

STATE OF
COLORADO

Girardi - DNR, Chris <chris.girardi@state.co.us>

North River Pit M1999005- SO-1 Adequacy Review

Weimer, Sara (APC Construction) <shaggstrom@apc.us.com>

Thu, Sep 11, 2025 at 2:21 PM

To: "Girardi - DNR, Chris" <chris.girardi@state.co.us>

Hi Chris,

Please see the cover letter for the Adequacy Review response and the attached supporting documents.

If you have any other questions, please do not hesitate to reach out.

Thanks,

Sara

Sara Weimer

EHS

Oldcastle SW Group, Inc.**APC Construction Co.**

A CRH Company

14802 W. 44th Avenue

Golden, CO 80403

T +1 (303) 996-7238

C +1 (303) 842-7615

E Shaggstrom@apc.us.com

<http://www.apc.us.com/>*"The more informed you are, the more respect you will garner in your troops."**- Marth Stewart*

From: Girardi - DNR, Chris <chris.girardi@state.co.us>**Sent:** Wednesday, September 3, 2025 3:20 PM**To:** Weimer, Sara (APC Construction) <shaggstrom@apc.us.com>**Cc:** Jared Ebert - DNR <jared.ebert@state.co.us>**Subject:** North River Pit M1999005- SO-1 Adequacy Review

[Quoted text hidden]

4 attachments

**Adequacy Response_Cover Letter-_North River Pit M1999005_CGirardi.docx**

185K

**09. Lease Agreement by and between Preferred Materials Inc. and Oldcastle SW Group Inc. July 19 2024****REVISED Rev 03.13.2025.pdf**

520K



167. Recorded North River Deed from FRE to Preferred.pdf

177K



Project Rockies - Permit Authority Letter with Exhibits(2133193.1).pdf

1563K



www.united-gj.com
www.fourcornersmaterials.com
www.apc.us.com

September 11, 2025

Division of Reclamation, Mining and Safety
DRMS c/o Sara Stevenson-Benn
1001 E 62nd Avenue
Denver, CO 80216

Re: Succession of Operators Application (SO-1) Adequacy Review Response, DRMS Permit: M-1999-005, North River Pit

Dear Mr. Girardi,

In response to the Division's request for clarification concerning the Lease Agreement submitted with our application, we are providing documentation to demonstrate legal right of entry for the parcels listed under John Ary and Fremont Paving & Redi Mix, Inc. on the Otero County Assessor's Website.

Enclosed is a recorded deed dated 7/23/2024, in which John Paul Ary and Fremont Paving & Redi Mix, Inc. conveyed ownership of the subject parcels to Preferred Materials, Inc. This deed establishes Preferred Materials, Inc. as the legal owner of the affected land. As such, the Lease Agreement between Preferred Materials, Inc. and Oldcastle SW Group, Inc. grants us legal right of entry to operate on these parcels.

To support this clarification, we are submitting the following revised exhibits:

- A copy of the recorded deed from John Ary and Fremont Paving & Redi Mix, Inc. to Preferred Materials, Inc.
- The original Lease Agreement between Preferred Materials, Inc. and Oldcastle SW Group, Inc.
- A letter with supporting documents from K. Scott Voelker, Deputy General Counsel, CRH Americas Inc, as transactions counsel to Oldcastle SW Group, Inc. This document is meant to serve as a legal explanation clarifying the merger between Oldcastle SW Group, Inc. and Fremont Paving and Redi-Mix, Inc., and (certain affiliated business entities). As a result of the merger, all assets, rights, properties, leases and contractual interest of the Acquired Entities (Fremont Paving and Redi-Mix, Inc.) including permits, leases, and real property interests, became the assets and obligations of Oldcastle SW Group, Inc. by operation of law. Therefore, Oldcastle SW Group, Inc. retains the full right to operate under the existing lease agreements

We trust these materials satisfy the Division's request and demonstrate our legal right of entry. Please let us know if any additional documentation is required.

Thank you for your continued assistance and guidance throughout this process.



www.united-gj.com
www.fourcornersmaterials.com
www.apc.us.com

Sincerely,

Sara Weimer

Oldcastle SW Group, Inc.
2273 River Road Grand
Junction, CO 81505

July 29, 2025

Ladies and Gentlemen:

I serve as internal transactions counsel to Oldcastle SW Group, Inc. This letter is provided to clarify the structure and outcome of a transaction (the “Transaction”) whereby Oldcastle SW Group, Inc. (“Oldcastle”) acquired Fremont Paving and Redi-Mix, Inc., a Colorado corporation, and certain affiliated business entities and subsequently merged the acquired entities with and into Oldcastle.

