

From: [Shawn Todd](#)
To: [James Murphy](#); [Beaver Aplin](#)
Cc: [Burke, Jim](#); matthew.goering@luminant.com; [David Yoskowitz](#); [Cliff Friedman](#); [Patrick Todd](#); amy.simcox@vistracorp.com; [Philip Todd](#)
Subject: Re: Response to your letter
Date: Wednesday, May 24, 2023 4:58:37 PM

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Good Afternoon James,

It's a pleasure to meet you via email.

Thank you for your response on behalf of Chairman Aplin, but I want to be explicitly clear that your response does not respond to the pertinent section of our letter. Additionally, it is not a request that what we asked for anywhere in the letter. To clarify, we asked for Beaver's response prior to 1pm today as well as the Board's recommendation for approval. We did not ask for TPW commission approval via a formal voting process as you state below in your email. To re-iterate, our letter clearly states that we are asking for Chairman Aplin's approval and TPWD board's recommendation to request authority to purchase the property under the terms of our response in the Thursday commission meeting that you reference.

Please see the text taken from our response letter again below:

"With a Closing date at the end of this week, if we are going to collectively save the Park we will need an immediate answer from you by 1 p.m. tomorrow as to your acceptance of our response and acknowledgement of your Board recommendation seeking Approval. We will need to mutually and quickly document our Agreement. You advised that the TPWD Commission Board Meeting is on May 25 at which TPWD will request authority to purchase the Property. If so, approved as stated by us and your commensurate recommendation, we will require immediate documentation of a our deal."

"The Seller has been resilient on not changing their Contract Price and verification of funds. They also require a simultaneous closing with all three Parties within as in a matter of days, not weeks."

"Thank you for patience and consideration. Time is of the essence"

We sincerely appreciate your response and hope this email adds clarity to all copied herein. As of the time of this email, we have not received a response to our letter.

Respectfully,

Shawn Todd

From: James Murphy <James.Murphy@tpwd.texas.gov>
Date: Wednesday, May 24, 2023 at 12:59 PM
To: Shawn Todd <shawnt@Toddinterests.com>, Beaver Aplin <beaver@buc-ees.com>
Cc: Burke, Jim <jim.burke@vistracorp.com>, matthew.goering@luminant.com <Matthew.Goering@luminant.com>, David Yoskowitz <David.Yoskowitz@tpwd.texas.gov>, Cliff Friedman <CFriedman@ssflaw.com>, Patrick Todd <patrickt@Toddinterests.com>, amy.simcox@vistracorp.com <Amy.Simcox@vistracorp.com>, Philip Todd <philipt@Toddinterests.com>
Subject: Re: Response to your letter

Hello Mr. Todd,
Thank you for your letter and the counteroffer. I'm the general counsel for TPWD and want to reply on TPWD's behalf before the response deadline of 1pm today in your letter. The TPW Commission is in an open public meeting today and tomorrow. They don't vote on acquisition of Fairfield until tomorrow, and we cannot by law accept the counteroffer until after that item is heard and voted on tomorrow. We certainly understand the timing urgency, and Chairman Aplin will reply to you as soon as possible.

Thanks,
James

From: Shawn Todd <shawnt@Toddinterests.com>
Sent: Tuesday, May 23, 2023 1:05:40 PM
To: Beaver Aplin <beaver@buc-ees.com>
Cc: Burke, Jim <jim.burke@vistracorp.com>; matthew.goering@luminant.com <Matthew.Goering@luminant.com>; David Yoskowitz <David.Yoskowitz@tpwd.texas.gov>; James Murphy <James.Murphy@tpwd.texas.gov>; Cliff Friedman <CFriedman@ssflaw.com>; Patrick Todd <patrickt@Toddinterests.com>; amy.simcox@vistracorp.com <Amy.Simcox@vistracorp.com>; Philip Todd <philipt@Toddinterests.com>
Subject: Response to your letter

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Beaver,

Please see the attached.

Best,
Shawn