



Submitted for recording:
Chicago Title Oklahoma
210 Park Ave., Suite 210
Oklahoma City, OK 73102
File #710702500296

I-2025-009031 Book 2801 Pg 331
10/21/2025 2:17pm Pg 0331-0333
Fee: \$22.00 Doc: \$0.00
Hope Trammell - Pittsburg County Clerk
State of OK JK

ASSIGNMENT OF MEMORANDUM OF PURCHASE AND SALE AGREEMENT

This ASSIGNMENT OF MEMORANDUM OF PURCHASE AND SALE AGREEMENT (this "Assignment of Memorandum") is made as of October 16, 2025, by Black Mountain Energy Storage II LLC, a Texas limited liability company ("Assignor"), in favor of Emerald ProjectCo Inc., a Delaware corporation ("Assignee").

WITNESSETH:

WHEREAS, Assignor and Robert Weaver and Deborah Weaver as Trustees of The Robert Weaver and Deborah Weaver Revocable Trust ("Owner") entered into that certain Purchase and Sale Agreement dated March 24, 2025 (as amended, modified or supplemented from time to time, the "Agreement"), with respect to certain real property located in Pittsburg County, Oklahoma, as more particularly described in Exhibit A, attached hereto and incorporated herein for all purposes, and evidenced by that certain Memorandum of Purchase and Sale Agreement dated March 24, 2025, recorded on June 17, 2025, under Instrument No. I-2025-004847, Book 2773, Page 787, in the Deed Records of Pittsburg County, Oklahoma (the "Assigned Memorandum");

WHEREAS, pursuant to that certain Purchase and Sale Agreement dated October 12, 2025, between Assignor and Assignee (as amended or assigned, hereinafter referred to as the "Contract"), Assignor has sold and conveyed to Assignee all of Assignor's right, title and interest under the Agreement to Assignee, and Assignee desires to acquire all such right, title and interest of Assignor under the Agreement, subject to the terms and conditions thereof; and

WHEREAS, Assignor wishes to assign the Assigned Memorandum to Assignee, as further described herein.

For good and valuable consideration, receipt and sufficiency of which are hereby acknowledged, Assignor and Assignee hereby agree as follows:

1. **Assignment of the Memorandum.** Assignor hereby transfers, grants, conveys, assigns, and delivers to Assignee all of Assignor's rights and obligations under the Assigned Memorandum.
2. **Counterparts.** This Assignment of Memorandum may be executed in separate counterparts with separate signature pages, all of which when taken together shall constitute one instrument.
3. **Further Assurances.** The parties hereto agree to take all such further actions and execute, acknowledge and deliver all such further documents that are necessary or useful in carrying out the purposes of this Assignment of Memorandum.
4. **Governing Law.** This Assignment of Memorandum shall be governed by and construed in accordance with the Laws of the State of Oklahoma, without giving effect to any conflict or choice of law provision that would result in the application of another state's law.
5. **Successors and Assigns.** This Assignment of Memorandum is a covenant running with the land and shall be binding upon and inure to the benefit of Assignor and each Assignee and their respective successors and permitted assigns.
6. **Reassignment Upon Failure to Satisfy Contract Obligations.** Notwithstanding anything to the contrary herein, this Assignment of Memorandum to Assignee is and shall remain expressly subject to the terms and conditions of the Contract, including any provisions therein requiring the reassignment, reconveyance or return of the Assigned Memorandum to Assignor upon the occurrence of specified events under the Contract.

STATE of OKLAHOMA
COUNTY of PITTSBURG

I, Hope Trammell, County Clerk in & for said County & State do hereby certify that this instrument is a true, complete & correct copy as the same appears on record in my office under Book 2801 Page 331-333. Witness my hand and official seal at McAlester in said County and State this 11th day of Sept 2026.

By Monica Sennet
Deputy

Hope Trammell
County Clerk

IN WITNESS WHEREOF, each party hereto has caused this Assignment of Memorandum to be executed on its behalf by its duly authorized officer, as of the date first above written.

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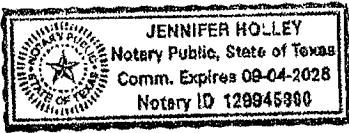
ASSIGNOR:

Black Mountain Energy Storage II LLC, a Texas limited liability company

By: [Signature]
Name: Rhett Bennett
Title: CEO

STATE OF TEXAS §
COUNTY OF Tarrant §

This instrument was acknowledged before me on this 14th day of October, 2025, by Rhett Bennett CEO of Black Mountain Energy Storage II LLC, a Texas limited liability company, on behalf of said limited liability company.



[Signature]
Notary Public in and for the State of Texas

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Exhibit A

LEGAL DESCRIPTION

For Tax Map ID(s): 1341

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

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

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

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

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 Northwesterly diagonal half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE/4 SE/4) in Section 35, Township 3 North, Range 13 East, Pittsburg County, Oklahoma.