Prior to the Transaction, Fremont Paving and Redi-Mix, Inc. operated under several registered “doing business as” names, including (i) All Rite Paving and Redi-Mix, Inc., (ii) Ary Corporation, and (iii) Hard Rock Paving and Redi-Mix, as documented in the Statements of Trade Name filed with the Colorado Secretary of State and attached hereto as Exhibit A.

On July 19, 2024, Oldcastle acquired 100% of the stock or equity interests (as applicable) in the following companies (collectively, the “Acquired Entities”):

1. Fremont Paving and Redi-Mix, Inc., a Colorado corporation (d/b/a All Rite Paving and Redi-Mix, Inc.; d/b/a Ary Corporation; and d/b/a Hard Rock Paving and Redi-Mix)
2. A&S Construction Co., a Colorado corporation
3. Ary Brothers Trucking, Inc., a Colorado corporation
4. Crane Services of Colorado, Inc., a Colorado corporation
5. Pueblo East Phase III LLC, a Colorado limited liability company
6. Hwy 47 Investment LLC, a Colorado limited liability company

The Stock Power transfer documents and the Membership Interest Assignment documents for the Acquired Entities reflecting the transfer of the equity of the applicable corporation or limited liability company of each are attached hereto as Exhibit B and Exhibit C, respectively.

Subsequently, pursuant to the Statement of Merger filed and stamped by the Colorado Secretary of State on July 22, 2024 (attached hereto as Exhibit D), each of the Acquired Entities merged with and into Oldcastle. As a result of the merger, all assets, rights, properties, and contractual interests of the Acquired Entities, including permits, leases, and real property interests, became the assets and obligations of Oldcastle by operation of law.

We hope this letter clarifies the steps involved in the Transaction and satisfies your requests. Should you have any questions or if there is further information we can provide, please do not hesitate to contact us.

Sincerely,

K. Scott Voelker
Deputy General Counsel
CRH Americas, Inc.

EXHIBIT A

STATEMENTS OF TRADE NAME

See attached



Colorado Secretary of State
Date and Time: 04/19/2019 09:48 AM
ID Number: 20191179338
Document number: 20191330622
Amount Paid: \$10.00

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ABOVE SPACE FOR OFFICE USE ONLY

Statement of Correction of Trade Name Information
Correcting the Trade Name

filed pursuant to § 7-90-305 of the Colorado Revised Statutes (C.R.S.)

1. The entity ID number, if applicable, the trade name ID number, and the name of the person transacting business or conducting activities under the trade name are

Entity ID number (if applicable)	<u>19871465104</u> (Colorado Secretary of State ID number)
Trade name ID number	<u>20191179338</u> (Colorado Secretary of State ID number)
Name	<u>FREMONT PAVING AND REDI-MIX, INC.</u>

2. The document number of the document that is corrected and the trade name as stated in the statement of trade name are

Document number	<u>20191179338</u>
Trade name	<u>All Rite Paving and Redi-Mix</u>

3. The statement of the trade name in the document identified above is incorrect.

4. Such trade name, as corrected, is
All Rite Paving and Redi-Mix, Inc.

5. (If applicable, adopt the following statement by marking the box and include an attachment.)

☐ This document contains additional information as provided by law.

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that such document is such individual's act and deed, or that such individual in good faith believes such document is the act and deed of the person on whose behalf such individual is causing such document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S. and, if applicable, the constituent documents and the organic statutes, and that such individual in good faith believes the facts stated in such document are true and such document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is identified in this document as one who has caused it to be delivered.

6. The true name and mailing address of the individual causing this document to be delivered for filing are

<u>Ranson</u>	<u>Richard</u>	<u>Paul</u>	
<small>(Last)</small>	<small>(First)</small>	<small>(Middle)</small>	<small>(Suffix)</small>
<u>1040 Hunters Ridge Dr</u>			
<small>(Street number and name or Post Office Box information)</small>			
<hr/>			
<u>Colorado Springs</u>	<u>CO</u>	<u>80919</u>	
<small>(City)</small>	<small>(State)</small>	<small>(Zip/Postal Code)</small>	
<u>United States</u>			
<small>(Province – if applicable)</small>		<small>(Country – if not US)</small>	

(If applicable, adopt the following statement by marking the box and include an attachment.)

