and Miller Survey 2591,

WIND ENERGY GROUND LEASE
12330265v.2

EXHIBIT "A"

SUTTON, JOEEN

Abstract 268, the Southwest corner of Jacob Klock Survey 1248, Abstract 821, the Southeast corner of H. & T. C. Survey 37, Abstract 620, from which a large Oak tree bears N2° 14' 49"E, 43.62 feet;

THENCE with a fence, S0° 00' 43"W, 1997.47 feet, to a 2 1/2" pipe fence corner post for an exterior corner of this tract;

THENCE with a fence, N88° 14' 04"W, at 10.04 feet crossing the East line of Survey 1247 and the West line of Survey 2591, continuing for a total distance 294.31 feet to a 2 1/2" pipe fence corner post for an interior corner of this tract;

THENCE with a fence, S5° 06' 00"E, 612.16 feet to a 2 1/2" pipe fence corner post, in the North line of 139.534 acres described in a Warranty Deed from Leslie M. Sellers and wife, Mary Patricia Sellers, to Glen R. Kent III and wife, Donna S. Kent, recorded in Volume 354, Page 949, Deed Records McCulloch County, Texas, and the South line of 2554 acre Johnson tract, for an exterior corner of this tract;

THENCE generally, with the North line of Survey 1246, and the South line of Survey 1247, with the North line of 139.534 acre Kent tract, the South line of 2554 acre Johnson tract, and the South line of this tract, with a fence, S88° 11' 12"W (Call N 88° 35' 24" E), 1528.54 feet to a 4x4 concrete monument found in the South line of Survey 1247, being an exterior angle for this tract;

THENCE generally, with the North line of Survey 1246, and the South line of Survey 1247, with the North line of 139.534 acre Kent tract, the South line of 2554 acre Johnson tract, and the South line of this tract, S88° 08' 43"W, 400.97 feet (Call N 88° 33' 13" E 400.98 feet) to a 1/2" iron rod found with cap marked "ROSS", being the Northeast corner of the remainder of 317.10 acre tract, the Northwest corner of 139.534 acre Kent tract, being an interior corner of this tract, from which a fence corner post bears N25°41'13"E, 0.87 feet;

THENCE with the West line of 139.534 acre Kent tract, and the East line of this tract with a fence, S6°58'17"W (Call N 07° 22' 56" E), crossing at 2.40 feet, the South line of Survey 1247 and the North line of Survey 1246, continuing a total distance of 2594.60 feet (Call 2595.21 feet) to a 1/2" iron rod found with cap marked "ROSS", in the North line of County Rd. 128, in the South line of 317.10 acre tract, being the Southwest corner of 139.534 acre Kent tract, and the Southeast corner of this tract, from which a fence corner post bears S8°54'49"W, 5.11 Feet;

THENCE with the North line of County Rd. 128 and the South line of 317.10 acre tract, generally North of a fence, N89°35'06"W, 2939.13 feet (Call S 89° 20' E, 668.0 varas and S 89° 20' E 651.8 varas) to the PLACE OF BEGINNING containing an area of 649.172 acres of land.

WIND ENERGY GROUND LEASE
12330265v.2

EXHIBIT "A"

SUTTON, JOEEN

EXHIBIT A**LEGAL DESCRIPTION OF EASEMENT PROPERTY**

The following lands situated in McCulloch County, Texas:

TRACT ONE:

509.223 acres of land out of the Fisher & Miller Survey No. 2596, Abstract No. 287, in McCulloch County, Texas and also being a portion of that certain 2947.884 acre tract as described in Volume 366, Page 252 of the Official Public Records of McCulloch County, Texas and a portion of a called 160 acre tract described in a deed recorded in Volume 228, Page 811 of the Deed Records of McCulloch County, Texas; Said 509.223 acre tract being more particularly described as follows and as surveyed under the supervision of Watson Professional Group Inc;

BEGINNING at a 4 inch pipe post found in the record common line of said Survey No. 2596, and the H. Busscher Survey No. 1343, Abstract No. 33 and the east line of that certain 319.79 acre tract as described in Volume 335, Page 218 of said Official Public Records and the west line of said 2947.884 acre tract for the northwest corner of that certain 1000.000 acre tract described in Volume 382, Page 764 of said Official Public Records and the southwest corner hereof and from which the record southeast corner of said Abstract No. 33 bears South 00°05'43" West a distance of 122.23 feet;

THENCE North 00° 27' 41" West a distance of 2632.56 feet along the record common line of said Survey No. 2596, said Survey No. 1443 and the east line of said 319.79 acre tract to a point in the south line of F. M. Highway No. 504 for the northeast corner of said 319.79 acre tract, the northwest corner of said 2947.884 acre tract and the northwest corner hereof, and from which a pipe fence corner post found bears South 00° 27' 48" East a distance of 1.10 feet

THENCE along the south line of said F. M. Highway No. 504 and the north line of said 2947.884 acre tract, the following seven (7) courses:

1. South 85° 48' 04" East a distance of 539.49 feet to a point;
2. South 86° 02' 28" East a distance of 1035.38 feet to a point;
3. South 85° 58' 21" East a distance of 1584.10 feet to a point;
4. South 85° 58' 12" East a distance of 579.99 feet to a point;
5. South 85° 53' 50" East a distance of 738.72 feet to a point at the beginning of a curve to the left;
6. Along said curve to the left with a radius of 20135.86 feet, central angle of 2° 54' 26" and an arc length of 1021.68 feet to a point;
7. South 88° 47' 55" East a distance of 57.72 feet to a point for the northwest corner of that certain 12.872 acre tract as surveyed this same day by Watson Professional Group Inc for a portion of said 2947.884 acre tract and the northeast corner hereof;

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Exhibit "A"

THENCE crossing said Survey No. 2596 and said 2947.884 acre tract along the west line of said 12.872 acre tract, the following two (2) courses:

1. South 00° 19' 57" East a distance of 2743.90 feet to a point;
2. South 00° 13' 33" East a distance of 2872.44 feet to a point in the record common line of said Survey No. 2596 and the Heinrich Herder Survey No. 1259, Abstract No. 511 and the most easterly northeast corner of said 1000.000 acre tract for the southeast corner hereof;

THENCE North 83° 04' 38" West a distance of 2548.29 feet along the record common line of said Survey No. 1259 and said Survey No. 2596 and a north line of said 1000.000 acre tract to a 6 inch cedar fence corner post found for an ell corner of said 1000.000 acre tract and the most southerly southwest corner hereof;

THENCE crossing said Survey No. 2596 and said 2947.884 acre tract along the north line of said 1000.000 acre tract, the following three (3) courses:

1. North 00° 32' 37" West a distance of 2727.08 feet to a point from which a 6 inch cedar post fence corner found bears South 00° 32' 37" East a distance of 1.99 feet and a concrete monument found bears South 86° 21' 50" East a distance of 312.34 feet;
2. North 86° 21' 50" West a distance of 780.70 feet to a concrete monument found;
3. North 83° 09' 38" West a distance of 2251.91 feet to the POINT OF BEGINNING, containing 509.223 acres, more or less, as shown on certified plat prepared herewith.

Note: Bearings and distances are grid, NAD 83 US TX Central Zone.
Iron rods set are 1/2 inch rebar with plastic caps marker "WATSON 1989" or

"WATSON 5740"

Being the same land as described in a Deed from Beakley Cattle Company, LLC to Michael Mund and Elaine Mund dated June 30, 2009, recorded in Volume 388, page 988, Official Public Records, McCulloch County, Texas.

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TRACT TWO:

1000.000 acres of land, more or less, out of the Fisher & Miller Survey No. 2596, Abstract No. 287, the Heinrich Herder Survey No. 1259, Abstract No. 511, the Heinrich Herder Survey No. 1258, Abstract No. 510, the H. & T. C. RR Co. Survey No. 39, Abstract No. 621, in McCulloch County, Texas, and being a portion of a called 4369.319 acre tract described in a deed recorded in Volume 366, Page 252 of the Official Public Records of McCulloch County, Texas; Said 1000.000 acre tract being more particularly described as follows and shown on the attached survey plat:

BEGINNING at a 1/2 inch iron rod set in the common line of said Survey No. 1258 and Survey No. 39, for the southeast corner hereof, from which a 8-inch cedar fence corner post found for the southeast corner of said Survey No. 1258, the southwest corner of the H. & T. C. RR Co. Survey No. 61, Abstract No. 633, the northwest corner of the Thomas Kreiker Survey No. 1257, Abstract No. 813, the northeast corner of said Survey No. 39, also being the southeast corner of a 1212.285 acre tract described in Volume 338, Page 285 of the Official Public Records of McCulloch County, Texas and an interior corner of said 4369.319 acre tract, bears South 83° 32' 31" West a distance of 50.39 feet;

THENCE North 83° 32' 31" West, along the common line of said Survey No. 1258 and Survey No. 39, a distance of 814.68 feet to a 1/2 inch iron rod set, for a corner hereof;

THENCE leaving the north line, and crossing through said Survey No. 39, the following two (2) courses:

1. South 59° 25' 24" West a distance of 1509.73 feet to a 1/2 inch iron rod set for a corner hereof;
2. South 88° 50' 06" West a distance of 3429.40 feet to a 6-inch cedar fence post found in the common line of said Survey No. 39 and the S. Balmert Survey No. 1349, Abstract No. 63, being also the west boundary line of said 4369.319 acre tract, being also the east boundary line of a called 1324.75 acre tract described in a deed recorded in Volume 262, Page 540 of the Deed Records of McCulloch County, Texas, for the southwest corner hereof;

THENCE North 00° 31' 06" West, along the general meanders of a fence for the common line of said Survey No. 39 and Survey No. 1349, being also the west boundary line of said 4369.319 acre tract and the east boundary line of said 1324.75 acre tract, passing at a distance of 22.67 feet a 12-inch pine gate post at the south end of a 12-foot gate, and continuing a total distance of 1374.58 feet to a 12-inch pine gate post at the south end of a 14-foot gate at the northwest corner of said Survey No. 39, the northeast corner of said Survey No. 1349, the southeast corner of the H. & T. C. R.R.

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Survey No. 40, Abstract No. 1671, and said Survey No. 1259, also being the northeast corner of said 1324.75 acre tract and the southeast corner of a 677.78 acre tract described in a deed recorded in Volume 47, Page 508 of the Deed of Trust of McCulloch County, Texas;

THENCE along the general meanders of a fence for the common line of said Survey No. 40, said Survey No. 1259, and said Survey No. 1258, being also the west boundary line of said 4369.319 acre tract, and the east boundary line of said 677.78 acre tract, the following two (2) courses:

1. North 00° 31' 20" West a distance of 2791.97 feet to a 3-inch cedar fence corner post found, for a corner hereof;
2. North 00° 07' 33" West a distance of 2776.64 feet to a 10-inch cedar fence corner post found for the northeast corner of said Survey No. 1259, the northeast corner of said Survey No. 40, the southeast corner of the H. Buescher Survey No. 1344, Abstract No. 34, the southwest corner of said Survey No. 2596, being also the northeast corner of said 677.78 acre tract and the southeast corner of a 320 acre tract described in a deed recorded in Volume 156, Page 132 of the Deed Records of McCulloch County, Texas;

THENCE North 00° 05' 43" West, along the general meanders of a fence for the common line of said Survey No. 2596, said Survey No. 1344, and the H. Buescher Survey No. 1343, Abstract No. 33, being also the west boundary line of said 4369.319 acre tract, the east boundary line of said 320 acre tract and the east line of a 319.79 acre tract described in a deed recorded in Volume 335, Page 218 of the Official Public Records of McCulloch County, Texas, a distance of 2689.99 feet to a 4-inch pipe fence corner post, for the northwest corner hereof;

THENCE leaving the west line and crossing through said Survey No. 2596, being also said 4369.319 acre tract, the following 2 courses:

1. South 83° 09' 46" East, a distance of 2251.91 feet to a concrete monument found for a corner hereof;
2. South 86° 21' 50" East, a distance of 780.70 feet to a 1/2 inch iron rod set, for an interior corner of said 4369.319 acre tract, being also the northwest corner of a 166.256 acre tract described in a deed recorded in Volume 367, Page 641 of said Official Records, for the most northerly northeast corner hereof, from which a concrete monument found bears South 86° 21' 50" East, a distance of 314.38 feet;

THENCE South 00° 32' 37" East a distance of 2727.08 feet along the easterly boundary line of said 4369.319 acre tract, being also the west boundary line of said 166.256 acre tract to a 6-inch cedar fence corner post found on the common line of said Survey No. 2596 and said Survey No. 1259, at an interior corner of said 4369.319 acre tract, being also the southwest corner of said 166.256 acre tract, for an interior corner hereof;

THENCE South 83° 04' 38" East a distance of 2548.28 feet along the common line of said Survey No. 2596 and said Survey No. 1259, being also the easterly boundary line of said 4369.319 acre tract, being also the south boundary of said 166.256 acre tract, to a 1/2 inch iron rod set, for the most easterly northeast corner hereof, from which a 14-inch cedar fence corner post found at the northeast corner of said Survey No. 1259, the southeast corner of said Survey No. 2596, the southwest corner

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of the A. Hoelscher Survey No. 1260, Abstract No. 500, and the northwest corner of said Survey No. 61, being also in the west boundary line of said 1212.285 acre tract at a corner in the easterly boundary of said 4369.319 acre tract, the southeast corner of said 166.256 acre tract, bears South 83° 04' 38" East a distance of 50.38 feet;

THENCE South 00° 11' 03" East, parallel and 50 foot perpendicular to the common line of said Survey No. 1258, said Survey No. 1259, and said Survey No. 61, being also the easterly boundary line of said 4369.319 acre tract and the west boundary line of said 1212.285 acre tract, a distance of 5535.14 feet to the POINT OF BEGINNING, containing 1000.000 acres, more or less.

Being the same land as described in a Deed from Beakley Cattle Company, LLC to Michael Mund and Elaine Mund dated October 15, 2008, recorded in Volume 382, page 764, Official Public Records, McCulloch County, Texas.

TRACT THREE: Being a 50 foot wide easement on, over and across Grantor's property which is more particularly described as follows:

Being out of the H. & T. C. RR Co. Survey No. 39, Abstract No. 621, out of the Heinrich Herder Survey No. 1258, Abstract No. 510, out of the Heinrich Herder Survey No. 1259, Abstract No. 511 and out of the Fisher & Miller Survey No. 2596, Abstract No. 287, also being a portion of a called 4369.319 acre tract of land described in a deed recorded in Volume 366, Page 252 and a portion of a called 166.256 acre tract described in a deed recorded in Volume 367, Page 641 of the Official Public Records of McCulloch County, Texas; Said tract more particularly described as follows:

BEGINNING at a 8 inch cedar fence corner post found for the southeast corner of said Survey No. 1258, the southwest corner of the H. & T. C. RR Co. Survey No. 61, Abstract No. 633, the northwest corner of the Thomas Kreiker Survey No. 1257, Abstract No. 813, the northeast corner of said Survey No. 39, being also the southwest corner of a called 1212.285 acre tract described in Volume 338, Page 329 of the Official Public Records of McCulloch County, Texas, and an interior corner of said 4369.319 acre tract, for an corner hereof;

THENCE crossing through said 4369.319 acre tract, the following two (2) courses;

3. North 00° 20' 14" West a distance of 55.96 feet to a 1/2 inch iron rod set on the common line of said Survey No. 39 and said Survey No. 1258, for a corner hereof;
4. North 00° 11' 03" West leaving the south line and crossing through said Survey No. 1258 and said Survey 1259, a distance of 5535.14 feet to a 1/2 inch iron rod set in the common line of said Survey 1259 and said Survey 2596, being also in the easterly line of said 4369.319 acre tract, being also the south boundary line of said 166.256 acre tract, for a corner hereof;

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THENCE North 00° 13' 32" West leaving the south line and crossing through said 166.256 acre tract, a distance of 2872.45 feet to a 1/2 inch iron rod set in the north boundary line of said 166.256 acre tract, being also the easterly boundary line of said 4369.319 acre tract, for a corner hereof;

THENCE North 00° 19' 57" West leaving the easterly boundary line and crossing through said 4369.319 acre tract, a distance of 2743.04 feet to a 1/2 inch iron rod set in south right-of-way line of Farm-to-Market Road 504 (70' ROW width) (FM 504), being also the north boundary line of said 4369.319 acre tract, for the northwest corner hereof;

THENCE South 89° 38' 59" East along the north boundary line of said 4369.319 acre tract, being also the south right-of-way line of said FM 504, a distance of 50.00 feet to a 1/2 inch iron rod set in the common line of said Survey No. 2596 and the A. Hoelscher Survey No. 1261, Abstract No. 501, at the most northerly northeast corner of said 4369.319 acre tract, being also the northwest corner of said 1212.285 acre tract, for the northeast corner hereof;

THENCE South 00° 19' 57" East, along the common line of said Survey No. 2596 and said Survey No. 1261, being also the easterly boundary line of said 4369.319 acre tract and the west boundary line of said 1212.285 acre tract, a distance of 2745.96 feet 1/2 inch iron rod found with a plastic cap marked "WATSON 5740" at the southwest corner of said Survey No. 1261 and the northwest corner of A. Hoelscher Survey No. 1260, Abstract No. 500. Being also at the northeast corner of said 166.256 acre tract and a corner in the easterly line of said 4369.319 acre tract, for a corner hereof;

THENCE South 00° 13' 32" East with the common line of said Survey No. 2596 and said Survey No. 1260, being also the east boundary line of said 166.256 acre tract and the west boundary line of said 1212.285 acre tract, a distance of 2875.34 feet to a 14 inch cedar fence corner post found for the southeast corner of said Survey No. 2596, the southwest corner of said Survey No. 1260, the northwest corner of said Survey No. 61, and the northeast corner of said Survey No. 1259, also being the southeast corner of said 166.256 acre tract, and a corner in the easterly line of said 4369.319 acre tract, for a corner hereof;

THENCE South 00° 11' 03" East with the common line of said Survey No. 61, said Survey No. 1259 and said Survey No. 1258, also being the easterly line of said 4369.319 acre tract and the west line of said 1212.285 acre tract a distance of 5484.73 feet to the POINT OF BEGINNING.

