

**A RESOLUTION AND ORDER  
RESCINDING NOTICE OF DEFAULT DATED JANUARY 24, 2023,  
RESCINDING RESOLUTION AND ORDER DATED DECEMBER 9, 2024,  
AND RESCINDING NOTICE OF RECAPTURE DATED DECEMBER 9, 2024.**

---

WHEREAS, McCulloch County, Texas (the "*County*"), and Rattlesnake Power, LLC ("*Rattlesnake*"), entered into that certain Tax Abatement Agreement effective October 9, 2015 (the "*Original Abatement Agreement*"), and the Original Abatement Agreement was amended by that certain Amendment to the Original Abatement Agreement effective December 6, 2016 (the "*First Amendment*") (the Original Abatement Agreement, as amended by the First Amendment, is referred to herein as the "*Abatement Agreement*").

WHEREAS, the County determined that Rattlesnake failed to meet the requirements of Section 5.3 of the Abatement Agreement.

WHEREAS, on or about January 24, 2023, the County, under Article 7 of the Abatement Agreement, sent Rattlesnake a Notice of Default dated January 24, 2023 (the "*Notice of Default*").

WHEREAS, after receiving the Notice of Default, the County determined that Rattlesnake failed to cure the occurrence of default within the period outlined in Article 7 of the Abatement Agreement.

WHEREAS, the McCulloch County Commissioners Court, after considering the issue at a regularly scheduled meeting on August 5, 2024, voted to authorize the County Judge to sign, at the Judge's discretion, a resolution and order terminating the Abatement Agreement and to issue a notice of recapture of taxes.

WHEREAS, on or about December 9, 2024, the County Judge signed a resolution and order, titled "Resolution and Order Terminating The Tax Abatement Agreement By and Between McCulloch County, Texas and Rattlesnake Power, LLC" (the "*Order of Termination*"), a copy of which is attached hereto as Exhibit A.


WHEREAS, on or about December 9, 2024, the County, by and through Jacob R. Lederle, outside counsel for McCulloch County, Texas, issued a Notice of Recapture (the "*Notice of Recapture*"), a copy of which is attached hereto as Exhibit B. AND

WHEREAS, the County and Rattlesnake have agreed to fully settle the underlying default determined by the County that gave rise to the Notice of Default, the Order of Termination, and the Notice of Recapture and to reinstate the Abatement Agreement as if the Notice of Default, the Order of Termination, and the Notice of Recapture were never issued.

NOW, THEREFORE, BE IT ORDERED THAT:

1. That the findings and recitals in the preamble to this Resolution and Order are true and correct and are hereby RATIFIED, APPROVED, and ADOPTED.
2. That the Notice of Default, the Order of Termination, and the Notice of Recapture are hereby fully rescinded.
3. That the Abatement Agreement is fully restored and shall be deemed to have never been terminated.

This Resolution and Order shall be effective as of the date of the County Judge's signature as reflected below.

  
\_\_\_\_\_  
Frank Trull, McCulloch County Judge  
Dated: August 4, 2025