☐ This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

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Colorado Secretary of State
Date and Time: 02/27/2019 09:27 AM
ID Number: 20191179338
Document number: 20191179338
Amount Paid: \$20.00

ABOVE SPACE FOR OFFICE USE ONLY

Statement of Trade Name of a Reporting Entity

filed pursuant to §7-71-103 and §7-71-107 of the Colorado Revised Statutes (C.R.S)

1. For the reporting entity delivering this statement, its ID number, true name, form of entity and the jurisdiction under the law of which it is formed are

ID Number	<u>19871465104</u> <small>(Colorado Secretary of State ID number)</small>
True name	<u>FREMONT PAVING AND REDI-MIX, INC.</u>
Form of entity	<u>Corporation</u>
Jurisdiction	<u>Colorado</u>

2. The trade name under which such entity transacts business or conducts activities or contemplates transacting business or conducting activities in this state is

All Rite Paving and Redi-Mix

3. A brief description of the kind of business transacted or activities conducted or contemplated to be transacted or conducted in this state under such trade name is

aggregate material, concrete paving

4. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

☐ This document contains additional information as provided by law.

5. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

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<small>(Last)</small>	<small>(First)</small>	<small>(Middle)</small>	<small>(Suffix)</small>
<u>1040 Hunters Ridge Dr</u>			
<small>(Street number and name or Post Office Box information)</small>			
<hr/>			
<u>Colorado Springs</u>	<u>CO</u>	<u>80919</u>	
<small>(City)</small>	<small>(State)</small>	<small>(Postal/Zip Code)</small>	
<u></u>	<u>United States</u>		
<small>(Province – if applicable)</small>	<small>(Country – if not US)</small>		

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Date and Time: 05/03/2019 03:13 PM
ID Number: 20191386394
Document number: 20191386394
Amount Paid: \$20.00

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Statement of Trade Name of a Reporting Entity

filed pursuant to §7-71-103 and §7-71-107 of the Colorado Revised Statutes (C.R.S)

1. For the reporting entity delivering this statement, its ID number, true name, form of entity and the jurisdiction under the law of which it is formed are

ID Number	<u>19871465104</u> <small>(Colorado Secretary of State ID number)</small>
True name	<u>FREMONT PAVING AND REDI-MIX, INC.</u>
Form of entity	<u>Corporation</u>
Jurisdiction	<u>Colorado</u>

2. The trade name under which such entity transacts business or conducts activities or contemplates transacting business or conducting activities in this state is

Ary Corporation

3. A brief description of the kind of business transacted or activities conducted or contemplated to be transacted or conducted in this state under such trade name is

Heavy civil construction

4. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

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5. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

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6. The true name and mailing address of the individual causing this document to be delivered for filing are

<u>Ary</u>	<u>Joshua</u>	<u>Paul</u>	<u></u>
<small>(Last)</small>	<small>(First)</small>	<small>(Middle)</small>	<small>(Suffix)</small>
<u>839 MacKenzie Ave</u>			
<small>(Street number and name or Post Office Box information)</small>			
<hr/>			
<u>Canon City</u>	<u>CO</u>	<u>81212</u>	
<small>(City)</small>	<small>(State)</small>	<small>(Postal/Zip Code)</small>	
<u></u>	<u>United States</u>		
<small>(Province – if applicable)</small>	<small>(Country – if not US)</small>		

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Document number: 20191179198
Amount Paid: \$20.00

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Statement of Trade Name of a Reporting Entity

filed pursuant to §7-71-103 and §7-71-107 of the Colorado Revised Statutes (C.R.S)

1. For the reporting entity delivering this statement, its ID number, true name, form of entity and the jurisdiction under the law of which it is formed are

ID Number	<u>19871465104</u> <small>(Colorado Secretary of State ID number)</small>
True name	<u>FREMONT PAVING AND REDI-MIX, INC.</u>
Form of entity	<u>Corporation</u>
Jurisdiction	<u>Colorado</u>

2. The trade name under which such entity transacts business or conducts activities or contemplates transacting business or conducting activities in this state is

Hard Rock Paving and Redi-Mix

3. A brief description of the kind of business transacted or activities conducted or contemplated to be transacted or conducted in this state under such trade name is

aggregate material, concrete paving

4. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

☐ This document contains additional information as provided by law.

5. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

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<small>(Province – if applicable)</small>	<small>(Country – if not US)</small>		

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EXHIBIT B

STOCK POWER

TRANSFER DOCUMENTS

See attached

STOCK POWER

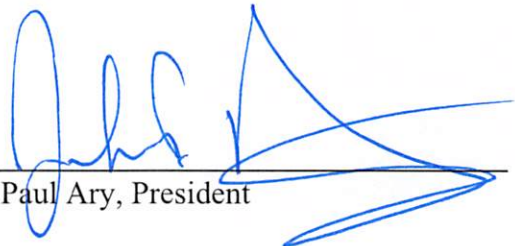
July 19, 2024

FOR VALUE RECEIVED, the undersigned hereby irrevocably assigns and transfers unto Oldcastle SW Group, Inc., a Colorado corporation ("Purchaser"), 127,500 voting shares of common stock of Fremont Paving and Redi-Mix, Inc., a Colorado corporation (the "Company"), standing in the name of the undersigned on the books of the Company represented by Certificate No. 7, together with all rights and benefits appurtenant thereto (the "Shares"). The undersigned hereby irrevocably constitutes and appoints any authorized officer of Purchaser as attorney-in-fact to transfer the Shares on the books of the Company with full power and substitution in the premises.

[Signature Page Follows]

IN WITNESS WHEREOF, this Stock Power is executed effective as of the date first written above.

FRE HOLDINGS, INC.,
a Colorado corporation



John Paul Ary, President

STOCK POWER


July 19, 2024

FOR VALUE RECEIVED, the undersigned hereby irrevocably assigns and transfers unto Oldcastle SW Group, Inc., a Colorado corporation ("Purchaser"), 122,500 nonvoting shares of common stock of Fremont Paving and Redi-Mix, Inc., a Colorado corporation (the "Company"), standing in the name of the undersigned on the books of the Company represented by Certificate No. 8, together with all rights and benefits appurtenant thereto (the "Shares"). The undersigned hereby irrevocably constitutes and appoints any authorized officer of Company as attorney-in-fact to transfer the Shares on the books of the Company with full power and substitution in the premises.

[Signature Page Follows]

IN WITNESS WHEREOF, this Stock Power is executed effective as of the date first written above.

FRE HOLDINGS, INC.,
a Colorado corporation



John P. Ary, President

STOCK POWER

July 19, 2024

FOR VALUE RECEIVED, the undersigned hereby irrevocably assigns and transfers unto Oldcastle SW Group, Inc., a Colorado corporation ("Purchaser"), 97,960 voting shares of common stock of Ary Brothers Trucking, Inc., a Colorado corporation (the "Company"), standing in the name of the undersigned on the books of the Company represented by Certificate No. 17, together with all rights and benefits appurtenant thereto (the "Shares"). The undersigned hereby irrevocably constitutes and appoints any authorized officer of Purchaser as attorney-in-fact to transfer the Shares on the books of the Company with full power and substitution in the premises.

[Signature Page Follows]

IN WITNESS WHEREOF, this Stock Power is executed effective as of the date first written above.

ABT HOLDINGS, INC.,
a Colorado corporation



John Paul Ary, President

STOCK POWER

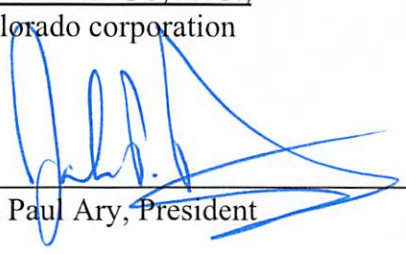
July 19, 2024

FOR VALUE RECEIVED, the undersigned hereby irrevocably assigns and transfers unto Oldcastle SW Group, Inc., a Colorado corporation ("Purchaser"), 41,456 voting shares of common stock of A&S Construction Co., a Colorado corporation (the "Company"), standing in the name of the undersigned on the books of the Company represented by Certificate No. 13, together with all rights and benefits appurtenant thereto (the "Shares"). The undersigned hereby irrevocably constitutes and appoints any authorized officer of Purchaser as attorney-in-fact to transfer the Shares on the books of the Company with full power and substitution in the premises.

[Signature Page Follows]

IN WITNESS WHEREOF, this Stock Power is executed effective as of the date first written above.