Being the same easement as described in an Access and Utility Easement from Beakley Cattle Company, LLC to Michael Mund and Elaine Mund dated October 15, 2008, recorded in Volume 382, page 762, Official Public Records, McCulloch County, Texas.

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EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows

Tract One:

215.41 acres, more or less, in McCulloch County, Texas and being:

109.53 acres, more or less, in the H. Z. Berge Survey No. 1244, Abstract No. 143; and

105.89 acres, more or less, in the H. Z. Berge Survey No. 1245, Abstract No. 144;

Said tract is that land that W. N. Townsend, et ux, deeded to Sam A. Blumentritt by Deed dated February 3, 1938, recorded in Volume 149, Page 616, Deed Records, McCulloch County, Texas, described by metes and bounds as follows:

Beginning at a set iron stake and corner post located on the North line of U. S. Highway 87 and on the West line of said Survey No. 1244, said point is located 7 varas North 3° 00' East of the Southwest corner of Survey No. 1244;

Thence North 3° 00' 03" East 4964.2 ft. (4967 ft. - Deed call) along a fence line located on the West line of said Surveys No. 1244 and No. 1245 to a found iron stake and corner post, said point is also located approximately 12 varas South 3° 00' West of the Northwest corner of said Survey No. 1245;

Thence South 89° 45' 32" East 1772.8 ft. (South 89° 44' East 1773.1 ft. - Deed call) along the general course of a fence line located on the South line of County Road 128 to a corner post with a set iron stake;

Thence South 00° 42' 57" West 5052.6 ft. (South 0° 42' West 5054.5 ft. - Deed call) along a fence line to a set iron stake and corner post located on the North line of said U. S. Highway 87;

Thence North 86° 44' 13" West 1972.5 ft. (North 86° 45' West 1973.9 ft. - Deed call) along a fence line located on the North line of said U. S. Highway 87 to the place of beginning.

Tract Two:

Situated in McCulloch County, Texas, and being 146.951 acres out of the W. H. & O. T. Melvin Survey No. 14, Abstract No. 1570, Cert. No. 16/114, out of the N. E. corner of said Survey 14, and being the same land as described in deeds from W. R. Yates to E. A. Gossett dated December 19, 1929, recorded in Vol. 60, Pg. 258 of the McCulloch County Deed Records, and from E. A. Gossett to Carl Lundquist dated April 18, 1936, recorded in Vol. 96, Pg. 248 of said Deed Records.

BEGINNING at a ½-inch steel stake set at the intersection of the south line of a public road with the east line of said Survey No. 14, set by a "T" corner post being South 03° W 33.3 feet from the N.E. Corner of said Survey No. 14, and being the N.W. corner of a 215.61-acre tract described in a deed from W.N. Townsend to Sam A. Blumentritt, recorded in Vol. 149, Pg. 636 of said Deed Records, for the N.E. corner hereof;

THENCE with the south line of said road, N 89° 34' 51" W 2712.4 feet to a ½-inch steel stake set by a "T" corner post for the N.W. corner hereof;

THENCE with a fence and the west line hereof, S 01° 59' 08" W 1571.42 feet, a ½-inch steel stake, S 02° 02' W 870.37 feet to a ½-inch steel stake set by a "T" corner post for the S.W. corner hereof;

THENCE with a fence and the south line hereof, N 87° 37' E 747.84 feet, a ½-inch steel stake, N 87° 46' E 1600.65 feet, a ½-inch steel stake, and N 87° 34' 14' E 330.08 feet to a ½-inch steel stake set in the east line of said Survey No. 14, the west line of said 215.61-acre tract, for the S.E. corner hereof and being the approximate N.W. corner of the H.Z. Berge Survey No. 1244;

THENCE with a fence and the east line hereof, the east line of Survey No. 14, N 03° 08' 34' E 1159.41 feet, a ½-inch steel stake, and N 02° 51' 34' E 1156.77 feet to the place of beginning.

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12991780v.1

EXHIBIT "A"

TINSLEY, HOWARD N.

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EXHIBIT "A"

TINSLEY, HOWARD N.

EXHIBIT A

LEGAL DESCRIPTION OF EASEMENT PROPERTY

The following lands situated in McCulloch County, Texas:

320 acres, more or less, being all of H & TC RR Co Survey No. 53, Block 60, Abstract No. 628, McCulloch County, Texas.

Said tract of land being described in that certain Warranty Deed, dated March 24, 1986, by and between Bill J. Mikeška and wife, Candice K. Mikeška and Karl and Charolette Weishum, recorded in volume 230, page 228, Deed Records of McCulloch County, Texas.

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

TRACT ONE: Situated in McCulloch County, Texas and being a 160 acre tract of land described as the Heinrich Eilers Survey No. 1224, Abstract No. 244, Certificate No. 730, patented to John H. Herndon by Patent No. 797, Volume 16, Deed Records, McCulloch County, Texas.

TRACT TWO: Situated in McCulloch County, Texas and being a square parcel of land, 150 feet by 150 feet, lying in the northwest corner of a 160 acre tract of land described as the Heinrich Eilers Survey No. 1227, Abstract No. 245, Certificate No. 730, patented to John H. Herndon by Patent No. 798, Volume 16, Deed Records of McCulloch County, Texas.

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12430247v.5

EXHIBIT "A"

WILLEMS, PATTI F.

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

TRACT ONE: Being 232.283 acres, more or less, in McCulloch County, Texas, consisting of approximately 2,312 acres out of the Carl Froehlich Survey No. 1151, Abstract No. 342 and approximately 115,408 acres out of the Carl Froehlich Survey No. 1148, Abstract No. 343, approximately 101,417 acres out of the Carl Froehlich Survey No. 1149, Abstract No. 345, approximately 11,778 acres out of the I. & G.N. R.R. Co. Survey No. 36, Abstract No. 769, approximately 1,368 acres out of the H. & T.C. R.R. Co. Survey No. 107, Abstract No. 657 and being out of a combination of those certain tracts described as 670.359 acres in a deed to Byron E. McCollum, et ux, et al, recorded in Vol. 298, Pg. 614, McCulloch County Official Public Records and described as 1299.853 acres in a deed to Byron E. McCollum et ux, et al, recorded in Vol. 291, Pg. 3, McCulloch County Official Public Records, for the parent tract hereof.

Said 232.283 acre tract being more fully described as follows:

BEGINNING at a 1/2" steel stake found in the east line of County Road 152, west line of said parent tract, for the northwest corner of a 244.385 acre partition tract out of said parent tract and southwest corner hereof;

THENCE with a fence, said east line of county road, said west line of parent tract and the most southerly west line hereof, N 00° 33' 44" E, 1425.03 feet to a 1/2" steel stake found and N 00° 35' 26" E, 693.56 feet to a 1/2" steel stake set for the southwest corner of a 67.037 acre partition tract out of said parent tract and the most southerly northwest corner hereof;

THENCE with south line of said 67.037 acre tract and north line hereof, S 89° 30' 34" E, at 279.92 feet pass a 3/8" steel stake set, at 675.71 feet pass a 3/8" steel stake set, at 1069.96 feet pass a 3/8" steel stake set, at 1354.69 feet pass a 3/8" steel stake set, at 1732.03 feet pass a 3/8" steel stake set, in all a total distance of 2060.61 feet to a 1/2" steel stake set for the southeast corner of said 67.037 acre tract and an "L" corner hereof;

THENCE with east line of said 67.037 acre tract, east line of a 105.320 acre partition tract out of said parent tract and the most northerly west line hereof, N 00° 00' 00" W, at 507.23 feet pass a 3/8" steel stake set, in all a total distance of 800.00 feet to a 1/2" steel stake set and N 17° 25' 49" W, at 280.61 feet pass a 1/2" steel stake set for the northeast corner of said 67.037 acre tract and southeast corner of said 105.320 acre tract, in all a total distance of 400.95 feet to a 1/2" steel stake set for an "L" corner of said 105.320 acre tract and the most northerly northwest corner hereof;

THENCE with south line of said 105.320 acre tract and most northerly north line hereof, N 90° 00' 00" E, 475.00 feet to a 1/2" steel stake set for a southeast corner of said 105.320 acre tract and most northerly northeast corner hereof;

THENCE with the most northerly east line hereof, S 00° 00' 00" E, at 262.38 feet pass a 1/2" steel stake found for the northwest corner of that certain tract described as 191.664 acres in a deed to Scott Arbuckle, et ux, recorded in Vol. 297, Pg. 296, McCulloch County Official Public Records,

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EXHIBIT "A"

YOUNGBLOOD, GORDON

an "L" corner of said parent tract, in all a total distance of 287.38 feet to a 1/2" steel stake found for the southwest corner of said 191.664 acre tract, an "L" corner of said parent tract and an "L" corner hereof;

THENCE with a fence, south line of said 191.664 acre tract, a north line of said parent tract and most southerly north line hereof, as follows:

S 68° 24' 37" E, 1539.31 feet a 1/2" steel stake found;
S 68° 35' 48" E, 586.26 feet a 1/2" steel stake found;
S 54° 54' 59" E, 790.48 feet a 1/2" steel stake found;
S 57° 02' 15" E, 179.36 feet a 1/2" steel stake found;
S 90° 00' 00" E, 73.52 feet a 1/2" steel stake found;
S 57° 02' 15" E, at 24.80 feet pass a calculated point in the east line of said Survey No. 1149, west line of the H. & T.C. R.R. Co. Survey No. 107, Abstract No. 657 in all a total distance of 51.41 feet a 1/2" steel stake found;

S 52° 59' 32" E, 682.91 feet a 1/2" steel stake found;
S 52° 59' 44" E, 787.32 feet a 1/2" steel stake found;
S 24° 41' 47" W, 64.70 feet to a 1/2" steel stake found for an "L" corner of said parent tract, an "L" corner of said 191.664 acre tract, an "L" corner of that certain tract described as 500.523 acres in a partition deed to Tom J. Sanmons, Sr., et ux, recorded in Vol. 280, Pg. 198, McCulloch County Official Public Records and an "L" corner hereof;

THENCE with fence, the most easterly south of said parent tract, north line of said 550.523 acre tract and most easterly south line hereof, as follows:

N 15° 21' 12" W, 38.01 feet a 3" pipe post;
N 52° 59' 44" W, 771.01 feet a 3" pipe post;
N 52° 56' 31" W, 681.95 feet to a 3" pipe post in the said east line of said Survey No. 1149, said west line of Survey No. 107, for an "L" corner of said parent tract, an "L" corner of said 550.523 acre tract and an "L" corner hereof;

THENCE with fence, west line of said 550.523 acre tract, said east line of said Survey No. 1149, said west line of Survey No. 107, an east line of said parent tract and an east line hereof, S 00° 45' 33" W, at 47.16 feet pass a 1/2" steel stake set, in all a total distance of 720.79 feet to a 1/2" steel stake set for the northeast corner of said 244.385 acre tract and southeast corner hereof;

THENCE with north line of said 244.385 acre tract and south line hereof, S 80° 31' 59" W, at 195.51 feet pass a 3/8" steel stake set, at 650.69 feet pass a 3/8" steel stake set, at 1222.49 feet pass a 3/8" steel stake set, at 1652.33 feet pass a 3/8" steel stake set, at 1828.86 feet pass a 3/8" steel stake set, at 2190.78 feet pass a 3/8" steel stake set, at 2604.53 feet pass a 3/8" steel stake set, at 3079.62 feet pass a 3/8" steel stake set, at 3444.51 feet pass a 3/8" steel stake set, at 3877.35 feet pass a 3/8" steel stake set, at 4254.14 feet pass a 3/8" steel stake set, at 4640.33 feet pass a 3/8" steel stake set at 4960.65 feet pass a 3/8" steel stake set, at 5225.34 feet pass a 3/8" steel stake set, in all a total distance of 5368.34 feet to the POINT OF BEGINNING and containing 232.283 acres, more or less.

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EXHIBIT "A"

YOUNGBLOOD, GORDON

TRACT TWO: A 30' wide nonexclusive access and utility easement the beginning point being on the East line of County Road 152. Said beginning point being the Northwest corner of the 1299.853 acre tract in McCulloch County, surveyed by Kenneth H. Ross, R.P.L.S. No. 2012, dated October 23, 1997. The said tract transferred from Lori L. Noonan, dba Texas Ranching Company and husband, T.A. Noonan, Jr. to Byron E. McCollum and wife, Vera Ellen McCollum, and Charles R. McCollum and wife, Deborah Lynn McCollum, as recorded in Volume 291, Page 3 of the McCulloch County Deed Records. Said beginning point also being in the Northwest corner of the Carl Froehlich Survey No. 1148, Abstract No. 343 of the McCulloch County Deed Records; from beginning point said easement to be the 30 feet South of and parallel to a line being the North boundary line of the above described tract, bearing South 89° 49' 24" East 2,405.05'; The East most 130' of said easement to be 60' wide to allow meandering through gates of existing cattle pens; the East end being or extended to meet the West boundary line of the 232.283 acre tract conveyed by this General Warranty Deed to Gordon R. Youngblood and Wife, Linda J. Youngblood.

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

120 acres, off the South side of G. & B.N. Co. Survey No. 34, Abstract No. 443, Certificate No. 83, patented to Noah N. John by Patent No. 6, Volume 20, and which 120 acres is a strip the entire length of said Survey on the South, and described as follows:

BEGINNING at a rock set for the Southwest corner of said Survey No. 34, for the Southwest corner of this tract, from which a Live Oak 10 in. in diameter bears North 45 1/2 degrees East 25 varas; do. 12 in. in diameter bears North 49 degrees West 25 varas;

THENCE North 63 degrees East 2343 varas to a rock mound for the Southeast corner of said Survey 34, from which a Live Oak 16 in. in diameter bears North 27 1/2 varas; do. 12 in. in diameter bears North 10 degrees East 33 1/2 varas; do. 8 in. in diameter bears North 4 degrees West 29 varas;

THENCE North 326.2 varas to a rock mound in East line of said Survey 34, for the Northeast corner of this tract, from which a Live Oak 4 in. in diameter bears North 41 degrees West 6-4/5 varas; do. 4 in. in diameter bears North 75 degrees West 13 varas;

THENCE South 63 degrees West 2343 varas to a rock mound in the West line of said Survey 34, from which a Live Oak 14 in. in diameter bears South 68 3/4 degrees West 93 varas;

THENCE South 326.2 varas with said West line to the Place of Beginning.

