

October 13, 2025

Mr. Ben Thatcher
City Manager
City of Boerne
P.O. Box 1677
Boerne, Texas 78006

Re: Consent to financing by New Hope Cultural Education
Facilities Finance Corporation for Morningside Ministries

Dear Mr. Thatcher:

New Hope Cultural Education Facilities Finance Corporation (the "Issuer") proposes, on behalf of the Town of New Hope, Texas, to issue its bonds or notes in a maximum principal amount of \$48,000,000 (the "Bonds") pursuant to the Cultural Education Facilities Finance Corporation Act, Chapter 337, Texas Local Government Code, as amended (the "Act") to provide funds to finance a health facility for Morningside Ministries (the "Borrower"), a Texas nonprofit corporation exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986. Our firm is acting as bond counsel to the Issuer in connection with the issuance of the Bonds.

The proceeds of the Bonds will be loaned to the Borrower for the purposes of financing and refinancing certain capital expenditures in the maximum amount of \$48,000,000 at a retirement facility known as Morningside at Menger Springs, located at 1100 Grand Boulevard, Boerne, Texas 78006 (the "Project"). The Project is owned and operated by the Borrower and/or affiliated entities.

Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") requires that the approval of the City of Boerne (or the highest elected official of the City of Boerne) be obtained to the financing by the Issuer after the holding of a public hearing. A public hearing was held on October 13, 2025, and a copy of the minutes of the public hearing is enclosed as **Exhibit A**.

For your convenience, I have enclosed as **Exhibit B** a proposed form of a consent resolution. This approval is required solely for the purposes of satisfying the requirements of the Code and to enable the Issuer to proceed with the proposed financing of the portion of the Project located in the City of Boerne with Bond proceeds. **This approval in no way imposes any payment or other obligations on the City of Boerne in connection with the financing. The City of Boerne will have no liability with respect to the proposed Bonds.**



Therefore, on behalf of the Issuer and the Borrower, we respectfully request that consideration of adoption of the enclosed resolution be placed on the agenda of the City Council of Boerne, Texas at its next available meeting, and that the City Council approve and adopt such resolution. Upon such approval, I would also very much appreciate if you would email a scan or return an original version of the executed resolution to me at the contact information below. Please retain one copy for your file.

Please do not hesitate to contact me at (214) 754-9266 should you have any questions or comments.

Thank you very much for your cooperation and assistance.

Sincerely,

McCall, Parkhurst & Horton L.L.P.

Abraham "Abe" Benavides

AAB:la
Enclosures

Contact:
Abe Benavides
(214) 754-9266
abenavides@mphlegal.com
McCall, Parkhurst & Horton L.L.P.
717 North Harwood, Suite 900
Dallas, Texas 75201



EXHIBIT A
MINUTES OF PUBLIC HEARING

MINUTES OF PUBLIC HEARING
New Hope Cultural Education Facilities Finance Corporation

Re: New Hope Cultural Education Facilities Finance Corporation
First Mortgage Revenue Bonds (Morningside Ministries Project)

The undersigned, Abraham Benavides, designated Hearing Officer of New Hope Cultural Education Facilities Finance Corporation (the "Issuer"), the Issuer of the above referenced Bonds (the "Obligations"), called the Public Hearing of the Issuer held on Monday, October 13, 2025, to order at 8:00 a.m. CT via teleconference.

I declared that a Public Hearing, required under section 147(f) of the Internal Revenue Code of 1986 was open for purposes of discussing the Obligations and the project to be financed, refinanced or constructed with the proceeds of the Obligations (the "Project").

I declared that the required notice of the Public Hearing for the Project was published in the BOERNE STAR, being a newspaper of general circulation in the City of Boerne, Texas, as evidenced by an Affidavit of Publication attached hereto as Exhibit A.

I proceeded to hold the Public Hearing. No member of the public joined the teleconference for the Public Hearing and thus no comments were made or discussed about the Project or the Obligations.

After sufficient time was given for all present to make their comments with respect to the Obligations and the Project, I declared the Public Hearing closed at 8:15 a.m.

Dated: October 13, 2025.



Abraham Benavides, Hearing Officer
New Hope Cultural Education Facilities
Finance Corporation

EXHIBIT A

AFFIDAVIT OF PUBLICATION

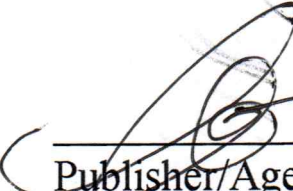
PUBLISHER'S AFFIDAVIT

State of Texas

County of **Kendall**

Before me, the undersigned authority, on this day personally appeared Marcy Branson who being duly sworn, deposes and says that he/she is the publisher/agent of the **Boerne Star**, that said newspaper is regularly published in **Kendall County**, Texas, and generally circulated in **Boerne**, Texas; and that the notice, a copy of which is hereto attached, was published in said newspaper on the following:

DAY(S): 10-5-2025



Publisher/Agent Signature

Sworn and subscribed before me on this the 6th day of October, 2025.

