

I-2025-004848 Book 2773 Pg 791
06/17/2025 2:31pm Pg 0791-0794
Fee: \$65.00 Doc: \$0.00
Hope Trammell - Pittsburg County Clerk
State of OK

MEMORANDUM OF PURCHASE AND SALE AGREEMENT

This MEMORANDUM OF PURCHASE AND SALE AGREEMENT (this "Memorandum") is dated and made as of Feb 28, 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 Feb 28, 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 #: 7107102500090

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 Oklahoma)
COUNTY OF Pittsburg) ss.

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

[SEAL]



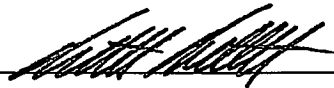
Tammy J. Labor
Notary Public
State of Oklahoma

My commission expires: 5/8/26

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PURCHASER:

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

By: 

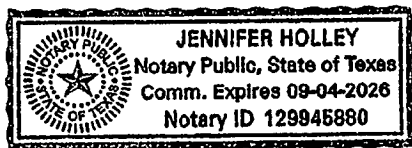
Name: Rhett Bennett

Title: CEO

STATE OF Tarrant Co.)
)ss.
COUNTY OF Texas)

This instrument was acknowledged before me on this 1st 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. 6th Street, Suite 295
Austin, Texas 78703
Attn: Rhett Bennett

EXHIBIT "A"

LEGAL DESCRIPTION

For Tax Map ID(s): **1273**

The Southeast Quarter (SE/4), Less the Highway, of Section Twenty-six (26), Township Three (3) North, Range Thirteen (13) East of the Indian Base and Meridian, Pittsburg County, State of Oklahoma.

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