AS HOLDINGS, INC.,
a Colorado corporation



John Paul Ary, President

STOCK POWER

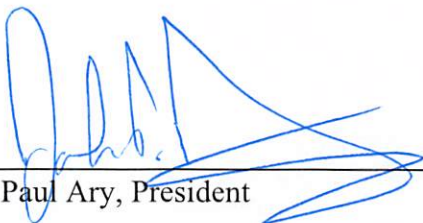
July 19, 2024

FOR VALUE RECEIVED, the undersigned hereby irrevocably assigns and transfers unto Oldcastle SW Group, Inc., a Colorado corporation ("Purchaser"), 5,000 voting shares of common stock of Crane Services of Colorado, Inc., a Colorado corporation (the "Company"), standing in the name of the undersigned on the books of the Company represented by Certificate No. 12, together with all rights and benefits appurtenant thereto (the "Shares"). The undersigned hereby irrevocably constitutes and appoints any authorized officer of Purchaser as attorney-in-fact to transfer the Shares on the books of the Company with full power and substitution in the premises.

[Signature Page Follows]

IN WITNESS WHEREOF, this Stock Power is executed effective as of the date first written above.

CRANE HOLDINGS, INC.,
a Colorado corporation



John Paul Ary, President

EXHIBIT C

MEMBERSHIP INTEREST ASSIGNMENTS

See attached

MEMBERSHIP INTEREST ASSIGNMENT

July 19, 2024

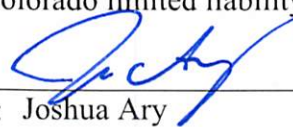
FOR VALUE RECEIVED, the Members identified on **Exhibit A** hereby irrevocably assign and transfer unto Oldcastle SW Group, Inc., a Colorado corporation ("Purchaser"), their respective ownership, identified in **Exhibit A**, totaling a transfer of 100% of the membership interest in Hwy 47 Investment, LLC, a Colorado limited liability company (the "Company"), together with all rights and benefits appurtenant thereto (collectively, the "Interests"). The undersigned hereby irrevocably constitute and appoint any authorized officer of Purchaser as attorney-in-fact to transfer the Interests on the books of the Company with full power and substitution in the premises.

[Signature Page Follows]

IN WITNESS WHEREOF, this Membership Interest Assignment is executed effective as of the date first written above.

MEMBERS:

JC Ary Properties, LLC,
a Colorado limited liability company



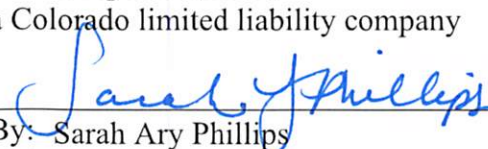
By: Joshua Ary
Title: Member

CS Rose Properties, LLC,
a Colorado limited liability company



By: Samantha Ary
Title: Member

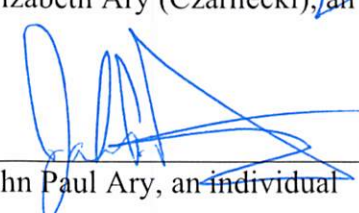
N&S Properties, LLC,
a Colorado limited liability company



By: Sarah Ary Phillips
Title: Member



Elizabeth Ary (Czarnecki), an individual



John Paul Ary, an individual

EXHIBIT A
(Membership)

<u>Member</u>	<u>Interest Transferred</u>
John Paul Ary	10%
JC Ary Properties, LLC	22.5%
CS Rose Properties, LLC	22.5%
N&S Properties, LLC	22.5%
Elizabeth Ary (Czarnecki)	22.5%

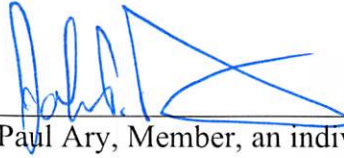
MEMBERSHIP INTEREST ASSIGNMENT

July 19, 2024

FOR VALUE RECEIVED, the undersigned hereby irrevocably assigns and transfers unto Oldcastle SW Group, Inc., a Colorado corporation (“Purchaser”), a 100% membership interest in Pueblo East Phase III, LLC, a Colorado limited liability company (the “Company”), together with all rights and benefits appurtenant thereto (the “Interest”). The undersigned hereby irrevocably constitutes and appoints any authorized officer of Purchaser as attorney-in-fact to transfer the Interest on the books of the Company with full power and substitution in the premises.

[Signature Page Follows]

IN WITNESS WHEREOF, this Membership Interest Assignment is executed effective as of the date first written above.

A handwritten signature in blue ink, appearing to read "John Paul Ary", is written over a horizontal line.