Being the same land described in a deed dated April 30, 1974, from the Veterans Land Board of Texas to Owen L. Nance, recorded in Volume 186, page 351, Deed Records, McCulloch County, Texas, to which deed and the record thereof reference is here made for all pertinent purposes.

WIND ENERGY GROUND LEASE
13074959v.2

YOUNGBLOOD, GORDON

EXHIBIT "A"

WIND ENERGY GROUND LEASE
13372346v.2

EXHIBIT "A"

NANCE, HARLAN AND DEBORAH

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas described as follows:

PARCEL 1:

332.4 acres, all of W. H. & O. T. Melvin Survey No. 12, I.R.R. Co. Certificate No. 16/113, Abstract No. 1572, purchased from the State and patented to W. H. & O. T. Melvin, by Patent No. 390, Volume 16, as 320 acres, but upon re-survey of the same under field notes approved by the General Land Office of Texas, under Patent No. 131, Volume 17, said tract was found to contain 332.4 acres, described by metes and bounds as follows:

BEGINNING at a stake set in a public road for the Southeast corner of the I.R.R. Co. corner of the I.R.R. Co. Survey 13, for the Northeast corner hereof, from which evidence of the original Live Oak bears South 31° West 98 varas and the Northeast corner of said Survey 15 and the North corner of said Survey M-1 bears North 1° 57' East 1654 varas; THENCE South 86° 30' West with a fence, the South line of said Survey 15, 1985.1 varas to a fence corner for the recognized Southwest corner of said Survey 15, the Northeast corner of the I.R.R. Co. Survey 17, the Southeast corner of the Heinrich Brundis Survey 1364, for the Northwest corner hereof, from which a 20" Live Oak bears South 52° 30' West 27 varas, a 12" Live Oak stump bears North 37° 45' West 9.2 varas (same bearings trees called for at said corner in a deed from H. H. Sessions to H. P. Jordan, dated October 27, 1903), the original Northeast corner of said Survey 1364 bears North 0° 30' West 961.9 varas and the original Northwest corner of said Survey 15 bears North 0° 30' West 1919.2 varas;

THENCE South 1° 03' East with a fence, the East line of said Survey 17, 935.9 varas to a stake set in said fence for the Northwest corner of the I.R.R. Co. Survey 11 and for the Southwest corner hereof, from which a 6" Mesquite bears South 11° 15' West, 20.3 varas and a 12" Mesquite bears South 10° West 30.2 varas and the original Southwest corner of said Survey 11 and the Southeast corner of said Survey 17 bears South 1° 03' East 935.9 varas;

THENCE North 87° 27' East with the North line of said Survey 11, 1958.2 varas to a stake set in the West line of said Survey 13 for the Northeast corner of said Survey 11 and for the Southeast corner hereof, from which the Southwest corner of said Survey 13, and the Southeast corner of said Survey 11 bears South 0° 28' West 970 varas;

THENCE North 0° 28' East 970 varas to the place of beginning.

PARCEL 2:

328.2 acres, all of I.R.R. Co. Survey No. 11, Certificate No. 16/113, Abstract No. 758, patented to Geo. W. and W. F. Norton by Patent No. 69, Volume 22, as 320 acres, but upon re-survey of the same under field notes approved by the General Land Office of Texas, under Patent No. 130, Volume 17, said tract was found to contain 328.2 acres, described by metes and bounds as follows:

BEGINNING at a stake set in a fence, 6.2 varas North of a fence corner for the Northwest corner of Fisher & Miller Survey 2633, the Northeast corner of the George Dietrich Survey 1369, the Southeast corner of the I.R.R. Co. Survey 17, the West corner of the S. E. McKnight Survey M-2, for the Southwest corner hereof, from which a Mesquite stump bears North 74° West 13 varas, and a 14" Mesquite bears North 82° West 27 varas (old bearings);

THENCE North 88° 26' East with the North line of said Survey M-2, 1932 varas to a stake for the Southwest corner of the I.R.R. Co. Survey 13, and for the Southeast corner hereof, from which the original Southeast corner of said Survey 13 bears South 89° 40' East 1930 varas and the Northeast corner of said Survey 2633 bears South 62° 10' East 113.1 varas;

THENCE North 0° 28' East, with the West line of said Survey 13, 970 varas to a stake set for the Southeast corner of the W. H. & O. T. Melvin Survey 12, and for the Northeast corner hereof, from which the Northwest corner of said Survey 13, and the Northeast corner of said Survey 12 bears North 0° 28' East 970 varas;

THENCE South 87° 27' West with the South line of said Survey 12, 1958.2 varas to a stake set in a fence, the East line of the I.R.R. Co. Survey 17, for the Southwest corner of said Survey 12, and for the Northwest corner hereof, from which a 6" Mesquite bears South 11° 15' West 20.3 varas and a 12" Mesquite bears South 10° West 30.2 varas and the Northwest corner of said Survey 12 and the Northeast corner of said Survey 17 bears North 1° 03' West 935.9 varas;

THENCE South 1° 03' East with a fence, 935.9 varas to the place of beginning.

EXHIBIT A

Description of Property

1421.435 acres of land, being 184.663 acres out of the Hans Christian Schaefer Survey No. 1223, Abstract No. 1218, 179,327 acres out of the Hans Christian Schaefer Survey No. 1220, Abstract No. 1217, 633,342 acres out of the E. W. Harris Survey No. 33, Abstract No. 2232, 171,590 acres out of the J.R. Backhouse Survey No. 1153, Abstract No. 121, 164,634 acres out of the J.R. Backhouse Survey No. 1154, Abstract No. 119, 10,570 acres out of the J.R. Backhouse Survey No. 1155, Abstract No. 120 and 77,509 acres out of the J.R. Backhouse Survey No. 1154, Abstract No. 118 in McCulloch County, Texas and being a portion of that certain 4324.878 acre tract described in Volume 213, Page 839 of the Deed Records of McCulloch County Texas; Said 1421.435 acres tract more particularly described by notes and bounds in Exhibit A-1 attached hereto and incorporated herein by this reference.

EXHIBIT A-1

Description of Property

LEGAL DESCRIPTION: 1421.435 acres of land, being 184.663 acres out of the Hans Christian Schaefer Survey No. 1223, Abstract No. 1218, 179,327 acres out of the Hans Christian Schaefer Survey No. 1220, Abstract No. 1217, 633,342 acres out of the E. W. Harris Survey No. 33, Abstract No. 2232, 171,590 acres out of the J.R. Backhouse Survey No. 1153, Abstract No. 121, 164,634 acres out of the J.R. Backhouse Survey No. 1154, Abstract No. 119, 10,570 acres out of the J.R. Backhouse Survey No. 1155, Abstract No. 120 and 77,509 acres out of the J.R. Backhouse Survey No. 1154, Abstract No. 118 in McCulloch County, Texas and being a portion of that certain 4324.878 acre tract described in Volume 213, Page 839 of the Deed Records of McCulloch County Texas; Said 1421.435 acres tract more particularly described as follows and as surveyed under the supervision of Wilson & Associates of Mason in November, 2008:

BEGINNING at a wood fence corner post found for the southwest corner of that certain 663.5 acre tract described in Volume 52, Page 239 of said Deed of Trust Records, the southwest corner of the Friedrich Petrich Survey No. 1215, Abstract No. 314, the northwest corner of said Survey No. 33, the southeast corner of said Survey No. 1220, the southeast corner of a 2047.844 acre tract surveyed this same day by Wilson & Associates of Mason and a corner hereto;

THENCE along the general meanders of a fence for the south line of said 663.5 acre tract the following 4 courses:

1. South 89°08'27" East a distance of 6122.20 feet along the common line of said Survey No. 1219 and said Survey No. 33 to a wood fence corner post found;
2. South 89°14'04" East a distance of 1231.08 feet along the common line of said Survey No. 1219 and said Survey No. 33 to a wood fence corner post found for the common corner of said Survey No. 1219 and said Survey No. 84, Abstract No. 2100, said Survey No. 1154 and said Survey No. 33;
3. South 89°17'10" East a distance of 1574.28 feet along the common line of said Survey No. 84 and said Survey No. 1154 to a wood fence corner post found for the southeast corner of said 663.5 acre tract;
4. South 89°08'27" East a distance of 607.94 feet along the common line of said Survey No. 84 and said Survey No. 1154 to a wood fence corner post found in the west line of that certain public road known as County Road No. 308 for an ell corner hereto;

EXHIBIT A-1

Description of Property

THENCE along the general meanders of a fence for the west line of said County Road, the following 7 courses:

1. South 24°07'00" West a distance of 781.88 feet to a wood fence corner post found;
2. South 24°45'00" East a distance of 1065.68 feet to a wood fence corner post found;
3. South 24°37'45" East a distance of 1109.46 feet to a wood fence corner post found;
4. South 24°30'15" East a distance of 96.11 feet to a wood fence corner post found;
5. South 24°32'35" East a distance of 100.31 feet to a wood fence corner post found;
6. South 24°45'45" East a distance of 1199.74 feet to a wood fence corner post found;
7. South 24°39'37" East a distance of 1199.74 feet to a wood fence corner post found;

in the north line of the H. & T.C. RR Co. Survey No. 81, Abstract No. 448 and the
Dead Records for the southeast corner heretofore

THENCE along the general meanders of a fence for the common line of said Survey No. 61 and said Survey No. 1152, the common line of said Survey No. 81 and said Survey No. 1153, the common line of said Survey No. 33 and the John D. Halterman Survey Effort Survey No. 1224, Abstract No. 224, the following 4 courses:

1. North 85°07'19" West a distance of 1916.28 feet to a wood fence corner post found;
2. North 87°44'12" West a distance of 5105.98 feet to a pipe fence corner post found;
3. North 89°21'05" West a distance of 1493.37 feet to a wood fence corner post found;
4. North 89°28'22" West a distance of 1115.44 feet to a 1/8 inch iron rod found for the northwest corner of said Survey No. 1224, the northeast corner of the G. & B. N. Company Survey No. 34, Abstract No. 448, the northeast corner of the G. & B. N. 84.43 acre tract described in Volume 362, Page 571 of said Official Public Records, the southeast corner of said Survey No. 1223, the southwest corner of said Survey No. 38 and an iron corner heretofore

THENCE along the general meanders of a fence for the northwest line of said 354.43 acre tract and along the common line of said Survey No. 34 and said Survey No. 1223, the following 6 courses:

1. South 69°44'01" West a distance of 527.43 feet to a 3/8 inch iron rod found;
2. South 69°47'56" West a distance of 690.24 feet to a 3/8 inch iron rod found;
3. South 69°49'00" West a distance of 1187.08 feet to a 3/8 inch iron rod found;
4. South 69°44'18" West a distance of 932.87 feet to a 1/8 inch iron rod found;
5. South 69°44'18" West a distance of 932.87 feet to a 1/8 inch iron rod found;
6. of said Official Public Records, the southeast corner of the Hine Chasman Schaefer Survey No. 1222, Abstract No. 1216, the southwest corner of said Survey No. 1223 and a corner heretofore and from which a live oak stump found bears South

EXHIBIT A-1

Description of Property

59°56'18" E. a distance of 85.56 feet and a turn 111°-11' live oak found bears South 18°57'13" East a distance of 52.94 feet.

THENCE along the general meanders of a fence for the common line of said Survey No. 1222 and said Survey No. 1221, the common line of said Survey No. 1220 and the Christian Schaefer Survey No. 1221, Abstract No. 1215 and the east line of said 349.992 acre tract, the following 5 courses:

1. North 07°19'22" West a distance of 469.93 feet to a wood fence corner post found;
2. North 07°12'39" West a distance of 1110.17 feet to a 1/8 inch iron rod found;
3. North 07°13'49" West a distance of 3564.17 feet to a 3/8 inch iron rod found;
4. North 07°13'49" West a distance of 3564.17 feet to a 3/8 inch iron rod found;
5. North 07°13'49" West a distance of 3564.17 feet to a 3/8 inch iron rod found;

for the northwest corner of said Survey No. 1220, the northeast corner of said Survey No. 1221, the southeast corner of said 349.992 acre tract and the northwest corner heretofore;

THENCE North 57°29'43" East a distance of 3330.89 feet along the common line of said Survey No. 1222 and said Survey No. 1220 and the south line of said 2547.984 acre tract to the POINT OF BEGINNING, containing 1421.455 acres, more or less, as shown on certified plat prepared herewith.

Note: Bearings are given NAD 83 US IX Central Zone and are obtained by normal GPS techniques. Iron rods set are 1/8 inch rebar with plastic caps marked "WATSON 5740".

December 20, 2006

Mark R. Watson, RPLS #5740
JOS #M001871421435ac

EXHIBIT A

LEGAL DESCRIPTION: 24,631 acres of land, more or less, being portion of the Broughton Brothers Survey No. 34, Abstract No. 1621, located in McCulloch County, Texas, being a portion of a called 320 acre tract described in a deed recorded in Volume 307, Page 913 of the Deed Records of McCulloch County, Texas; said 24,631 acre tract being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod set at the cornerline of a 345 KV transmission line in a 160 foot wide electric easement recorded in Volume 321, Page 606 of the Official Public Records of McCulloch County, Texas, for the most northerly northeast corner hereof and from which a 1/2 inch iron rod found in the west line of the Ludwig Ehrhart Survey No. 1293, Abstract 246 for the common east corner of the Johann Leyensacker Survey No. 1296, Abstract No. 962 and said Survey No. 54 bear North 72° 13' 59" East a distance of 233.46 feet;

THENCE South 00° 08' 21" East a distance of 411.39 feet to a 1/2 inch iron rod set for an interior corner hereof;

THENCE North 88° 31' 35" East a distance of 254.12 feet to a 1/2 inch iron rod set in a fence line for the west line of said County Road No. 366 (CR 366) and the east line of said 320 acre tract for the most easterly northeast corner hereof;

THENCE South 00° 32' 14" East a distance of 1200.03 feet along the general meanders of said fence line to the west line of said CR 366 and the east line of said 320 acre tract to a 1/2 inch iron rod set for the northeast corner hereof;

THENCE South 88° 31' 35" West a distance of 450.00 feet to a 1/2 inch iron rod set for the most southerly southwest corner hereof;

THENCE North 00° 08' 21" West a distance of 400.00 feet to a 1/2 inch iron rod set for an interior corner hereof;

THENCE South 89° 21' 39" West a distance of 450.00 feet to a 1/2 inch iron rod set for the most westerly southwest corner hereof;

THENCE North 00° 44' 10" West a distance of 800.04 feet to a 1/2 inch iron rod set for the most westerly northwest corner hereof;

THENCE North 39° 51' 39" East a distance of 220.88 feet to a 1/2 inch iron rod set for an interior corner hereof;

THENCE North 00° 08' 21" West a distance of 410.39 feet to a 1/2 inch iron rod set at the northeast corner of said 320 acre tract and the northeast corner of the 1/2 acre homestead and the south line of said Survey No. 1293, the north boundary line of said 320 acre tract (N207° 59'13" and the south boundary line of a called 320 acre tract described in a deed recorded in Volume 253, Page 241 of said Deed Records bears North 87° 57' 52" West a distance of 232.74 feet;

THENCE North 88° 42' 47" East a distance of 425.00 feet along the said 345 KV transmission line to the POINT OF BEGINNING, containing 24,631 acres, more or less.

000426

EXHIBIT B
MAP OF "RATTLESNAKE"
REINVESTMENT ZONE

Insert Map of RZ.

