



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 15<sup>th</sup> DAY OF AUGUST A.D., 2007, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN AN EMERGENCY MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHKE	COUNTY CLERK

COMMISSIONER, PCT. 3 WILL CONLEY WAS ABSENT. THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

**24532 ACTION REGARDING LITIGATION BETWEEN HAYS COUNTY AND THK PROPERTIES LLC**

Attorney Bob Bass spoke of Rule 11 Agreement. Ratification is needed by a quorum of the court. Discussion was had regarding agreed items: (1) Parties will present their respective motions for partial summary judgment on a date not to exceed 60 days from this date, (2) the Commissioners' Court agrees, pending a ruling upon the partial summary judgment, to take no formal action affecting OSSF Permit 2005-416, (3) THK Inc. agrees not to engage in commercial activities at the location at 2501 South Old Bastrop Hwy, San Marcos, Texas, pending a ruling upon the partial summary judgments, (4) administrative activities, investigatory activities, or consultation with legal counsel by Hays County relating to the permit, or other related matters, such as food service application and permitting, shall be permitted under this agreement. THK Inc. will be permitted to undertake steps necessary for commercial activity, but shall not engage in actual business activities on the property that contains the OSSF in question until a ruling on the partial summary judgments has been rendered, (5) the parties respectfully request prompt setting and ruling by the Court upon receipt of respective Motions for Partial Summary Judgment. Commissioner Barton voiced his opposition.

A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to authorize the County Judge to execute the Rule 11 Agreement between THK Inc. and Hays County, Texas filed in the 22<sup>nd</sup> Judicial District Court of Hays County, Texas Cause No. 07-1023. Commissioner Ingalsbe, Commissioner Ford, and Judge Sumter voting "Aye". Commissioner Barton voting "No". MOTION PASSED.

Court was adjourned.

I, LINDA C. FRITSCHKE, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on AUGUST 15, 2007.



LINDA C. FRITSCHKE, COUNTY CLERK AND EXOFFICIO  
CLERK OF THE COMMISSIONERS' COURT OF  
HAYS COUNTY, TEXAS

