



I-2025-004847 Book 2773 Pg 787  
06/17/2025 2:29pm Pg 0787-0790  
Fee: \$65.00 Doc: \$0.00  
Hope Trammell - Pittsburg County Clerk  
State of OK *HT*

### MEMORANDUM OF PURCHASE AND SALE AGREEMENT

This MEMORANDUM OF PURCHASE AND SALE AGREEMENT (this "Memorandum") is dated and made as of March 24, 2025, by and between **Black Mountain Energy Storage II, LLC**, a Texas limited liability company or its assigns ("Purchaser"), and **The Robert Weaver and Deborah Weaver Revocable Trust** ("Seller").

#### WHEREAS:

- A. Seller and Purchaser did enter into that certain Purchase and Sale Agreement of even date herewith (the "Agreement"), which affects certain real property located in Pittsburg County, State of Oklahoma, as more particularly described in Exhibit A attached hereto (the "Land"). Capitalized terms used and not defined herein have the meaning given the same in the Agreement.
- B. The Effective Date of the Agreement is March 24, 2025. Purchaser has the right to terminate the Agreement within two (2) years after the Effective Date (the "Feasibility Option Period"). If Purchaser does not terminate the Agreement on or before the end of the Feasibility Option Period, as it may be extended, the Closing shall occur within 30 days after the last day of the Feasibility Option Period.
- C. Prior to the Closing, Seller is prohibited from granting any rights, leases, easements, options, or liens against the Property without the written consent of Purchaser.
- D. Seller and Purchaser desire to enter into this Memorandum which is to be recorded in order that third parties may have notice of the interests of Purchaser in the Property and of the existence of the Agreement.
- E. This Memorandum may be executed in any number of counterparts, each of which when executed and delivered shall be an original, and each such counterpart shall, when combined with all other such counterparts, constitute one agreement binding on the parties hereto.

[Remainder of page intentionally left blank; signature pages follow.]

Chicago Title Oklahoma  
210 Park Ave, Ste 210  
Oklahoma Tower  
Oklahoma City, OK 73102  
File #: 710702500296

IN WITNESS WHEREOF, the parties have executed this Memorandum as of the date set forth above.

**SELLER:**

**The Robert Weaver and Deborah Weaver Revocable Trust**

Robert Weaver

Robert Weaver, Trustee

Deborah Weaver

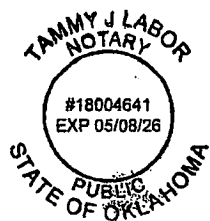
Deborah Weaver, Trustee

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State of OK

STATE OF Oklahoma )  
COUNTY OF Pittsburg ) ss.

This instrument was acknowledged before me on this 3<sup>rd</sup> day of April, 2025 by Robert Weaver and Deborah Weaver, Trustees of the Robert Weaver and Deborah Weaver Revocable Trust.

[SEAL]



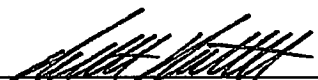
Tammy J. Labor  
Notary Public  
State of Oklahoma

My commission expires: 5/8/26

I-2025-004847      Book 2773 Pg 789  
06/17/2025 2:29pm      Pg 0787-0790  
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Hope Trammell - Pittsburg County Clerk  
State of OK

**PURCHASER:**

BLACK MOUNTAIN ENERGY STORAGE  
II LLC, a Texas limited liability company

By: 

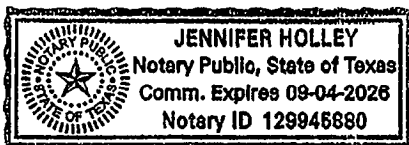
Name: Rhett Bennett

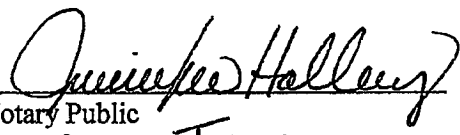
Title: CEO

STATE OF Texas )  
COUNTY OF Tarrant ) ss.

This instrument was acknowledged before me on this 1<sup>st</sup> day of May, 2025 by  
Rhett Bennett as CEO of  
Black Mountain Energy Storage II, LLC, a Texas LLC on behalf of such company.

[SEAL]



  
Notary Public  
State of Texas

My commission expires: 09-04-2026

Recording requested by and  
when recorded return to:  
Black Mountain Energy Storage II, LLC  
1717 W. 6<sup>th</sup> Street, Suite 295  
Austin, Texas 78703  
Attn: Rhett Bennett

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

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**For Tax Map ID(s):      1341**

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**Tract 1:**

All that part of the Northwest Quarter (NW/4) lying south and east of U.S. Highway 69 SUBJECT to Highway Right-of-Way, Section 35, Township 3 North, Range 13 East, Pittsburg County, State of Oklahoma.

**For Tax Map ID(s):      1344**

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**Tract 2:**

Northwest Quarter (NW/4) and the Northeast Quarter (NE/4) of the Southwest Quarter (SW/4) and the Southeast Quarter (SE/4) of the Southwest Quarter (SW/4) SUBJECT to Highway Right-of-Way, Section 35, Township 3 North, Range 13 East, Pittsburg County, State of Oklahoma.

RESERVING AN EASEMENT across both of the above described tracts for a roadway now in place and being used with same being for the use and benefit of all record property owners in SE/2 SW/4 of Section 35 and provides ingress and egress as long as same shall be treated as a covenant running with the land.

**For Tax Map ID(s):      1338**

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**Tract 3:**

All the South Half (S/2) lying South and East of U.S. Highway 69 SUBJECT to Highway Right-of-Way, Section 34, Township 3N., Range 13E., Pittsburg County, State of Oklahoma.

**For Tax Map ID(s):      1345**

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**Tract 4:**

West Half of the Southeast Quarter of the Southwest Quarter (W1/2 SE/4 SW/4), Section 35, Township 3 North, Range 13 East, Pittsburg County, State of Oklahoma

**For Tax Map ID(s):      1347**

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**Tract 5:**

The East Half of the Southeast Quarter of the Southwest Quarter (E/2 SE/4 SW/4), and the Southwest Quarter of the Southeast Quarter (SW/4 SE/4), and the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW/4 NE/4 SE/4), and the West Half of the Southeast Quarter of the Southeast Quarter (W1/2 SE/4 SE/4) and the Northwesternly diagonal half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE/4 SE/4 SE/4) in Section 35, Township 3 North, Range 13 East, Pittsburg County, Oklahoma.