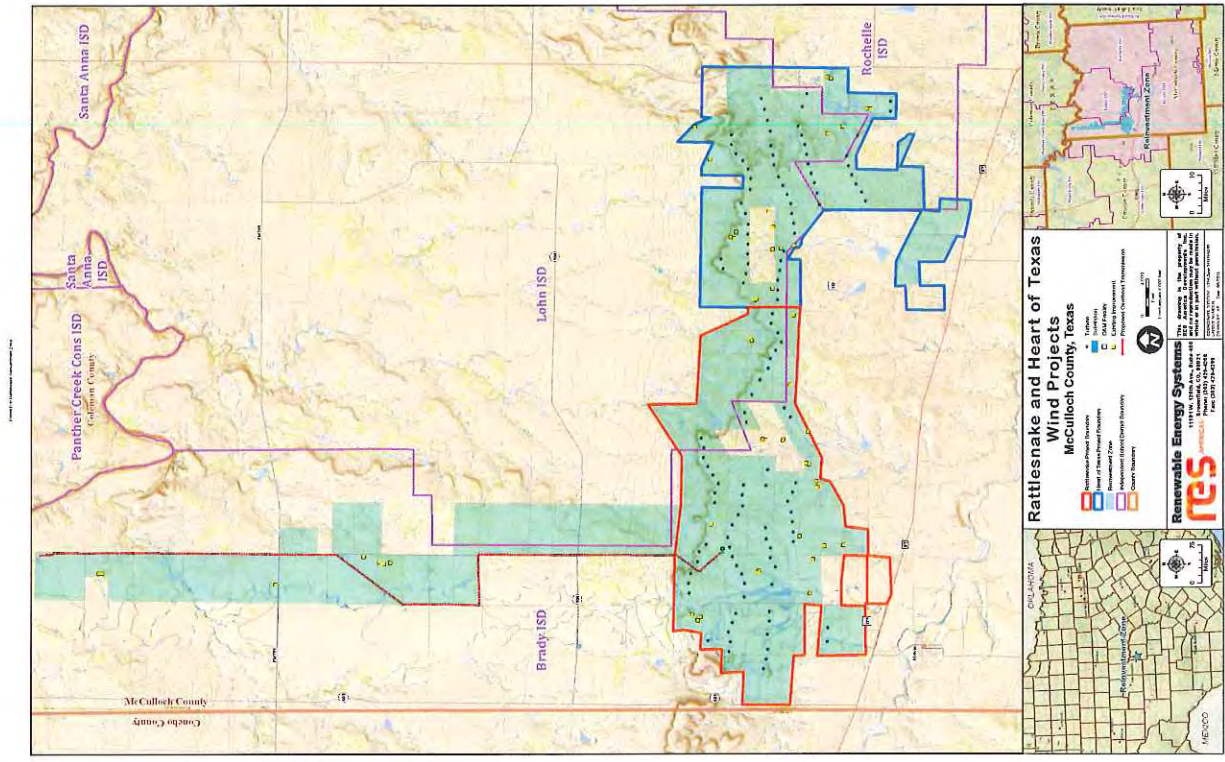


EXHIBIT 2

DESCRIPTION AND LOCATION OF LAND

The Land on which the Qualified Property shall be located and on which the Qualified Investment shall be made is described by the map attached to Exhibit 1.

Agreement for Limitation on Appraised Value
Between Lohn Independent School District and Rattlesnake Power, LLC
TEXAS COMPTROLLER APPLICATION NUMBER 1096
March 28, 2016

EXHIBIT 2

LEGAL DESCRIPTION
(Sat. Cap. LP - I, chn. 15D)

All of the following described real property situated in McCulloch County, Texas:

Tract 1: The West 89 acres, more or less, of Carl Bahr Survey No. 1270, Abstract No. 47, McCulloch County, Texas, more particularly described as follows:

Being all of a certain tract or parcel of land out of Carl Bahr Survey No. 1270, Abstract No. 47, in McCulloch County, Texas, the same land conveyed as 3rd Tract to Rita Jean Roets, et al, from Josephine Mozell White by a Correlation Gift Deed executed the 22nd day of September, 1999 and recorded in Volume 308 at Page 777 of the Dead Records of McCulloch County, Texas; and being more particularly described by notes and bounds as follows (record calls shown in parentheses):

Beginning at a 1/2" iron stake set in the east right-of-way line of a public road designated as C.R. 330 for the southeast corner of the herein described tract and said 3rd Tract, the southeast corner of a 1/4th (40) fl. wide strip of land conveyed to Dennis K. Kuehling from Delmar Bradley by a Warranty Deed executed the 1st day of May, 1994 and recorded in Volume 25 at Page 166 of the Dead Records of McCulloch County, Texas; which point is at or near the southwest corner of said Survey No. 1270;

THENCE, with the west line of said 3rd Tract and said Survey No. 1270, the east line of said ferry (40) fl. wide strip, the east right-of-way line of said C.R. 330, west of and generally parallel with a fence, N.00°00'00"E, 2720.13 fl. to a 1/2" iron stake set for the northwest corner of the herein described tract and said 3rd Tract, the southwest corner of 357 acres conveyed to Dennis K. Kuehling from Delmar Bradley by a Warranty Deed executed the 1st day of May, 1994 and recorded in Volume 25 at Page 166 of the Dead Records of McCulloch County, Texas; at or near the northwest corner of said Survey No. 1270;

THENCE, with the common line between said 3rd Tract and said 357 acres, S.89°30'07"E, at 7.85 fl. passing a three-way fence cornerpost, then along a fence for a total distance of 1424.91 fl. to a 1/2" iron stake set for the northeast corner of the herein described tract and said 3rd Tract, the northeast corner of 357 acres conveyed to Dennis K. Kuehling from Delmar Bradley by a Warranty Deed executed the 1st day of May, 1994 and recorded in Volume 25 at Page 166 of the Dead Records of McCulloch County, Texas; at or near the northeast corner of said Survey No. 1270;

THENCE, with the common line between said 3rd Tract and said 357 acres, S.89°30'07"E, at 7.85 fl. passing a 1/2" iron stake set in a fence, at 1800.88 fl. passing a 1/2" iron stake set in a fence, then continuing for a total distance of 1424.91 fl. to a 1/2" iron stake set for the northeast corner of the herein described tract and said 3rd Tract, the northeast corner of 357 acres conveyed to Dennis K. Kuehling from Delmar Bradley by a Warranty Deed executed the 1st day of May, 1994 and recorded in Volume 25 at Page 166 of the Dead Records of McCulloch County, Texas; at or near the northeast corner of said Survey No. 1270;

THENCE, with the south line of said 3rd Tract, N.89°10'29"W, with the north line of said 177.2 acres, at 1424.10 fl. to a 1/2" iron stake set for the southeast corner of the herein described tract and said 3rd Tract, the southeast corner of a 1/4th (40) fl. wide strip of land conveyed for road purposes from Mary A. Heron to McCulloch County by a deed executed the 10th day of May, 1910 and recorded in Volume 25 at Page 159 of the Dead Records of McCulloch County, Texas, then continuing with the north line of said ferry (40) fl. wide strip for a total distance of 1424.11 fl. to the PLACE OF BEGINNING containing 89.00 acres of land, more or less, within these meter and bounds.

[Legal Description of Tract 2 on following page]

Tract 2: A portion of the Northwest one-quarter (NW-1/4) and South one-half (S-1/2) of Benjamin Heron Survey No. 42, Abstract No. 1667, McCulloch County, Texas, containing 531.11 acres of land, more or less, more particularly described as follows:

Being all of a certain tract or parcel of land out of Benjamin Heron Survey No. 42, Abstract No. 1667, in McCulloch County, Texas, parts of 1) 355.3 acres conveyed as 3rd Tract to Rita Jean Roets, et al, from Josephine Mozell White by a Correlation Gift Deed executed the 22nd day of September, 1999 and recorded in Volume 308 at Page 777 and 2) 177.2 acres conveyed to James E. White, Jr., et ux by a deed executed the 20th day of March, 1930 and recorded in Volume 126 at Page 632, both recordings in the Dead Records of McCulloch County, Texas, and being more particularly described by notes and bounds as follows (record calls shown in parentheses):

Beginning at a three-way fence cornerpost in the east right-of-way line of a public road designated as C.R. 330 for the southwest corner of the herein described tract in the common line between said 355.3 acres and 356.4 acres conveyed to Rita Jean Roets, et al, from James F. Gerte, et ux, by a deed executed the 10th day of November, 1963 and recorded in Volume 164 at Page 559, the southeast corner of a 1/4th (40) fl. wide strip of land conveyed as McCulloch County, Texas, for road purposes, by a deed executed the 10th day of May, 1910 and recorded in Volume 25 at Page 159 of the Dead Records of McCulloch County, Texas; then continuing with the north line of said approximately 206.6 fl. S.86°52'21"E, from a point in the approximate center of said C.R. 330, between it or near the southwest corner of said Survey No. 42;

THENCE, along or near a fence with the east right-of-way line of said C.R. 330, N.00°00'00"E, at 2036.1 fl. passing 14.3 fl. to a 1/2" iron stake set in a fence, at 11.1 fl. passing a 1/2" iron stake set in a fence, at 14.3 fl. passing 26.5 fl. west of a water well, then continuing for a total distance of 5431.08 fl. to a 1/2" iron stake set for the northeast corner of the herein described tract in the common line between said 177.2 acres and 59 acres conveyed as 3rd Tract to Rita Jean Roets, et al, Volume 306, Page 777;

THENCE, with the common line between said 177.2 acres and said 59 acres, S.88°13'22"E, S.88°00'00"E, 1404.10 fl. to a 1/2" iron stake set in a fence, at 11.1 fl. passing a 1/2" iron stake set in a fence, at 14.3 fl. passing 26.5 fl. west of a water well, then continuing for a total distance of 5431.08 fl. to a 1/2" iron stake set for the northeast corner of the herein described tract in the common line between said 177.2 acres and 59 acres conveyed as 3rd Tract to Rita Jean Roets, et al, Volume 306, Page 777;

THENCE, with the common line between said 177.2 acres and said 59 acres, S.88°13'22"E, S.88°00'00"E, 1404.10 fl. to a 1/2" iron stake set in a fence, at 11.1 fl. passing a 1/2" iron stake set in a fence, at 14.3 fl. passing 26.5 fl. west of a water well, then continuing for a total distance of 5431.08 fl. to a 1/2" iron stake set for the northeast corner of the herein described tract in the common line between said 177.2 acres and 59 acres conveyed as 3rd Tract to Rita Jean Roets, et al, Volume 306, Page 777;

THENCE, with the common line between said 177.2 acres and said 59 acres, S.88°13'22"E, S.88°00'00"E, 1404.10 fl. to a 1/2" iron stake set in a fence, at 11.1 fl. passing a 1/2" iron stake set in a fence, at 14.3 fl. passing 26.5 fl. west of a water well, then continuing for a total distance of 5431.08 fl. to a 1/2" iron stake set for the northeast corner of the herein described tract in the common line between said 177.2 acres and 59 acres conveyed as 3rd Tract to Rita Jean Roets, et al, Volume 306, Page 777;

THENCE, along a fence with the common line between said 177.2 acres and said 59 acres, S.88°13'22"E, S.88°00'00"E, 1404.10 fl. to a 1/2" iron stake set in a fence, at 11.1 fl. passing a 1/2" iron stake set in a fence, at 14.3 fl. passing 26.5 fl. west of a water well, then continuing for a total distance of 5431.08 fl. to a 1/2" iron stake set for the northeast corner of the herein described tract in the common line between said 177.2 acres and 59 acres conveyed as 3rd Tract to Rita Jean Roets, et al, Volume 306, Page 777;

THENCE, along a fence with the common line between said 177.2 acres and said 59 acres, S.88°13'22"E, S.88°00'00"E, 1404.10 fl. to a 1/2" iron stake set in a fence, at 11.1 fl. passing a 1/2" iron stake set in a fence, at 14.3 fl. passing 26.5 fl. west of a water well, then continuing for a total distance of 5431.08 fl. to a 1/2" iron stake set for the northeast corner of the herein described tract in the common line between said 177.2 acres and 59 acres conveyed as 3rd Tract to Rita Jean Roets, et al, Volume 306, Page 777;

THENCE, along a fence with the common line between said 177.2 acres and said 59 acres, S.88°13'22"E, S.88°00'00"E, 1404.10 fl. to a 1/2" iron stake set in a fence, at 11.1 fl. passing a 1/2" iron stake set in a fence, at 14.3 fl. passing 26.5 fl. west of a water well, then continuing for a total distance of 5431.08 fl. to a 1/2" iron stake set for the northeast corner of the herein described tract in the common line between said 177.2 acres and 59 acres conveyed as 3rd Tract to Rita Jean Roets, et al, Volume 306, Page 777;

THENCE, along a fence with the common line between said 177.2 acres and said 59 acres, S.88°13'22"E, S.88°00'00"E, 1404.10 fl. to a 1/2" iron stake set in a fence, at 11.1 fl. passing a 1/2" iron stake set in a fence, at 14.3 fl. passing 26.5 fl. west of a water well, then continuing for a total distance of 5431.08 fl. to a 1/2" iron stake set for the northeast corner of the herein described tract in the common line between said 177.2 acres and 59 acres conveyed as 3rd Tract to Rita Jean Roets, et al, Volume 306, Page 777;

[Legal Description of Tract 3 on following page]

Tract 3: A portion of Carl Bahr Survey No. 1270, Abstract No. 47, McCulloch County, Texas, containing 7.62 acres of land, more or less, more particularly described as follows:

Being all of a certain tract or parcel of land out of Carl Bahr Survey No. 1270, Abstract No. 47, in McCulloch County, Texas, and being more particularly described by notes and bounds as follows:

Beginning at a 1/2" iron stake set in a fence for the northwest corner of the herein described tract, the northeast corner of 89 acres conveyed as Tract 2 to Rita Jean Rooks, et al, from Jeannine Modella White by a Corrected Oil Deal executed the 15th day of September, 1999 and recorded in Volume 306 of Page 777, in the north line of 177.2 acres conveyed to James E. Wray from Rita Jean Rooks, et al, by a Warranty Deed executed the 31st day of March, 1981 and recorded in Volume 293 at Page 192, both deeds recorded in the Deed Records of McCulloch County, Texas; which point bears 1423.91 ft. S 88°20'07"E from the northwest corner of said Survey No. 1270;

THENCE, along a fence with the south line of said 137 acres, S 88°20'07"E, 438.29 ft. to a three way cornerpost for the northeast corner of the herein described tract;

THENCE, along a fence, S 17°40'27"W, 1508.42 ft. to a 1/2" iron stake set for the south corner of the herein described tract in the east line of said 89 acres;

THENCE, with the east line of said 89 acres, N 00°00'00"E, 1449.14 ft. to the PLACE OF BEGINNING containing 7.62 acres of land, more or less, within these notes and bounds.

14965786.1

Tract 4: A portion of Carl Bahr Survey No. 1270, Abstract No. 47, McCulloch County, Texas, containing 12.98 acres of land, more or less, more particularly described as follows:

Being all of a certain tract or parcel of land out of Carl Bahr Survey No. 1270, Abstract No. 47, in McCulloch County, Texas, and being more particularly described by notes and bounds as follows:

Beginning at a 1/2" iron stake set for the southwest corner of the herein described tract, the southeast corner of 89 acres conveyed as Tract 3 to Rita Jean Rooks, et al, from Jeannine Modella White by a Corrected Oil Deal executed the 15th day of September, 1999 and recorded in Volume 306 of Page 777, in the north line of 177.2 acres conveyed to James E. Wray from Rita Jean Rooks, et al, by a Warranty Deed executed the 31st day of March, 1981 and recorded in Volume 293 at Page 192, both deeds recorded in the Deed Records of McCulloch County, Texas; which point bears 1424.11 ft. S 88°13'22"E from the southwest corner of said Survey No. 1270;

THENCE, with the east line of said 89 acres, N 02°00'00"E, 1946.19 ft. to a 1/2" iron stake set in a fence for the northwest corner of the herein described tract;

THENCE, along a fence, S 89°42'01"E, 85.49 ft. to a cornerpost for the northeast corner of the herein described tract; S 40°13'26"E, 1285.30 ft. to an anglepost; and S 02°43'37"W, 1520 ft. to a three-way cornerpost for the southeast corner of the herein described tract in the north line of said 177.2 acres;

THENCE, with the north line of said 177.2 acres, along a fence, N 88°26'27"W, (N 88°20'W) 802.55 ft. to the fence with the east line of said 89 acres, N 88°20'W, 1112.27 ft. to the PLACE OF BEGINNING containing 12.98 acres of land, more or less, within these notes and bounds.