John Paul Ary, Member, an individual

EXHIBIT D

STATEMENT OF MERGER

See attached

Statement of Merger (Surviving Entity is a Domestic Entity)

Business Program

Colorado Secretary of State

1700 Broadway, Ste. 550 Denver, CO 80290

Phone: 303-894-2200

Fax: 303-869-4864

Email: Business@coloradosos.gov

Website: www.coloradosos.gov

20241757420

\$300.00

SECRETARY OF STATE

07/22/2024 14:53:27

This form must be typed. Documents may be submitted by mail or dropped off at our office along with payment.

Document processing fee: \$150.00

Filed pursuant to § 7-90-203.7 of the Colorado Revised Statutes (C.R.S.)

1. For each **merging** entity, its ID number (if applicable), entity name or true name, form of entity, jurisdiction under the law of which it is formed, and principal address are:

Colorado Secretary of State ID Number:

19871342310

Entity name or true name:

A & S Construction Co.

Form of entity:

Corporation

Jurisdiction:

Colorado

The principal office address of the entity's principal office is:

Street Address

Street Address 1

839 Mackenzie Ave

Street Address 2

City

Canon City

State

CO

ZIP code

81212

Province (if applicable)

Country

Mailing Address (Leave blank if same as street address)

Mailing Address 1

Mailing Address 2

City

State

ZIP code

Province (if applicable)

Country

Colorado Secretary of State ID Number:

Entity name or true name:

Form of entity:

Jurisdiction:

The principal office address of the entity's principal office is:

Street Address

Street Address 1

Street Address 2

City

State

ZIP code

Province (if applicable) Country

Mailing Address (Leave blank if same as street address)

Mailing Address 1

Mailing Address 2

City State ZIP code

Province (if applicable) Country

Colorado Secretary of State ID Number:

Entity name or true name:

Form of entity:

Jurisdiction:

The principal office address of the entity's principal office is:

Street Address

Street Address 1

Street Address 2

City State ZIP code

Province (if applicable)	Country	
	USA	
Mailing Address (Leave blank if same as street address)		
Mailing Address 1		
Mailing Address 2		
City	State	ZIP code
Province (if applicable)	Country	

If the following statement applies, adopt the statement by marking the box and include an attachment:

- ☒ **There are more than three merging entities and the ID number (if applicable), entity name or true name, form of entity, jurisdiction under the law of which it is formed, and the principal address of each additional merging entity is stated in an attachment.**

2. For the **surviving** entity, its entity ID number (if applicable), entity name or true name, form of entity, jurisdiction under the law of which it is formed, and principal address are:

Colorado Secretary of State ID Number:

19871178882

Entity name or true name:

Oldcastle SW Group, Inc.

Form of entity:

Corporation

Jurisdiction:

Colorado

The principal office address of the entity's principal office is:

Street Address

Street Address 1

2273 River Rd

Street Address 2

City

Grand Junction

State

CO

ZIP code

81505

Province (if applicable)

Country

USA

Mailing Address (Leave blank if same as street address)

Mailing Address 1

Mailing Address 2

City

State

ZIP code

Province (if applicable)

Country

3. Each merging entity has been merged into the surviving entity.

4. If the following statement applies, adopt the statement by marking the box:

☐

The plan of merger provides for amendments to a constituent filed document of the surviving entity and an appropriate statement of change or other document effecting the amendments will be delivered to the Secretary of State for filing pursuant to Part 3 of Article 90 of Title 7, C.R.S.

5. If the following statement applies, adopt the statement by marking the box and state the appropriate document number(s):

☐ **One or more of the merging entities is a registrant of a trademark described in a filed document in the records of the secretary of state and the document number of each filed document is:**

Document 1

Document 2

Document 3

If the following statement applies, adopt the statement by marking the box and include an attachment:

☐ **There are more than three trademarks and the document number of each additional trademark is stated in an attachment.**

6. If applicable, adopt the following statement by marking the box and include an attachment:

☐ **This document contains additional information as provided by law.**

7. The delayed effective date and/or time (mm/dd/yyyy hour:minute am/pm) of this document is (if applicable):

Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. If you don't enter a specific time, the filing will take effect at 11:59 PM. Times are MST/MDT.

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that such document is such individual's act and deed, or that such individual in good faith believes such document is the act and deed of the person on whose behalf such individual is causing such document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S. and, if applicable, the constituent documents and the organic statutes, and that such individual in good faith believes the facts stated in such document are true and such document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is identified in this document as one who has caused it to be delivered.

