

**IN THE COMMISSIONERS COURT
OF
TYLER COUNTY, TEXAS**

STATE OF TEXAS §
 § KNOW ALL BY THESE PRESENTS
COUNTY OF TYLER §

WHEREAS Countywide subdivision regulations were first adopted by this Court on July 21, 2021;

WHEREAS East Texas Live Oak Investments, LLC (“the Developer”) has proved by sworn testimony to the satisfaction of the Court that it created its subdivision prior to the effective date of those regulations and thus was exempt per Section 1.9 (a);

WHEREAS a planned resurvey of the lots was made shortly after adoption which modified that subdivision internally and would ordinarily be subject to Section 1.9 (b);

WHEREAS no lots were yet sold, and the resurvey did not result in setting out any streets, alleys, squares, parks, or other parts intended for public use or for the purchasers of the lots and each property had frontage and access to existing county roads

WHEREAS the Developer has made a request for a discretionary exemption from the Court per Section 1.2(a) of the regulations and the Court agrees that the exemption may be granted as the original subdivision was otherwise exempt;

THEREFORE, the undersigned Commissioners accept the facts as sworn and presented and grants a one-time discretionary exception per Section 1.2(a) for the property described on Exhibit A of the Developer’s affidavit and made part of the minutes of the Court.

DATE: This ____ day of _____, 2022

County Judge

Commissioner, Precinct #1

Commissioner, Precinct #2

Commissioner, Precinct #3

Commissioner, Precinct #4

ATTEST:

County Clerk, Tyler County, Texas

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

AFFIDAVIT OF FACTS

STATE OF TEXAS §

COUNTY OF TYLER §

Before me, the undersigned notary, on this day personally appeared Nathan Spillman, the affiant, whose identity is known to me. After I administered an oath, affiant testified as follows:

“My name is Nathan Spillman. I am the Manager of ETX Live Oak Investments, LLC. This affidavit concerns that certain property comprised of 206.54 acres lying in the John B. Moser Survey, A-450, the St. John Clair Survey A-619, and International And Great Northern Railroad Company Survey, A-719, in Tyler County Texas, more particularly described on Exhibit “A” attached hereto. (“the Property”)

1. The predecessor entity to ETX Live Oak Investments, LLC was Addison Capital, LLC. Addison Capital LLC entered into a contract for the purchase the Property on June 9, 2021.
2. Addison Capital, LLC is an entity that is owned and controlled by Christopher Boone, who is also an owner and Manager of ETX Live Oak Investments, LLC.
3. Discussions about the development of the property in questions began as before April 8, 2021, when the tract in question along with other tracts were under contract with Addison Capital, LLC, and associated entities.
4. Fitz & Shipman, Inc., civil engineers of Beaumont, Texas were retained to examine the property and survey several tracts of land prior to sale. The preliminary surveys and plats were completed on or about July 7, 2021 based upon discussions and a title commitment of April 30, 2021.
5. Tyler County adopted its original countywide subdivision regulations on July 20, 2021. No application process was immediately established.
6. In October of 2021, prior to any lot sales part of the original subdivision were resurveyed. Neither surveyor or developer were aware of the adoption of the subdivision regulations at the time, or a need apply for permission to replat.

7. The resurvey of this property did not set out any streets, alleys, squares, parks or other parts intended for public use or for the purchasers of the lots,
8. Each property has frontage and access to existing county roads.

Further affiant sayeth not.

Nathan Spillman

SUBSCRIBED AND SWORN TO before me on November __, 2022 by Nathan Spillman.

Notary Public, State of Texas