14965786.1

LEGAL DESCRIPTION
(CK Haveriah Ranch, LP—Lohn ISD)

All of the following described real property situated in McCulloch County, Texas that is located within E.W. Harris Survey No. 64, Abstract 2006 and H. & T.C. RR Co. Survey 65, Abstract 624:

1301.146 acres, more or less, situated in McCulloch County, Texas, and being two tracts out of Thomas Kreiker Survey 1266, Abstract 814, Thomas Kreiker Survey 1257, Abstract 813, H. & T.C. RR Co. Survey 65, Abstract 624, E.W. Harris Survey No. 64, Abstract 2006, H. & T.C. RR Co. Survey No. 39, Abstract No. 621, Heinrich Herder Survey No. 1258, Abstract No. 510, Heinrich Herder Survey No. 1259, Abstract No. 511 and Fisher & Miller Survey No. 2596, Abstract No. 287, described by metes and bounds as follows:

TRACT ONE: 1288.274 acres of land out of the Thomas Kreiker Survey No. 1256, Abstract No. 814, the Thomas Kreiker Survey No. 1257, Abstract No. 813, the H. & T.C. RR Co. Survey No. 65, Abstract No. 624 and the E.W. Harris Survey No. 64, Abstract No. 2006 in McCulloch County, Texas and also being a portion of said 2947.884 acre tract as described in Volume 336, Page 352 of the Official Public Records of McCulloch County, Texas. Said 1288.274 acre tract being more particularly described as follows and as surveyed under the supervision of Watson Professional Group, Inc.:

BEGINNING at a 8 inch cedar fence corner post found in the east line of that certain 12.872 acre tract, being a portion of said 2947.884 acre tract, as surveyed this same day by Watson Professional Group, Inc. for the southeast corner of the Heinrich Herder Survey No. 1258, Abstract No. 510, the southwest corner of the H. & T.C. RR Co. Survey No. 61, Abstract No. 633, the northwest corner of said Survey No. 1257, the northeast corner of the H. & T.C. RR Co. Survey No. 39, Abstract No. 621, the southwest corner of that certain 1212.285 acre tract as described in Volume 338, Page 229 of said Official Public Records, an ell corner of said 2947.884 acre tract and the northwest corner hereof.

THENCE along the general meanders of a fence for the record common line of said Survey No. 61, said Survey No. 1257, said Survey No. 64 and the E. H. Danks Survey No. 1217, Abstract No. 195 and a north line of said 2947.884 acre tract, the following six (6) courses:

1. South 89° 49' 02" East a distance of 2688.20 feet along the south line of said 1212.285 acre tract to a 4 inch cedar fence corner post found at the southeast corner of said 1212.285 acre tract also being the southwest corner of that certain 92.7 acre tract described in Volume 355, Page 490 of said Official Public Records;
2. South 89° 44' 38" East a distance of 2675.85 feet along the south line of said 92.7 acre tract to a 10 inch cedar fence corner post found at the southeast corner of said Survey No. 61, the southwest corner of said Survey No. 1217, the northwest corner of said Survey No. 64, the northeast corner of said Survey No. 1257, the southeast corner of said 92.7 acre tract and the southwest corner of that certain 150 acre tract as described in Volume 95, Page 285 of the Deed Records of McCulloch County, Texas;
3. North 55° 27' 38" East a distance of 2303.36 feet along the south line of said 150 acre tract to a 5 inch cedar fence corner post found at the southeast corner of said 150 acre tract and the southwest corner of that certain 100 acre tract as described in Volume 47, Page 508 of the Deed of Trust Records of McCulloch County, Texas;
4. North 55° 24' 26" East a distance of 1351.33 feet along the south line of said 100 acre tract to a wood fence corner post found at the southeast corner of said 100 acre tract and the southwest corner of that certain 30 acre tract as described in Volume 213, Page 461 of said Deed Records.

18063156.1

5. North 55° 32' 32" East a distance of 1355.97 feet along the south line of said 50 acre tract to a 3/8 inch iron rod found for the southeast corner of said 50 acre tract;

6. North 55° 27' 22" East a distance of 2148.85 feet to a 3 inch pipe fence corner post found for the southeast corner of said Survey No. 1217, the southwest corner of the Fisher & Miller Survey No. 2578, Abstract No. 275, the northwest corner of the Friedrich Frieble Survey No. 1218, Abstract No. 313, the northeast corner of said Survey No. 64, the most easterly northeast corner of said 2947.884 acre tract, the northwest corner of that certain 81.8 acre tract as described in Volume 47, Page 508 of said Deed of Trust Records, and the most easterly northeast corner hereof.

THENCE along the general meanders of a fence for the record common line of said Survey No. 64, said Survey No. 1218, said Survey No. 63 and the Friedrich Frieble Survey No. 1219, Abstract No. 314 and the east line of said 2947.884 acre tract, the following two (2) courses:

1. South 00° 06' 02" East a distance of 1515.40 feet along the west line of said 81.8 acre tract to a 6 inch cedar fence corner post found at the southwest corner of said 81.8 acre tract and the northwest corner of that certain 663.5 acre tract described in Volume 52, Page 259 of said Deed of Trust Records;

2. South 00° 09' 05" West a distance of 3882.38 feet along the west line of said 663.5 acre tract to a 6 inch cedar fence corner post found in the north line of that certain 4324.878 acre tract described in Volume 213, Page 459 of said Deed Records for the southwest corner of said Survey No. 1219, the northwest corner of E.W. Harris Survey No. 33, Abstract No. 2252, the northeast corner of Hans Christian Schuler Survey No. 1220, Abstract No. 1217, the southeast corner of Survey No. 63, the southwest corner of said 663.5 acre tract, the southeast corner of said 2947.884 acre tract and the southeast corner hereof.

THENCE South 57° 29' 43" West a distance of 3330.89 feet along the record common line of said Survey No. 63 and said Survey No. 1220, the south line of said 2947.884 acre tract to a 3/8 inch iron rod found for the northwest corner of said Survey No. 1220, the northeast corner of Hans Christian Schuler Survey No. 1221, Abstract 1215, and the northeast corner of a called 349.952 acre tract of land described in Volume 328, page 6 of said Official Public Records.

THENCE along the general meanders of a fence for the record common line of said Survey No. 1221 and said Survey No. 63 and the northwest line of said 349.952 acre tract and the south line of said 2947.884 acre tract the following three (3) courses:

1. South 57° 41' 18" West a distance of 1219.38 feet to a 1/2 inch iron rod found;
2. South 57° 44' 11" West a distance of 1183.82 feet to a 1/2 inch iron rod found;
3. South 57° 44' 24" West a distance of 915.66 feet to a 1/2 inch iron rod found for the northwest corner of said Survey No. 1221, the northeast corner of the C.R. Tisdale Survey No. 38, Abstract No. 2211, the southeast corner of said Survey No. 1256, the southwest corner of said Survey No. 63, the northeast corner of said 349.952 acre tract, the northeast corner of that certain 640 acre tract described in Volume 144, Page 526 of said Deed Records and a corner hereof.

THENCE North 87° 40' 45" West a distance of 5251.35 feet along the general meanders of a fence containing said Survey No. 1256 for the south line of said 2947.884 acre tract and the south line of said 640 acre tract to a 12 inch cedar fence corner post found at an ell corner of said 2947.884 acre tract for an ell corner hereof.

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3. North 00° 10' 58" West a distance of 5535.13 feet to a 1/2 inch iron rod set in the common line of said Survey 1259 and said Survey 2596;
 4. North 00° 13' 32" West a distance of 2872.44 feet to a 1/2 inch iron rod set;
 5. North 00° 19' 57" West a distance of 2743.90 feet to a 1/2 inch iron rod set in south right-of-way line of Farm-to-Market Road 504 and the north line of said 2947.884 acre tract for the northeast corner of said 509.225 acre tract and the northwest corner hereof;
- THENCE South 89° 38' 39" East a distance of 50.02 feet along the north line of said 2947.884 acre tract and the south line of said FM 504 to a 1/2 inch iron rod set in the common line of said Survey No. 2596 and the A. Hoecker Survey No. 1261, Abstract No. 501 for the most northerly northeast corner of said 2947.884 acre tract, the northwest corner of said 1212.285 acre tract and the northeast corner hereof and from which a 6 inch cedar fence corner found bears South 29° 31' 51" East a distance of 1.77 feet and a 4 inch post fence corner found bears South 84° 52' 19" East a distance of 43.01 feet;
- THENCE along the record common line of said Survey No. 1261, said Survey No. 2596, said Survey No. 1259, said Survey No. 1258, said Survey No. 39, said Survey No. 61 and the A. Hoecker Survey No. 1260, Abstract No. 500 for the west line of said 1212.285 acre tract and the east line of said 2947.884 acre tract the following three (3) courses:
1. South 00° 19' 57" East a distance of 2746.03 feet 1/2 inch iron rod found with a plastic cap marked "WATSON 5740" at the southwest corner of said Survey No. 1261 and the northwest corner of said Survey No. 1260;
 2. South 00° 15' 32" East a distance of 2875.34 feet to a 14 inch cedar fence corner post found for the southeast corner of said Survey No. 2596, the southwest corner of said Survey No. 1260, the northwest corner of said Survey No. 61 and the northeast corner of said Survey No. 1259;
 3. South 00° 11' 03" East a distance of 5534.75 feet to the POINT OF BEGINNING, containing 12.872 acres, more or less.
- Note: Bearings and distances are grid, NAD 83 U.S. TX Central Zone. Iron rods set are 1/2 inch rebar with plastic caps marked "WATSON 1989".

(PWS) (Sv.)

THENCE North 04° 06' 45" West a distance of 1759.75 feet along the general meanders of a fence crossing said Survey No. 1256 along the west line of said 2947.884 acre tract to a 10 inch cedar gate fence corner post found in the record common line of said Survey No. 39 and said Survey No. 1256 for the northeast corner of that certain 160 acre tract as described in Volume 206, Page 506 of said Official Public Records and an interior corner of said 2947.884 acre tract;

THENCE North 00° 20' 14" West a distance of 3091.74 feet along the record common line of said Survey No. 1256, said Survey No. 1257 and said Survey No. 39 and crossing said 2947.884 acre tract, to the POINT OF BEGINNING, containing 1288.274 acres, more or less.

Note: Bearings and distances are grid, NAD 83 U.S. TX Central Zone. Iron rods set are 1/2 inch rebar with plastic caps marked "WATSON 1989" or "Watson 5740".

TRACT TWO: BEING 12.872 acres of land, more or less, out of the H. & T. C. RR Co. Survey No. 39, Abstract No. 621, the Hatch Header Survey No. 1258, Abstract No. 510, the Hatch Header Survey No. 1259, Abstract No. 511 and the Fisher & Miller Survey No. 2598, Abstract No. 297 and a portion of that certain 2947.884 acre tract as described in Volume 366, Page 357 of the Official Public Records of McCulloch County, Texas and a portion of a called 160 acre tract described in a deed recorded in Volume 228, Page 811 of the Deed Records of McCulloch County, Texas. Said 12.872 acre tract being more particularly described as follows and as surveyed under the supervision of Watson Professional Group, Inc.:

BEGINNING at a 8 inch cedar fence corner post found for the southeast corner of said Survey No. 1258, the southwest corner of the H. & T. C. RR Co. Survey No. 61, Abstract No. 633, the northwest corner of the Thomas Kiedler Survey No. 1257, Abstract No. 813, the northeast corner of said Survey No. 39 for an interior corner of said 2947.884 acre tract, the southwest corner of that certain 1212.285 acre tract as described in Volume 338, Page 529 of said Official Public Records and the northwest corner of that certain 1288.274 acre tract as surveyed this same day by Watson Professional Group, Inc. as a portion of said 2947.884 acre tract;

THENCE South 00° 20' 14" East a distance of 50.00 feet along the record common line of said Survey No. 1257 and said Survey No. 39, the west line of a right of way easement as described in Volume 167, Page 207 of the Deed Records of McCulloch County, Texas and the west line of said 1288.274 acre tract to a 1/2 inch iron rod set for a corner of that certain 303.591 acre tract as surveyed this same day by Watson Professional Group, Inc. being a portion of said 2947.884 acre tract and the southeast corner hereof;

THENCE crossing said Survey No. 39, said Survey No. 1258, said Survey No. 1259 and said Survey No. 2596 along the north line of said 303.591 acre tract, the east line of that certain 1000.011 acre tract as surveyed this same day by Watson Professional Group, Inc. being a portion of said 2947.884 acre tract, the east line of that certain 303.223 acre tract as surveyed this same day by Watson Professional Group, Inc. being a portion of said 2947.884 acre tract and crossing said 2947.884 acre tract the following five (5) courses:

1. South 89° 49' 02" West a distance of 50.26 feet to a 1/2 inch iron rod set for the southwest corner hereof;
2. North 00° 10' 09" West a distance of 5552.52 feet to a 1/2 inch iron rod set in the record common line of said Survey No. 39 and said Survey No. 1258 for a corner hereof.

(PWS) (Sv.)

EXHIBIT A

LEGAL DESCRIPTION OF EASEMENT PROPERTY

The following lands situated in McCulloch County, Texas:

176.6 acres, more or less, all of Reinhard Stollie Survey No. 1263, Certificate No. 659, Abstract No. 1209, patented to Reinhard Stollie by Patent No. 805, Volume 17, McCulloch County, Texas, divided to R.R. Bradshaw, Jr. et al in Volume 164, Page 559, Deed Records of McCulloch County, Texas.

176.2 acres, more or less, all of Reinhard Stollie Survey No. 1264, Certificate No. 650, Abstract No. 1207, patented to Reinhard Stollie by Patent No. 803, Volume 17, McCulloch County, Texas, divided to R.R. Bradshaw, Jr. et al in Volume 164, Page 559, Deed Records of McCulloch County, Texas.

Said units of land, being the same tracts of land described as Tract 2 and Tract 3 in that certain Warranty Deed dated 1/7/2004 and recorded in Volume 398, Page 802, McCulloch County Deed Records.

TRANSMISSION FACILITIES EASEMENT AGREEMENT

12375829.3

A-1

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of the following described land situated in McCulloch County, Texas, to-wit:

TRACT ONE: 160 acres, more or less, being all of the Johann D. Haltermann Survey No. 1225, Abstract No. 508, Certificate No. 729, patented to John H. Herndon by Patent No. 797, Volume 17, Deed Records, McCulloch County, Texas.

TRACT TWO: 160 acres, more or less, being all of the Johann D. Haltermann Survey No. 1226, Abstract No. 509, Certificate No. 729, patented to John H. Herndon by Patent No. 798, Volume 17, Deed Records, McCulloch County, Texas.

TRACT THREE: 320 acres, more or less, being all of H. & T. C. R.R. Co. Survey No. 81, Abstract 645, Certificate 35/5246, patented to H. & T. C. R.R. Co. by Patent 184, Volume 44, McCulloch County, Texas.

TRACT FOUR: A non-exclusive easement as described in an Agreement for Access Easement dated July 29, 2002 from Charles B. Patton and wife, Alice Patton to Michael L. Pullgar, recorded in Volume 325, page 507, Official Public Records, McCulloch County, Texas. Said easement is described as follows:

Situated in McCulloch County, Texas and being out of the East one-half (1/2) of H. & T. C. R.R. Co. Survey No. 81, Abstract No. 645, described as follows:

BEGINNING at the Northwest corner of the East one-half (E-1/2) and the Northeast corner of the West one-half (W-1/2) of the H. & T. C. R.R. Co. Survey No. 81, Abstract No. 645, for the Northwest corner of this easement tract;

THENCE with the West line of the East one-half (E-1/2) and East line of the West one-half (W-1/2) of said Survey No. 81, South 65 feet;

THENCE parallel with the North line of the East one-half of said Survey No. 81, and South 65 feet therefrom, East to the intersection with public road Broadmore Lane;

THENCE with said Broadmore Lane, North to the North line of the East one-half (E-1/2) of said Survey No. 81;

THENCE with the North line of the East (E-1/2) of said Survey No. 81, West to the place of BEGINNING.