8. The name and mailing address of the individual causing the document to be delivered for filing are:

Filer Information

Last name	First name	Middle	Suffix
Williams	Nanci		

Address 1

1 E Washington ST Ste 1200

Address 2

--

City	State	ZIP code
Phoenix	AZ	85004

Province (if applicable)	Country

This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.
If applicable, mark this box and include an attachment stating the additional individuals.

☐ More information will be attached.

Disclaimer:

This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet.

Questions should be addressed to the user's legal, business or tax advisor(s).

**ATTACHMENT TO COLORADO STATEMENT OF MERGER
ADDITIONAL MERGING ENTITIES**

1.

Colorado Secretary of State ID Number:	19871465104
Entity Name or True Name:	Fremont Paving and Redi-Mix, Inc.
Form of Entity:	Corporation
Jurisdiction:	Colorado
Street Address:	839 Mackenzie Ave, Canon City, CO 81212, USA
Mailing Address (leave blank if same as street address)	PO Box 841, Canon City, CO 81215, USA

2.

Colorado Secretary of State ID Number:	20181635649
Entity Name or True Name:	Pueblo East Phase III, LLC
Form of Entity:	Limited Liability Company
Jurisdiction:	Colorado
Street Address:	839 Mackenzie Ave, Canon City, CO 81212, USA
Mailing Address (leave blank if same as street address)	PO Box 566, Canon City, CO 81215, USA

3.

Colorado Secretary of State ID Number:	20221676677
Entity Name or True Name:	Hwy 47 Investment, LLC
Form of Entity:	Limited Liability Company
Jurisdiction:	Colorado
Street Address:	839 Mackenzie Ave, Canon City, CO 81212, USA
Mailing Address (leave blank if same as street address)	PO Box 1091, Canon City, CO 81215, USA

After recording, return to:

Mary Jane Judy, Esq.
Polsinelli PC
900 W. 48th Place, Suite 900
Kansas City, Missouri 64112

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (this "Deed"), made this 19th day of July, 2024, by and between **FRE Holdings, Inc.**, a Colorado Corporation, whose address is c/o John Paul Ary, 2985 Sierra Court, Canon City, CO 81212 ("Grantor") and **Preferred Materials, Inc.**, a Colorado corporation, whose address is 4636 Scarborough Drive, Lutz, Florida 33559 ("Grantee").

WITNESSETH, that Grantor, for and in consideration of the sum of Ten Dollars, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell, convey, and confirm, unto Grantee, and Grantee's heirs, successors, and assigns forever, all the real property, together with all improvements, if any, situate, lying and being in the County of Otero, State of Colorado, legally described on the attached **Exhibit A** (the "Property"),

TOGETHER WITH all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, claim, and demand whatsoever of Grantor, either in law or equity, of, in, and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto Grantee, and Grantee's successors and assigns forever. Grantor, for Grantor and Grantor's successors and assigns, does covenant and agree that Grantor shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of Grantee, and Grantee's successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under Grantor, except for and subject to municipal and zoning ordinances and agreements; all covenants, conditions, restrictions, reservations, agreements, instruments, and easements of record; and all ad valorem taxes and assessments for the 2024 tax year and subsequent years.

[Signature on following page]

IN WITNESS WHEREOF, Grantor has executed this Deed on the date set forth above.

GRANTOR:

FRE Holdings, Inc.,
a Colorado corporation

By: _____

Name: John Paul Ary

Title: President

STATE OF COLORADO)
) ss.
COUNTY OF FREMONT)

The foregoing instrument was acknowledged before me this 17 day of July, 2024, by John Paul Ary, as President of FRE Holdings, Inc., a Colorado corporation.

Witness my hand and official seal.

My Commission Expires: 01-02-2028

Amanda Sue Arndt
Notary Public

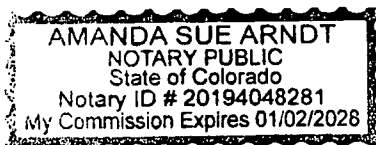


Exhibit A

Parcel A:

