

## **ACKNOWLEDGMENT AND CONSENT**

This Acknowledgment and Consent (this "**Acknowledgment**") is executed between the CITY OF MESQUITE, TEXAS (the "**City**"), COMMUNITYBANK OF TEXAS, N.A. (the "**Bank**") and VANSTON PARK INVESTMENTS, LP (the "**Developer**").

WHEREAS, the City, the Bank and the Developer entered into that certain Subordination Agreement dated as of September 12, 2014 in connection with the development of that certain 155 unit housing project with related commercial space located at 4520 Gus Thomasson Road, Mesquite, Texas (the "**Subordination Agreement**"); and

WHEREAS, capitalized terms used herein without definition shall have the meanings assigned to each of them in the Subordination Agreement; and

WHEREAS, the Developer has requested that the Bank advance the additional sum of \$1,900,000.00 (the "**Additional Advance**") to the Developer under the Bank Loan; and

WHEREAS, the increase in the Bank Loan by the Additional Advance requires the consent of the City and accordingly, the Developer and the Bank have requested the City consent to the Additional Advance.

NOW, THEREFORE, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the City, the Bank and the Developer agree as follows:

1. The Bank and the Developer represent to the City that: (i) the unpaid principal balance of the Bank Loan as of the Effective Date (as hereinafter defined) is \$6,593,079.46; (ii) the October payment on the Bank Loan in the amount of \$9,866.96 (the "**October Bank Loan Payment**") will be paid prior to the advance of the Additional Advance; and (iii) after the payment of the October Bank Loan Payment and the advance of the Additional Advance, the unpaid principal balance of the Bank Loan will be \$8,483,212.50.

2. The City consents to the increase in the Bank Loan by the Additional Advance and acknowledges that the original Bank Loan, as increased by the Additional Advance, shall be the Bank Loan under and for purposes of the Subordination Agreement.

3. The Developer agrees to comply with Texas Government Code, Section 2252.908 and in connection therewith, the Developer agrees to go online with the Texas Ethics Commission to complete a Form 1295 Certificate and further agrees to print the completed certificate and execute the completed certificate in such form as is required by Texas Government Code, Section 2252.908 and the rules of the Texas Ethics Commission and provide to the City, at the time of delivery of an executed counterpart

of this Agreement, a duly executed completed Form 1295 Certificate. The Bank is a publicly traded business entity and accordingly is exempt from the Form 1295 filing requirement.

4. This Acknowledgement may be executed in any number of original or electronically scanned counterparts, each of which shall be considered an original and all of which shall be considered one and the same instrument.

5. This Acknowledgment shall be effective as of September 28, 2020 (the **"Effective Date"**).

CITY OF MESQUITE, TEXAS

By: \_\_\_\_\_  
Name: Cliff Keheley  
Title: City Manager

Executed the \_\_\_\_ day of \_\_\_\_\_ 2020

STATE OF TEXAS       §  
                                  §  
COUNTY OF DALLAS   §

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_ 2020, by Cliff Keheley, City Manager of the CITY OF MESQUITE, TEXAS, a Texas home rule municipality, on behalf of said home rule municipality.

\_\_\_\_\_  
Notary Public, State of Texas

[SEAL]

COMMUNITYBANK OF TEXAS, N.A., a  
national banking association

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Executed the \_\_\_\_ day of \_\_\_\_\_ 2020

STATE OF TEXAS       §  
                                  §  
COUNTY OF HARRIS   §

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by \_\_\_\_\_, \_\_\_\_\_ of COMMUNITYBANK OF TEXAS, N.A., a national banking association, on behalf of said national banking association.

\_\_\_\_\_  
Notary Public, State of Texas

[SEAL]

VANSTON PARK INVESTMENTS, LP, a  
Texas limited partnership

By: Vanston Villas Development, LLC,  
a Texas limited liability company,  
Its general partner

By \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Executed the \_\_\_\_ day of \_\_\_\_\_ 2020

STATE OF TEXAS       §  
                                  §  
COUNTY OF DALLAS   §

BEFORE ME, the undersigned authority, on the \_\_\_\_ day of \_\_\_\_\_, 2020,  
personally appeared \_\_\_\_\_, \_\_\_\_\_ of VANSTON VILLAS  
DEVELOPMENT, LLC, a Texas limited liability company, the General Partner of  
VANSTON PARK INVESTMENTS, LP, a Texas limited partnership, known to me to be  
the person and officer whose name is subscribed to the foregoing instrument, and  
acknowledged to me that he executed the same for the purposes and consideration  
therein expressed, and as the act and deed of said limited liability company as general  
partner of said limited partnership, and in the capacity therein stated.

\_\_\_\_\_  
Notary Public, State of Texas

[SEAL]