Said Easement tract is for the benefit of (1) 299.04 acres out of the West one-half (W-1/2) of said Survey No. 81, being all of the West one-half of said Survey except 20.96 acres out of the Northwest corner of said West one-half of said Survey; (2) 160 acres all of Johann D. Haltermann Survey No. 1225, Abstract No. 508 and (3) 160 acres all of Johann D. Haltermann Survey No. 1226, Abstract No. 509.

WIND ENERGY GROUND LEASE

12375829.2

EXHIBIT "A"

FULL PAGE

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of the following described land in McCulloch County, Texas, to-wit:

All of H. & T. C. R.R. Co. Survey 81, Patent 184, Volume 44, Certificate 33/3240, Abstract 645, SAVE AND EXCEPT THE FOLLOWING TRACTS:

229.04 acres, more or less, all of the West one-half (W 1/2) of H. & T. C. R.R. Co. Survey 81, Abstract 645, Cert. 33/3240, patented to H. & T. C. R.R. Co. by Patent 184, Volume 44. Said land being the same land described in a deed from W. J. Fullagar and wife, Nina Fullagar to Michael Lloyd Fullagar dated January 10, 1978, recorded in Volume 199, page 502, Deed Records, McCulloch County, Texas.

A strip of land 60 feet wide, as described in a Road Deed from W. J. Fullagar to McCulloch County, dated April 23, 1909, recorded in Volume 14, Page 259, Deed Records, McCulloch County, Texas.

A strip of land 40 feet wide off and along the North line of said Survey 81, as described in a Partition Deed from W. J. Fullagar, et al to W. S. L. Fullagar, et al, dated July 1, 1912, recorded in Volume 34, Page 170, Deed Records, McCulloch County, Texas.

20.96 acres, more or less, out of the Northwest part of H. & T. C. R.R. Co. Survey 81, Abstract 645, Cert. 33/3240, patent No. 184, Volume 44, as described in a deed from W. J. Fullagar et ux to Sterling Fullagar dated May 8, 1969, recorded in Volume 174, Page 92, Deed Records, McCulloch County, Texas.

WIND ENERGY GROUND LEASE
17576904.2

EXHIBIT "A"

PATTON, CHARLES B. AND ALICE K.

EXHIBIT A

LEGAL DESCRIPTION OF EASEMENT PROPERTY

The following lands situated in McCulloch County, Texas:

TRACT ONE:

509.223 acres of land out of the Fisher & Miller Survey No. 2596, Abstract No. 287, in McCulloch County, Texas and also being a portion of that certain 2947.884 acre tract as described in Volume 366, Page 252 of the Official Public Records of McCulloch County, Texas and a portion of a called 160 acre tract described in a deed recorded in Volume 228, Page 811 of the Deed Records of McCulloch County, Texas; Said 509.223 acre tract being more particularly described as follows and as surveyed under the supervision of Watson Professional Group Inc;

BEGINNING at a 4 inch pipe post found in the record common line of said Survey No. 2596, and the H. Buescher Survey No. 1343, Abstract No. 33 and the east line of that certain 319.79 acre tract as described in Volume 335, Page 218 of said Official Public Records and the west line of said 2947.884 acre tract for the northwest corner of that certain 1000.000 acre tract described in Volume 382, Page 764 of said Official Public Records and the southwest corner hereof and from which the record southeast corner of said Abstract No. 33 bears South 00°05'43" West a distance of 122.23 feet;

THENCE North 00°27'41" West a distance of 2632.36 feet along the record common line of said Survey No. 2596, said Survey No. 1443 and the east line of said 319.79 acre tract to a point in the south line of F. M. Highway No. 504 for the northeast corner of said 319.79 acre tract, the northwest corner of said 2947.884 acre tract and the northwest corner hereof, and from which a pipe fence corner post found bears South 00°27'48" East a distance of 1.10 feet

THENCE along the south line of said F. M. Highway No. 504 and the north line of said 2947.884 acre tract, the following seven (7) courses:

1. South 85°48'04" East a distance of 539.49 feet to a point;
2. South 86°02'28" East a distance of 1035.38 feet to a point;
3. South 85°58'21" East a distance of 1584.10 feet to a point;
4. South 85°58'12" East a distance of 579.99 feet to a point;
5. South 85°53'50" East a distance of 758.72 feet to a point at the beginning of a curve to the left;
6. Along said curve to the left with a radius of 20133.86 feet, central angle of 2°54'26" and an arc length of 1021.68 feet to a point;
7. South 88°49'55" East a distance of 57.72 feet to a point for the northwest corner of that certain 12.872 acre tract as surveyed this same day by Watson Professional Group Inc for a portion of said 2947.884 acre tract and the northeast corner hereof;

TRANSMISSION FACILITIES EASEMENT AGREEMENT

Reference to
12568454.1

Exhibit "A"

TRACT TWO:

1000.000 acres of land, more or less, out of the Fisher & Miller Survey No. 2596, Abstract No. 287, the Heinrich Herder Survey No. 1259, Abstract No. 511, the Heinrich Herder Survey No. 1258, Abstract No. 510, the H. & T. C. RR Co. Survey No. 39, Abstract No. 621, in McCulloch County, Texas, and being a portion of a called 4369.319 acre tract described in a deed recorded in Volume 366, Page 232 of the Official Public Records of McCulloch County, Texas; Said 1000.000 acre tract being more particularly described as follows and shown on the attached survey plat:

BEGINNING at a 1/2 inch iron rod set in the common line of said Survey No. 1258 and Survey No. 39, for the southeast corner hereof, from which a 8-inch cedar fence corner post found for the southeast corner of said Survey No. 1258, the southwest corner of the H. & T. C. RR Co. Survey No. 61, Abstract No. 633, the northwest corner of the Thomas Kruelker Survey No. 1257, Abstract No. 813, the northeast corner of said Survey No. 39, also being the southeast corner of a 1212.285 acre tract described in Volume 338, Page 283 of the Official Public Records of McCulloch County, Texas, and an interior corner of said 4369.319 acre tract, bears South 83° 32' 31" West a distance of 30.39 feet;

THENCE North 83° 32' 31" West, along the common line of said Survey No. 1258 and Survey No. 39, a distance of 814.68 feet to a 1/2 inch iron rod set, for a corner hereof;

THENCE leaving the north line, and crossing through said Survey No. 39, the following two (2) courses:

1. South 59° 25' 24" West a distance of 1509.73 feet to a 1/2 inch iron rod set for a corner hereof;
2. South 88° 50' 06" West a distance of 3429.40 feet to a 6-inch cedar fence post found in the common line of said Survey No. 39 and the S. Balmert Survey No. 1349, Abstract No. 63, being also the west boundary line of said 4369.319 acre tract, being also the east boundary line of a called 1324.75 acre tract described in a deed recorded in Volume 262, Page 540 of the Deed Records of McCulloch County, Texas, for the southwest corner hereof;

THENCE North 00° 33' 06" West, along the general meanders of a fence for the common line of said Survey No. 39 and Survey No. 1349, being also the west boundary line of said 4369.319 acre tract and the east boundary line of said 1324.75 acre tract, passing at a distance of 22.67 feet a 12-inch pine gate post at the south end of a 12-foot gate, and continuing a total distance of 1374.58 feet to a 12-inch pine gate post at the south end of a 14-foot gate at the northwest corner of said Survey No. 39, the northeast corner of said Survey No. 1349, the southeast corner of the H. & T. C. R.R.

TRANSMISSION FACILITIES EASEMENT AGREEMENT
Baltimore
1259845x.1
Exhibit "A"

THENCE crossing said Survey No. 2596, and said 2947.884 acre tract along the west line of said 12.872 acre tract, the following two (2) courses:

1. South 00° 19' 37" East a distance of 2743.93 feet to a point;
2. South 00° 13' 33" East a distance of 2372.44 feet to a point in the record common line of said Survey No. 2596 and the Heinrich Herder Survey No. 1259, Abstract No. 511 and the most easterly northeast corner of said 1000.000 acre tract for the southeast corner hereof;

THENCE North 83° 04' 38" West a distance of 2548.29 feet along the record common line of said Survey No. 1259 and said Survey No. 2596 and a north line of said 1070.000 acre tract to a 6 inch cedar fence corner post found for an ell corner of said 1000.000 acre tract and the most southerly southwest corner hereof;

THENCE crossing said Survey No. 2596 and said 2947.884 acre tract along the north line of said 1000.000 acre tract, the following three (3) courses:

1. North 00° 32' 37" West a distance of 2727.08 feet to a point from which a 6 inch cedar post fence corner found bears South 00° 32' 37" East a distance of 1.99 feet and a concrete monument found bears South 86° 21' 50" East a distance of 312.34 feet;
2. North 86° 21' 50" West a distance of 780.70 feet to a concrete monument found;
3. North 83° 09' 38" West a distance of 2251.91 feet to the POINT OF BEGINNING, containing 509.223 acres, more or less, as shown on certified plat prepared herewith.

Note: Bearings and distances are grid, NAD 83 US TX Central Zone.
Iron rods set are 1/2 inch rebar with plastic caps marker "WATSON 1989" or

"WATSON 3740"

Being the same land as described in a Deed from Beakley Cattle Company, LLC to Michael Mural and Elaine Mural dated June 30, 2009, recorded in Volume 388, page 988, Official Public Records, McCulloch County, Texas.

TRANSMISSION FACILITIES EASEMENT AGREEMENT
Baltimore
1259845x.1
Exhibit "A"

Survey No. 40, Abstract No. 1671, and said Survey No. 1259, also being the northeast corner of said 1324.75 acre tract and the southeast corner of a 677.78 acre tract described in a deed recorded in Volume 47, Page 508 of the Deed of Trust of McCulloch County, Texas;

THENCE along the general meanders of a fence for the common line of said Survey No. 40, said Survey No. 1259, and said Survey No. 1258, being also the west boundary line of said 4369.319 acre tract, and the east boundary line of said 677.78 acre tract, the following two (2) courses:

1. North 00° 31' 20" West a distance of 2791.97 feet to a 3-inch cedar fence corner post found, for a corner hereof;
2. North 00° 07' 33" West a distance of 2776.64 feet to a 10-inch cedar fence corner post found for the northwest corner of said Survey No. 1259, the northeast corner of said Survey No. 40, the southeast corner of the H. Buescher Survey No. 1344, Abstract No. 24, the southwest corner of said Survey No. 2596, being also the northeast corner of said 677.78 acre tract and the southeast corner of a 320 acre tract described in a deed recorded in Volume 156, Page 132 of the Deed Records of McCulloch County, Texas;

THENCE North 00° 05' 43" West, along the general meanders of a fence for the common line of said Survey No. 2596, said Survey No. 1344, and the H. Buescher Survey No. 1345, Abstract No. 31, being also the west boundary line of said 4369.319 acre tract, the east boundary line of said 320 acre tract and the east line of a 319.79 acre tract described in a deed recorded in Volume 335, Page 218 of the Official Public Records of McCulloch County, Texas, a distance of 2689.99 feet to a 4-inch pipe fence corner post, for the northwest corner hereof;

THENCE leaving the west line and crossing through said Survey No. 2596, being also said 4369.319 acre tract, the following 2 courses:

1. South 83° 09' 46" East, a distance of 2251.91 feet to a concrete monument found for a corner hereof;
2. South 86° 21' 50" East, a distance of 780.70 feet to a 1/2 inch iron rod set, for an interior corner of said 4369.319 acre tract, being also the northwest corner of a 166.256 acre tract described in a deed recorded in Volume 367, Page 641 of said Official Records, for the most northerly northeast corner hereof, from which a concrete monument found bears South 86° 21' 50" East, a distance of 314.38 feet;

THENCE South 00° 33' 37" East a distance of 2727.08 feet along the easterly boundary line of said 4369.319 acre tract, being also the west boundary line of said 166.256 acre tract to a 6-inch cedar fence corner post found on the common line of said Survey No. 2596 and said Survey No. 1259, at an interior corner of said 4369.319 acre tract, being also the southwest corner of said 166.256 acre tract, for an interior corner hereof;

THENCE South 83° 04' 38" East a distance of 2548.28 feet along the common line of said Survey No. 2596 and said Survey No. 1259, being also the easterly boundary line of said 4369.319 acre tract, being also the south boundary of said 166.256 acre tract, to a 1/2 inch iron rod set, for the most easterly northeast corner hereof, from which a 14-inch cedar fence corner post found at the northeast corner of said Survey No. 1259, the southeast corner of said Survey No. 2596, the southwest corner

TRANSMISSION FACILITIES EASEMENT AGREEMENT

Recorded in
12568454-1

Exhibit "A"

of the A. Hoelscher Survey No. 1260, Abstract No. 500, and the northwest corner of said Survey No. 61, being also in the west boundary line of said 1212.285 acre tract at a corner in the easterly boundary of said 4369.319 acre tract, the southeast corner of said 166.256 acre tract, bears South 83° 04' 38" East a distance of 50.38 feet;

THENCE South 00° 11' 03" East, parallel and 50 foot perpendicular to the common line of said Survey No. 1258, said Survey No. 1259, and said Survey No. 61, being also the easterly boundary line of said 4369.319 acre tract and the west boundary line of said 1212.285 acre tract, a distance of 5535.14 feet to the POINT OF BEGINNING, containing 1000.000 acres, more or less.

Being the same land as described in a Deed from Beakley Cattle Company, LLC to Michael Mund and Elaine Mund dated October 15, 2008, recorded in Volume 382, page 764, Official Public Records, McCulloch County, Texas.

TRACT THREE: Being a 50 foot wide easement on, over and across Grantor's property which is more particularly described as follows:

Being out of the H. & T. C. RR Co. Survey No. 39, Abstract No. 621, out of the Heinrich Hender Survey No. 1258, Abstract No. 510, out of the Heinrich Hender Survey No. 1259, Abstract No. 311 and out of the Fisher & Miller Survey No. 2596, Abstract No. 287, also being a portion of a called 4369.319 acre tract of land described in a deed recorded in Volume 366, Page 252 and a portion of a called 166.256 acre tract described in a deed recorded in Volume 367, Page 641 of the Official Public Records of McCulloch County, Texas; Said tract more particularly described as follows:

BEGINNING at a 8 inch cedar fence corner post found for the southeast corner of said Survey No. 1258, the southwest corner of the H. & T. C. RR Co. Survey No. 61, Abstract No. 633, the northwest corner of the Thomas Kreiker Survey No. 1257, Abstract No. 813, the northeast corner of said Survey No. 39, being also the southwest corner of a called 1212.285 acre tract described in Volume 388, Page 329 of the Official Public Records of McCulloch County, Texas, and an interior corner of said 4369.319 acre tract, for an corner hereof;

THENCE crossing through said 4369.319 acre tract, the following two (2) courses:

3. North 00° 20' 14" West a distance of 55.96 feet to a 1/2 inch iron rod set on the common line of said Survey No. 39 and said Survey No. 1258, for a corner hereof.
4. North 00° 11' 03" West leaving the south line and crossing through said Survey No. 1258 and said Survey 1259, a distance of 5535.14 feet to a 1/2 inch iron rod set to the common line of said Survey 1259 and said Survey 2596, being also in the easterly line of said 4369.319 acre tract, being also the south boundary line of said 166.256 acre tract, for a corner hereof;

TRANSMISSION FACILITIES EASEMENT AGREEMENT

Recorded in
12568454-1

Exhibit "A"

EXHIBIT A TO WIND ENERGY GROUND LEASE: LEGAL DESCRIPTION OF PREMISES

All of that certain land situated in McCulloch County, Texas, described as follows:

TRACT ONE: Situated in McCulloch County, Texas and being a 160 acre tract of land described as the Heinrich Eilers Survey No. 1224, Abstract No. 244, Certificate No. 730, patented to John H. Herndon by Patent No. 797, Volume 16, Deed Records, McCulloch County, Texas.

TRACT TWO: Situated in McCulloch County, Texas and being a square parcel of land, 150 feet by 150 feet, lying in the northwest corner of a 160 acre tract of land described as the Heinrich Eilers Survey No. 1227, Abstract No. 245, Certificate No. 730, patented to John H. Herndon by Patent No. 798, Volume 16, Deed Records of McCulloch County, Texas.