Beginning at the corner of Sections 36, 31, and 6, Townships 23 and 24 South, Ranges 54 and 55 West of the 6th P.M., thence North on the East line of Section 36, Township 23 South, Range 55 West of the 6th P.M., a distance of 3019.6 feet to the intersection with the North line of Indian Claim 11; thence South 72°00' West on the North line of Indian Claim No. 11 a distance of 1731.7 feet; thence South and parallel to the East line of said Section 36 a distance of 1828.6 feet; thence East and parallel to the South line of said Section 36 a distance of 340 feet; thence South and parallel to the East line of said Section 36 a distance of 665 feet to a point on the South line of said Section 36; thence East on the South line of said Section 36 a distance of 655 feet; thence South and parallel to the East line of Section 1, Township 24 South, Range 55 West a distance of 1546 feet to the meander line of the North bank of the Arkansas River; thence Southeast on said meander line to an intersection with the East line of said Section 1; thence North on the East line of said Section 1; thence North on the East line of said Section 1 a distance of 2041.5 feet to the Point of Beginning, excepting any right of way for the County Road running along the North side of said tract. Said above-described land comprising substantially what was heretofore known as Block 6, Lots 1, 2, 3, and 4 in Block 7, all of Blocks 8, 9, and 10, Lots 4 and 5 in Block 11, Lot 4 in Block 12, of La Junta Suburban Gardens, County of Otero, State of Colorado.

For informational purposes only: APN: 444136003009

Parcel B;

Lots 1, 2, and 3 in Section 1, Township 24 South, Range 55 West of the 6th P.M., County of Otero, State of Colorado.

For informational purposes only: APN: 464301100004

Parcel C:

All that part of the NE1/4 SE1/4 of Section 1, Township 24 South, Range 55 West of the 6th P.M., lying North of the right of way of the Atchison, Topeka and Santa Fe Railway Company; Together with easement granted in instrument recorded in Book 737, Page 42 of the Otero County Records; and subject to Otero County Zoning and Subdivision Regulation and to the burdens incident to the inclusion of the above described property with the boundaries of the East Otero Soil conservation District, the Southeastern Colorado Water Conservancy District and the La Junta Rural Fire Protection District, County of Otero, State of Colorado and also

Together with an easement over and across the following described tract of land; Commencing at point where the West line of the NE1/4 of the SE1/4 of Section 1, Township 24 South, Range 55 West intersects the South right-of-way line of the A.T. & S.F. Railroad Company; thence East a distance of 57

feet; thence South a distance of 40.5 feet; thence West a distance of 57 feet; thence North a distance of 40.5 feet to Point of Beginning, County of Otero, State of Colorado.

For informational purposes only: APN: 464301400001

Parcel D:

A tract of land lying in Otero County, Colorado, in the NW1/4 SE1/4 of Section 1, Township 24, Range 55 West of the 6th P.M., and more particularly described as follows:

Beginning at the Northwest corner of said NW1/4 SE1/4 of Section 1 as monumented by "Otero County" brass cap properly marked LS 12103 and considering the North line of the S1/2 of said Section 1 (as monumented by similar brass cap at its East end) bearing N. 88°42'38" E. with all other bearings contained herein being relative thereto; thence N. 88°42'38" E., 1322.88 feet to the Northeast corner of said NW1/4 SE1/4; thence S. 0°20'51" E., 118.83 feet to the original Northerly right-of-way line of the A.T. & S.F. (now B.N.S.F.) Railroad; thence along said right-of-way line on a curve to the left (Westerly) whose radius is 2010.08 feet, an arc distance of 384.29 feet; thence S 85°28'03" W., 941.88 feet to the West line of said NW1/4 SE1/4; thence N. 0°14'39" W., 157.16 feet to the Point of Beginning. All corners unless otherwise noted are monumented by 5/8" rebar and aluminum cap stamped P.S., Inc. PLS 12103.

For informational purposes only: APN: 464301400002

Parcel E:

The South 125 feet of the S1/2 of the SW1/4 of the SE1/4 of Sec. 36, Twp. 23 S., Rg. 55 W. of the 6th P.M. (being the South 125 feet more or less of Lots 5, 6, 7 and 8 in Block 12 La Junta Suburban Gardens as previously platted)

and

Beginning at the Northwest corner of the NW1/4 of the NE1/4 of Sec. 1, Twp. 24 S., Rg. 55 W. of the 6th P.M.; thence south on the center line of said Section 710 feet more or less, to the intersection with the Government meander line of the Arkansas River, thence Southeasterly along said meander line to its intersection with a line 665 feet West of the East line of said Section; thence North to the North line of said sec.; thence West along the North line of said section to the point of beginning. (said lands being previously platted as Lots 5, 6, 7 and 8, Block 7 and Lots 1, 2 and 3 in Block 13 in the La Junta Suburban Gardens). In Otero County, Colorado.

For informational purposes only: APN: 444136003006