THENCE North 00° 13' 32" West leaving the south line and crossing through said 166.256 acre tract, a distance of 2872.45 feet to a 1/2 inch iron rod set in the north boundary line of said 166.256 acre tract, being also the easterly boundary line of said 4369.319 acre tract, for a corner heretof;

THENCE North 00° 19' 57" West leaving the easterly boundary line and crossing through said 4369.319 acre tract, a distance of 2745.04 feet to a 1/2 inch iron rod set in the south right-of-way line of Farm-to-Market Road 504 (70' ROW width) (FM 504), being also the north boundary line of said 4369.319 acre tract, for the northwest corner heretof;

THENCE South 89° 38' 59" East along the north boundary line of said 4369.319 acre tract, being also the south right-of-way line of said FM 504, a distance of 50.00 feet to a 1/2 inch iron rod set in the common line of said Survey No. 2596 and the A. Hoelscher Survey No. 1261, Abstract No. 301, at the most northerly northeast corner of said 4369.319 acre tract, being also the northwest corner of said 1212.285 acre tract, for the northeast corner heretof;

THENCE South 00° 19' 57" East, along the common line of said Survey No. 2596 and said Survey No. 1261, being also the easterly boundary line of said 4369.319 acre tract and the west boundary line of said 1212.285 acre tract, a distance of 2745.96 feet 1/2 inch iron rod found with a plastic cap marked "WATSON 5740" at the southwest corner of said Survey No. 1261 and the northwest corner of A. Hoelscher Survey No. 1260, Abstract No. 301. Being also at the northeast corner of said 166.256 acre tract and a corner in the easterly line of said 4369.319 acre tract, for a corner heretof;

THENCE South 00° 13' 32" East with the common line of said Survey No. 2596 and said Survey No. 1260, being also the east boundary line of said 166.256 acre tract and the west boundary line of said 1212.285 acre tract, a distance of 2875.34 feet to a 14 inch cedar fence corner post found for the southeast corner of said Survey No. 2596, the southwest corner of said Survey No. 1260, the northwest corner of said Survey No. 61, and the northeast corner of said Survey No. 1259, also being the southeast corner of said 166.256 acre tract, and a corner in the easterly line of said 4369.319 acre tract, for a corner heretof;

THENCE South 00° 11' 05" East with the common line of said Survey No. 61, said Survey No. 1259 and said Survey No. 1258, also being the easterly line of said 4369.319 acre tract and the west line of said 1212.285 acre tract a distance of 5484.73 feet to the POINT OF BEGINNING.

Being the same easement as described in an Access and Utility Easement from Bentley Castle Company, LLC to Michael Mund and Elaine Mund dated October 15, 2008, recorded in Volume 382, page 762, Official Public Records, McCulloch County, Texas.

TRANSMISSION FACILITIES EASEMENT AGREEMENT

Antelope
12/06/09, 1

A-1

WIND ENERGY GROUND LEASE
12/06/09, 1

EXHIBIT "A"

WILLEMS, PATTIE

TAB 10

Description of all property not eligible to become qualified property (if applicable)

Existing Improvements total \$287,670. See Attached CAD Records.

Please note the improvements referenced herein are not owned by the Applicant and will not be subject to limitation.

Property ID: 26325

Owner: TERRA DE LECHE Y NIEL LTD

Property ID:
26325

Account Number:
00000-05677-00000-000000

Property Legal Description:
S10 125REIDEL

Deed Information:
Volume: 413
Page: 287
File Number: 40346
Deed Date: 7/5/2011

Property Location:

Block: 1259

Survey / Sub Division Abstract:
REIDEL
S10

Section / Lot:

Owner Information:
TERRA DE LECHE Y NIEL LTD

Property Detail:
Property Exempt:
Category / SPTB Code: D1
Total Acres: 355.418
Total Living Sqft: See Detail
Owner Interest: 1.000000
Homestead Exemption:
Homestead Cap Value: 0
Land Ag / Timber Value: 22,750
Land Market Value: 450,830
Improvement Value: 3,000
Property Market Value: 450,830

Previous Owner:
MUND MICHAEL & ELAINE

Jur Code	Jur Name	Total Market	Homestead	Total Exemption	Taxable
011S	MCULLOCH COUNTY I&S	450,830	0	0	25,750
01	MCULLOCH COUNTY	450,830	0	0	25,750
01A	COUNTY SPECIAL	450,830	0	0	25,750
31	LOHN ISO	450,830	0	0	25,750
31A	LOHN ISO I&S	450,830	0	0	25,750
60	HOSPITAL DIST	450,830	0	0	25,750

Property ID: 26325

Owner: TIERRA DE LECHE Y MIEL LTD

Building Detail

Sequence	Type	Class	Year Built	Homestead Value	Condition	Percent Good	Square Feet	Replacement Value	Total Value
1	BRND1	WES	1950	NO	GOOD	60%	264	1,930	1,160
2	SHD1	WES	1950	NO	GOOD	60%	220	560	340
3	BRND1	WES	1950	NO	GOOD	60%	264	1,930	1,160
4	SHD1	WES	1950	NO	GOOD	60%	220	560	340

Total Building Value: \$ 3,000

Property ID: 26325

Owner: TIERRA DE LECHE Y MIEL LTD

Land Detail

Land Sequence 1	
Acres: 355.418	Market Class: RNP1
Land Method: AC	Ag/Timber Class: ANP1
Land Homesteadable: NO	Land Type: WDLF
Front Foot: N/A	Rear Foot: N/A
Front Ft Avg: N/A	Lot Depth: N/A
Land Note:	Land Square Ft: N/A

Total Land Value: \$ 447,830

Property ID: 26325 Owner: TIERRA DE LECHE Y MIEL LTD

Previous Owner Information

Parcel ID	Seller	Buyer	Volume	Page	File Number	Deed Date
26325	LA TIERRA DE LA LECHE Y MIEL LLC	TIERRA DE LECHE Y MIEL LTD	413	305	40348	7/5/2011
26325	MUNO MICHAEL K & ELAINE C	LA TIERRA DE LA LECHE Y MIEL LLC	413	296	40347	7/5/2011
26325	MUNO MICHAEL & ELAINE	TIERRA DE LECHE Y MIEL LTD	413	287	40346	7/5/2011
26325	BEAKLEY CATTLE COMPANY LLC	MUNO MICHAEL & ELAINE	362	764	033664	10/15/2008
26325	PUETT NELSON	BEAKLEY CATTLE COMPANY LLC	365	252	030003	1/29/2007
26325	NELSON PUETT	NELSON PUETT	0	0		1/1/1900
26325	NELSON PUETT	PUETT NELSON	0	0		1/1/1900

Property ID: 28339

Owner: BRADSHAW MARZELLE HELEN

Property ID: 28339
Account Number: 00000-07442-00000-000000

Property Legal Description: 1209 12635TOLDIE R

Deed Information:
Volume: 431
Page: 741
File Number: 44274
Deed Date: 3/11/2015

Property Location:

Block: 1263

Survey / Sub Division Abstract: STOLTJE R

Section / Lot:

1209

Owner Information: BRADSHAW MARZELLE HELEN

Property Detail:
Property Exempt: D1
Category / SPTB Code: D1
Total Acres: 176.600
Total Living Sqft: See Detail
Owner Interest: 1.000000
Homestead Exemption: 0
Homestead Cap Value: 12,350
Land Ag / Timber Value: 285,990
Land Market Value: 43,570
Improvement Value: 329,660
Property Market Value: 329,660

Jur Code	Jur Name	Total Market	Homestead	Total Exemption	Taxable
01IS	MCCULLOCH COUNTY I&S	329,660	0	0	55,930
01	MCCULLOCH COUNTY	329,660	0	0	55,930
01A	COUNTY SPECIAL	329,660	0	0	55,930
31	LOHN ISD	329,660	0	0	55,930
31A	LOHN ISD I&S	329,660	0	0	55,930
60	HOSPITAL DIST	329,660	0	0	55,930

Property ID: 28339

Owner: BRADSHAW MARZELLE HELEN

Building Detail

Sequence	Type	Class	Year Built	Homestead Value	Condition	Percent Good	Square Feet	Replacement Value	Total Value
1	RS	HM	1980	NO	GOOD	80%	720	51,830	41,460
2	CRPT	CPB	1980	NO	GOOD	80%	480	2,640	2,110

Total Building Value: \$ 43,570

Property ID: 28339

Owner: BRADSHAW MARZELLE HELEN

Land Detail

Land Sequence 1	
Acres: 176.6	Market Value: 286,090
Land Method: AC	Ag/Timber Value: 12,360
Land Homesteadable: NO	Ag Code: 1D1
Front Foot: N/A	Lot Depth: N/A
Front Ft. Avg: N/A	Land Square Ft: N/A
Lot Depth %: N/A	
Land Note:	

Total Land Value: \$ 286,090

Property ID: 28339

Owner: BRADSHAW MARZELLE HELEN

Previous Owner Information

Parcel ID	Seller	Buyer	Volume	Page	File Number	Deed Date
28339	BRADSHAW RALPH RANKIN	BRADSHAW MARZELLE HELEN	431	741	44274	3/11/2015
28339	BATTLESNAKE POWER LLC	BRADSHAW RALPH RANKIN	416	326	41003	3/7/2013
28339	BRADSHAW MARZELLE	BRADSHAW R R MARITAL TRUST	338	862		1/12/2004
28339		BRADSHAW R R	0	0		8/22/1987

Property ID: 29745

Owner: SALT GAP LP

Property ID: 29745
Account Number: 00000-08683-00000-000000

Property Legal Description: 1667 42HENTON B
Deed Information:
Volume: 322
Page: 290
File Number:
Deed Date: 1/14/2002

Property Location:
Block: 42
Section / Lot:

Survey / Sub Division Abstract: HENTON B
1667

Owner Information: SALT GAP LP

Property Detail:
Property Exempt: DL
Category / SPTB Code: 531.110
Total Acres: 531.110
Total Living Sqft: See Deed
Owner Interest: 1.000000

Homestead Exemption: 0
Homestead Cap Value: 508,740
Land Ag / Timber Value: 54,430
Land Market Value: 508,740
Improvement Value: 16,840
Property Market Value: 525,580

Jur Code	Jur Name	Total Market	Homestead	Total Exemption	Taxable
0115	MCCULLOCH COUNTY I&S	\$25,280	0	0	71,270
01	MCCULLOCH COUNTY	\$25,280	0	0	71,270
01A	COUNTY SPECIAL	\$25,280	0	0	71,270
31	LOHN ISD	\$25,280	0	0	71,270
31A	LOHN ISD I&S	\$25,280	0	0	71,270
50	HOSPITAL DIST	\$25,280	0	0	71,270

Property ID: 29745

Owner: SALT GAP LP

Building Detail

Sequence	Type	Class	Year Built	HomeSite Value	Condition	Percent Good	Square Feet	Replacement Value	Total Value
1	BRND1	WES	1950	NO	POOR	20%	1,410	10,540	2,110
2	BRND1	WES	1950	NO	POOR	20%	10,064	73,670	14,730

Total Building Value: \$ 15,840

Property ID: 29745

Owner: SALT GAP LP

Land Detail

Land Sequence 1	
Acres: 196	Market Value: 282,240
Land Method: AC	Ag/Timber Value: 12,540
Land Homesteadable: NO	Ag Code: 1D1
Front Foot: N/A	Lot Depth: N/A
Front Ft Avg: N/A	Land Square Ft: N/A
Land Note:	
Land Sequence 2	
Acres: 335.11	Market Value: 226,200
Land Method: AC	Ag/Timber Value: 41,890
Land Homesteadable: NO	Ag Code: 1D1
Front Foot: N/A	Lot Depth: N/A
Front Ft Avg: N/A	Land Square Ft: N/A
Land Note:	

Total Land Value: \$ 508,440

Property ID: 29745 Owner: SALT GAP LP

Previous Owner Information

Parcel ID	Seller	Buyer	Volume	Page	File Number	Deed Date
29745	STILLWELL GARY	HAMLIN JOHN S	332	250		1/14/2002
29745	ROOTS RILLA JEAN &	STILLWELL GARY	314	807		1/1/2001
29745	WHITE J E JR	ROOTS RILLA JEAN &	0	0		9/16/1999
29745	WHITE J E JR	WHITE J E JR	0	0		1/1/1900
29745	WHITE J E JR	WHITE J E JR	0	0		8/16/1995

Property ID: 26674

Owner: PATTON CHARLES B &

Property ID: 26674
Account Number: 00000-05994-00000-000000
Deed Information:
Volume: 0
Page: 0
File Number:
Deed Date: 4/19/1990

Property Location: 1755 CR 152
Block: 81
Section / Lot:

Survey / Sub Division Abstract: H AND TC RR CO 645

Owner Information:
PATTON CHARLES B &
ALICE K PATTON
1755 CR 152
P O BOX 46
BRADY TX 76825
Previous Owner: PATTON CHARLES B
Property Detail:
Property Exempt: E2
Category / SPTB Code: E2
Total Acres: 1.000
Total Living Sqft: See Detail
Owner Interest: 1.000000
Homestead Exemption: OVER 65
Homestead Cap Value: 0
Land Ag / Timber Value: 0
Land Market Value: 15,000
Improvement Value: 30,270
Property Market Value: 30,270

Jur Code	Jur Name	Total Market	Homestead	Total Exemption	Taxable
01S	MCULLOCH COUNTY I&S	32,070	OVER 65	15,000	17,070
01	MCULLOCH COUNTY	32,070	OVER 65	15,000	17,070
01A	COUNTY SPECIAL	32,070	OVER 65	15,000	17,070
31	LOHN ISO	32,070	OVER 65	25,000	7,070
31A	LOHN ISO I&S	32,070	OVER 65	25,000	7,070
50	HICKORY WATER	32,070	OVER 65	0	32,070
60	HOSPITAL DIST	32,070	OVER 65	15,000	17,070

Property ID: 26674 Owner: PATTON CHARLES B &

Building Detail

Sequence	Type	Class	Year Built	Homesite Value	Condition	Percent Good	Square Feet	Replacement Value	Total Value
1	MH	PH1	1970	YES	MF	20%	1,064	30,130	6,030
2	SLAB OP	RS1	1970	YES	MF	20%	200	890	180
3	RS	1F	1990	YES	MF	48%	572	29,560	14,180
4	RS	1F	1990	YES	MF	48%	300	15,560	7,440
5	STG1	WES	1990	YES	POOR	63%	200	1,490	940
6	STG1	WES	1990	YES	POOR	63%	80	600	380
7	BRVD1	WES	1990	YES	POOR	63%	240	1,760	1,110

Total Building Value: \$ 30,270

Property ID: 26674 Owner: PATTON CHARLES B &

Land Detail

Land Sequence 1	
Acres: 1	Market Class: RNP1
Land Method: AC	Ag/Timber Class: ANP1
Land Homesteadable: YES	Land Type: NATP
Front Foot: N/A	Rear Foot: N/A
Front Ft Avg: N/A	Lot Depth %: N/A
Land Note:	Lot Depth: N/A
	Land Square Ft: N/A

Total Land Value: \$ 1,800

Property ID: 26674 Owner: PATTON CHARLES B &

Previous Owner Information

Parcel ID	Seller	Buyer	Volume	Page	File Number	Deed Date
26674	FULLAGAR W J & NITA MARGARET	PATTON CHARLES B	245	730		3/14/1990
26674	PATTON CHARLES B	PATTON CHARLES B &	0	0		4/19/1990

Property ID: 26672

Owner: FULLAGAR MICHAEL L & DONIENE

Property ID: 26672
Account Number: 00000-05992-00000-000000

Property Legal Description: 645 81H AND TC RR CO
Deed Information:
Volume: 352
Page: 653
File Number:
Deed Date: 7/12/2005

Property Location:
Block: 81
Section / Lot:

Survey / Sub Division Abstract: H AND TC RR CO 645

Owner Information: FULLAGAR MICHAEL L & DONIENE
Property Exempt: E1
Category / SPTB Code: 1.000
Total Acres: 1.000
Total Living Sqft: See Detail
Owner Interest: 1.000000
Homestead Exemption: HOMESTEAD
Homestead Cap Value: 0
Land Ag / Timber Value: 0
Land Market Value: 3,150
Improvement Value: 193,990
Property Market Value: 197,140

Jur Code	Jur Name	Total Market	Homestead	Total Exemption	Taxable
01IS	MCCULLOCH COUNTY IS	197,140	HOMESTEAD	5,000	138,330
01	MCCULLOCH COUNTY	197,140	HOMESTEAD	5,000	138,330
01A	COUNTY SPECIAL	197,140	HOMESTEAD	5,000	138,330
31	LOHN ISD	197,140	HOMESTEAD	15,000	128,330
31A	LOHN ISD IS	197,140	HOMESTEAD	15,000	128,330
50	HICKORY WATER	197,140	HOMESTEAD	0	143,330
60	HOSPITAL DIST	197,140	HOMESTEAD	5,000	138,330

Property ID: 26672 Owner: FULLAGAR MICHAEL L & DOMIENE

Building Detail

Sequence	Type	Class	Year Built	Homesite Value	Condition	Percent Good	Square Feet	Replacement Value	Total Value
1	RS	2M	1978	YES	AVG	70%	1,400	55,510	67,140
2	CP	RS2	1978	YES	AVG	70%	480	5,310	4,140
3	CRPT	CPB	2000	YES	GOOD	95%	400	2,600	2,050
4	STG2	WES	1980	YES	AVG	72%	289	2,680	2,150
5	RS	2F	2004	YES	EXC	96%	1,008	55,270	53,050
6	RS	1F	1985	YES	GOOD	67%	896	44,120	29,600
7	CP	RS1	2004	YES	GOOD	94%	780	8,660	8,120
8	CRPT	CPA	2005	YES	AVG	95%	936	3,280	3,110
9	STR2	2	2004	YES	EXC	96%	360	22,020	21,140
10	STG1	WES	2005	YES	GOOD	95%	32	240	230
11	SHD1	WES	2005	YES	GOOD	95%	48	120	120
12	STG2	WES	1980	YES	AVG	72%	320	3,310	2,390
13	STG2	WES	1940	YES	FAIR	20%	160	1,660	330
14	SHD1	WES	1940	YES	FAIR	20%	128	330	70
15	STG2	WES	1940	YES	FAIR	20%	128	1,330	270
16	SHD1	WES	1940	YES	FAIR	20%	128	330	70

Total Building Value: \$ 193,990

Property ID: 26672 Owner: FULLAGAR MICHAEL L & DOMIENE

Land Detail

Land Sequence 1	
Acres: 1	Market Class: RNP1
Land Method: AC	Ag/Timber Class: ANP1
Land Homesteadable: YES	Land Type: NATP
Front Foot: N/A	Rear Foot: N/A
Front Ft. Avg: N/A	Lot Depth %: N/A
Land Note:	Market Value: 3,150
	Ag/Timber Value: 60
	Ag Code:
	Lot Depth: N/A
	Land Square Ft: N/A

Total Land Value: \$ 3,150

Property ID: 26672 Owner: FULLAGAR MICHAEL L & DONIENE

Previous Owner Information

Parcel ID	Seller	Buyer	Volume	Page	File Number	Deed Date
26672	FULLAGAR GWEN	FULLAGAR MICHAEL L & DONIENE	352	653		7/12/2005
26672		FULLAGAR STERLING	0	0		8/25/1997

EXHIBIT 2

DESCRIPTION AND LOCATION OF LAND

The Land on which the Qualified Property shall be located and on which the Qualified Investment shall be made is described by the map attached to **Exhibit 1**.

EXHIBIT 3

APPLICANT'S QUALIFIED INVESTMENT

All Qualified Investment owned by the Applicant, as more fully described in Tab 7 of the Application, located within the boundaries of both the Lohn Independent School District and the reinvestment zone first placed in service after November 21, 2016 will be included in and subject to this Agreement. Specifically, all Qualified Investment of the Applicant located in the sections of land identified in **EXHIBIT 2** and within the project boundaries indicated on the map attached as the last page of **EXHIBIT 4**.

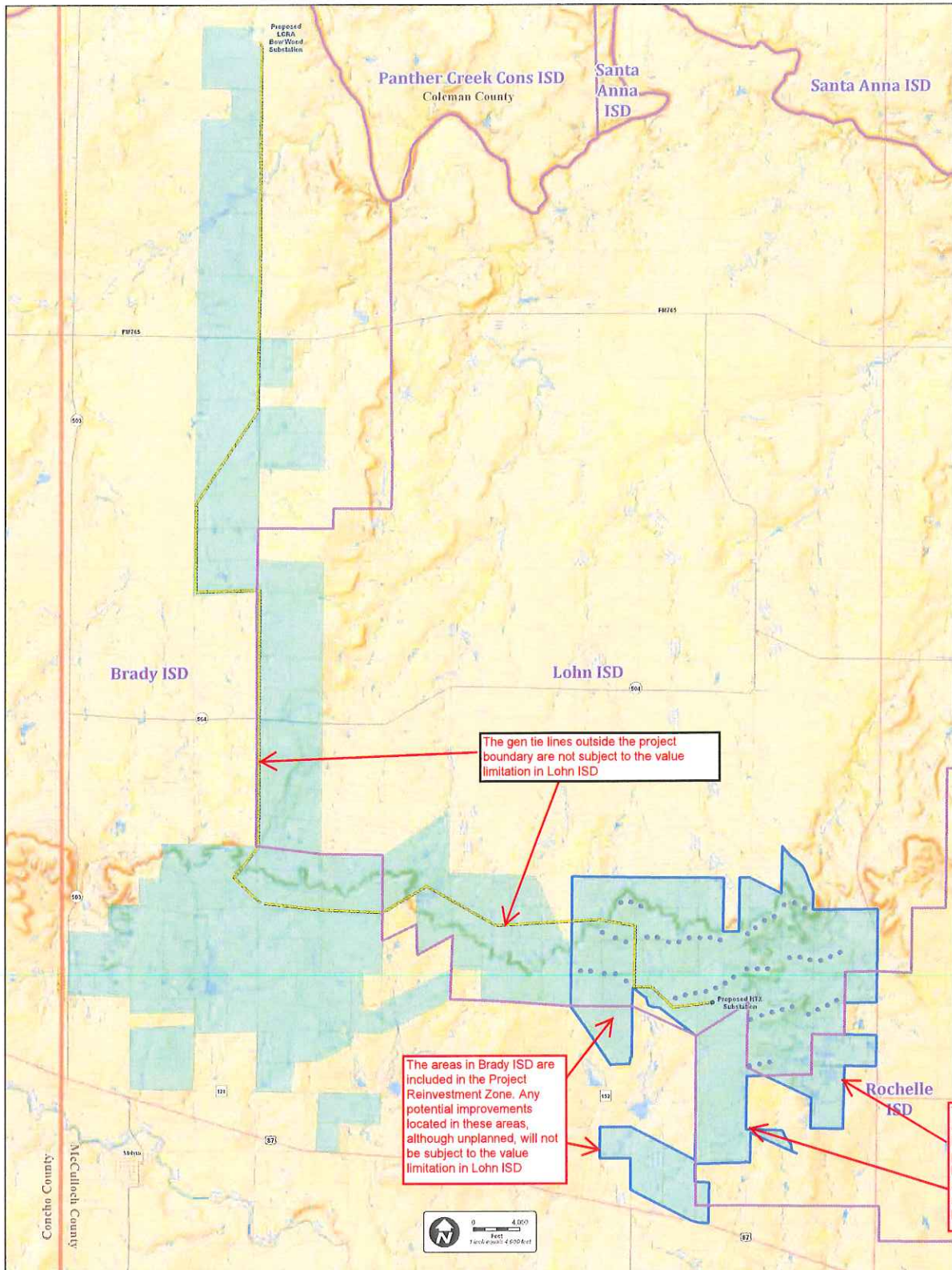
EXHIBIT 4

DESCRIPTION AND LOCATION OF QUALIFIED PROPERTY

This Agreement covers all qualified property within Lohn ISD necessary for the commercial operations of the wind energy generation facility described in Tab 4 of the Application. Furthermore, all Qualified Property will be located within the project boundaries indicated on the map attached on the last page of this **EXHIBIT 4**.

The proposed project will include, but is not limited to, the following:

- 150 MW-AC in size – with 135MW in Lohn ISD
- 60 Wind Turbines – with 54 in Lohn ISD
- Underground Medium and high-voltage electric cabling;
- Project substation which will include a high-voltage transformer, switchgear, transmission equipment, telecommunications and SCADA equipment, among other things;
- High-voltage transmission line connecting the project to the grid (gen tie);
- Operations and maintenance (O&M) building including telecommunications and computing equipment, among other things;
- Meteorological equipment to measure weather conditions and wind speeds; and Associated equipment to safely operate, maintain and deliver electricity to the grid.
- NOTE - The map in TAB 11 of the Application shows the proposed project area with the preliminary turbine substation and transmission line locations. The exact placement of these panels and inverters is subject to ongoing planning, soil studies, and engineering and will be determined before construction begins.



Heart of Texas Wind Project McCulloch County, Texas

- Heart of Texas Project Boundary
- Current McCulloch County
- Wind Project Reinvestment Zone
- Independent School District Boundary
- County Boundary
- Turbines
- Substation
- Proposed Overhead Transmission

Confidential, Preliminary and Subject to Change

Renewable Energy Systems
RES AMERICAS
 11101 W. 120th Ave., Suite 400
 Brownsville, TX 77801
 Phone: (361) 420-4200
 Fax: (361) 420-4200

This drawing is the property of
 RES America Developments Inc.
 and no reproduction may be made in
 whole or in part without permission.
 GOODPASTER ENGINEERING, INC. 11101 W. 120th Ave., Suite 400
 BROWNVILLE, TX 77801
 PHONE: (361) 420-4200
 FAX: (361) 420-4200



Attachment H

Consultant Verification Letter



LYNN M. MOAK, PARTNER

DANIEL T. CASEY, PARTNER

October 12, 2016

President and Members
Board of Trustees
Lohn Independent School District
1112 FM 504
PO Box 227
Lohn, Texas 76852

Re: Recommendations and Findings of the firm Concerning Application of Heart of Texas Wind LLC for Limitation on Appraised Value of Property for School District Maintenance and Operations Taxes

Dear President and Members of the Board of Trustees:

Please accept this letter as formal notification of the completion of due diligence research on behalf of the Lohn Independent School District, with respect to the pending Application of Heart of Texas Wind LLC for Limitation on Appraised Value of Property for School District Maintenance and Operations Taxes. Since our engagement on behalf of the District, we have been actively engaged in reviewing the pending Application and verifying its contents. Based upon our review, we have drawn the following conclusions:

1. All statements of current fact contained in the Application are true and correct.
2. The project proposed in the Application meets all applicable eligibility criteria of Chapter 313 of the Texas Tax Code.
3. The Applicant has the current means and ability to complete the proposed project.
4. All applicable school finance implications arising from the contemplated Agreement have been explored.
5. The proposed Agreement contains adequate revenue protection provisions to protect the interests of the District over the course of the Agreement.

As a result of the foregoing it is our recommendation that the Board of Trustees approve the Application of Heart of Texas Wind LLC for a Limitation on Appraised Value of Property for School District Maintenance and Operations Taxes.

Sincerely,

Daniel T. Casey

www.moakcasey.com

Phone 512-485-7878

400 W. 15th Street★Suite 1410★Austin, TX 78701-1648

Fax 512-485-7888

O'HANLON, MCCOLLOM & DEMERATH

ATTORNEYS AND COUNSELORS AT LAW

808 WEST AVENUE

AUSTIN, TEXAS 78701

TELEPHONE: (512) 494-9949

FACSIMILE: (512) 494-9919

KEVIN O'HANLON

CERTIFIED, CIVIL APPELLATE

CERTIFIED, CIVIL TRIAL

LESLIE MCCOLLOM

CERTIFIED, CIVIL APPELLATE

CERTIFIED, LABOR AND EMPLOYMENT

TEXAS BOARD OF LEGAL SPECIALIZATION

JUSTIN DEMERATH

October 12, 2016

President and Members
Of the Board of Trustees
Lohn Independent School District
1112 FM 504
PO Box 227
Lohn, Texas 76852

*Re: Recommendations and Findings of the Firm Concerning Application of Heart of
Texas Wind LLC for Limitation on Appraised Value of Property for School District
Maintenance and Operations Taxes*

Dear President and Members of the Board of Trustees:

Please accept this letter as formal notification of the completion of due diligence research on behalf of the Lohn Independent School District, with respect to the pending Application of Heart of Texas Wind LLC for a Limitation on Appraised Value of Property for School District Maintenance and Operations Taxes. Since our engagement on behalf of the District, we have been actively engaged in reviewing the pending Application and verifying its contents. We have also negotiated an Agreement between the District and Heart of Texas Wind LLC. Based upon our review we have drawn the following conclusions:

1. All statements of current fact contained in the Application are true and correct.
2. The project proposed in the Application meets all applicable eligibility criteria of Chapter 313 of the Texas Tax Code.
3. The Applicant has the current means and ability to complete the proposed project.

4. All applicable school finance implications arising from the contemplated Agreement have been explored.
5. The proposed Agreement contains adequate legal provisions so as to protect the interests of the District.

As a result of the foregoing conclusions it is our recommendation that the Board of Trustees approve the Application of Heart of Texas Wind LLC for Limitation on Appraised Value of Property for School District Maintenance and Operations Taxes.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin O'Hanlon', with a stylized flourish at the end.

Kevin O'Hanlon
For the Firm

Attachment I

Agreement Review Letter



GLENN HEGAR TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

P.O. Box 13828 • Austin, TX 78711-3828

October 12, 2016

Leon Freeman
Superintendent
Lohn Independent School District
P.O. Box 277
Lohn, Texas 76852

Re: Agreement for Limitation on Appraised Value of Property for School District
Maintenance and Operations Taxes by and between Lohn Independent
School District and Heart of Texas Wind, LLC, Application #1129

Dear Superintendent Freeman:

This office has been provided with the "Agreement for Limitation on Appraised Value of Property for School District Maintenance and Operations Taxes" by and between Lohn Independent School District and Heart of Texas Wind, LLC (the "Agreement"). As requested, the Agreement has been reviewed pursuant to 34 TAC 9.1055(e)(1).

Based on our review, this office concludes that it complies with the provisions of Tax Code, Chapter 313 and 34 TAC Chapter 9, Subchapter F.

Should you have any questions, please contact Deisy Perez with our office. She can be reached by email at deisy.perez@cpa.texas.gov or by phone at 1-800-531-5441, ext. 5-2410, or at 512-475-2410.

Sincerely,

Will Counihan
Director
Data Analysis & Transparency Division

cc: Dan Casey, Moak Casey & Associates
Brian Evans, RES America Developments, Inc.
Danny Splettstosser, RES America Developments, Inc.
Sam Gregson, Cummings Westlake LLC

Attachment J

Conflict Of Interest Disclosure

Conflicts of Interest Disclosure Procedure

In its recent audits of Chapter 313 Agreements, The Texas State Auditor's Office has required documentation of inquiries concerning Board Member conflicts of interest at critical junctions in the Chapter 313 approval process. A local public official or a person related to a local public official in the first degree by either affinity or consanguinity has a substantial interest in a business entity or in real property, the local public official, before a vote or decision on any matter involving the business entity or the real property, is required to file an affidavit with an official Board record keeper stating the nature and extent of the interest and shall abstain from further participation in the matter if:

1. In the case of a substantial interest in a business entity, the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or
2. In the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.
3. A person has a substantial interest in a business entity if:
The person owns at least:
 - a. Ten percent of the voting stock or shares of the business entity, or
 - b. Either ten percent or \$15,000 of the fair market value of the business entity; or
 - c. Funds received by the person from the business entity exceed ten percent of the person's gross income for the previous year.
4. In the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

The Board may contract with a business entity in which a Trustee has a substantial interest if the Trustee follows the disclosure and abstention procedure set out above.

Does any Board Member have a conflict of interest as defined above?

If so, has the required Affidavit, set forth at District Policy BBFA (Exhibit) been filed?

Please have the answers to the foregoing 2 questions and a copy of this Procedure included in the minutes of this meeting.