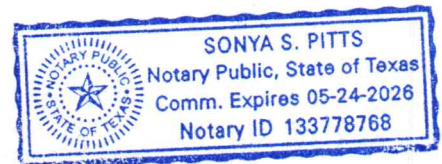
Sonya S. Pitts

Notary Public Signature

Sonya S. Pitts

Printed Name of Notary Public

My commission expires 5-24-2026. (Affix Notary Seal Above)



The Boerne Star

CLASSIFIEDS

FULL TIME

LEGALS

LEGALS

LEGALS

LEGALS

Caregivers Needed! Please call 830-331-8496 or apply online at 155.axiscare.com

NOW HIRING – Boerne Short Stop, 824 N. Main St, evening shift. TABC and Food Handler Certificate required.

GARAGE SALE

Three Family Yard/ Garage Sale on Saturday, October 11th from 9 to 2 at 8530 and 8534 Fairway Trail Drive in Fair Oaks.

Northwest Scenic Oaks Subdivision Garage Sale Saturday Oct 11th 8AM-1PM. Go IH10 West, take exit 548 Buckskin, take turnaround to East bound access road.

Garage Sale Saturday Oct 11th 8AM-4PM 4 miles out Hwy 46W, Double Diamond Ranch. Too many items to list. Rain or Shine.

Balcones Creek Community Wide Garage Sale. Neighborhood Garage Sale in Balcones Creek! Sat 10/11/25 from 8a-2p.

FOR SALE

FOR SALE: 55 gallon ink drums \$10, wood pallets \$5 and end rolls \$10. Call Granite Printing, 512-352-3687, or come by 2675 CR 374, Circleville, TX.

BUSINESS OPPORTUNITY

Please carefully consider the value or benefits before you purchase a product or service. Publication of products or services does not indicate endorsement by the Boerne Star. If you feel you have been the victim of fraud, please contact the Attorney General's Office and/or the Better Business Bureau.

SERVICES

All real estate advertised herein is subject to the Federal Fair Housing Act, which makes it illegal to advertise any preference, limitation, or discrimination because of race, color, religion, sex, handicap, familial status, or national origin, or intention to make any such preference, limitation, or discrimination.

We will not knowingly accept any advertising for real estate which is in violation of the law. All persons are hereby informed that all dwellings advertised are available on an equal opportunity basis.

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HIGH FIVE

TO ALL
OUR LOYAL
CUSTOMERS AND SUBSCRIBERS

BOERNE STAR

215 West 2nd Street, Suite 200 • 248-2001 • boernestar.com

CLERK OF THE COURT

Susan Jackson
201 East San Antonio Street, Suite 201
Boerne, Texas 78006

ATTORNEY FOR PLAINTIFF

Vivian N. Lopez
Miller, George & Suggs PLLC
6080 Tennyson Parkway, Suite 100
Plano, Texas 75024

THE STATE OF TEXAS

NOTICE TO DEFENDANT: “You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of forty-two (42) days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at texaslawhelp.org.”

TO THE UNKNOWN HEIRS OF SHELLEY CHRISTINE MCPHERSON, DECEASED

GREETING:

You are hereby commanded to appear by filing a written answer to the ORIGINAL PETITION FOR FORECLOSURE at or before 10:00 a.m. of the Monday next after the expiration of forty-two (42) days after the date of service of this citation before the Honorable 451st Judicial District Court of Kendall County, Texas at the Courthouse of said County in Boerne, Texas. Said Petition was filed 2nd day of July, 2025, in this cause numbered 25-370 on the docket of said court and styled,

FREEDOM MORTGAGE CORPORATION v. RAYMOND KISER GRANT, AMBER STARK, AND THE UNKNOWN HEIRS AT LAW OF SHELLEY CHRISTINE MCPHERSON, DECEASED

The nature of Plaintiff’s demand is fully shown by a true and correct copy of ORIGINAL PETITION FOR FORECLOSURE, accompanying this citation and made a part hereof.

The Officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at Boerne, Texas, on this the 11th day of September, 2025.

SUSAN JACKSON, District Clerk
Kendall County, Texas



By *Abbey Moreno* Deputy
Abbey Moreno

NOTICE OF PUBLIC HEARING

Notice is hereby given of a public hearing to be held by the New Hope Cultural Education Facilities Finance Corporation (the “Issuer”) on Monday, October 13, 2025, at 8:00 a.m. CT via teleconference, with respect to the issuance by the Issuer of its bonds or notes in one or more series (the “Obligations”) pursuant to a plan of financing in an aggregate principal amount not to exceed \$48,000,000, the proceeds of which will be loaned to Morningside Ministries, a Texas nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “Borrower”), or an affiliated entity.

The proceeds of the Bonds will be loaned to the Borrower to finance and refinance the costs of acquisition, construction and renovation of retirement facilities known as Morningside at Menger Springs, located at 1100 Grand Boulevard, Boerne, Texas 78006 (the “Project”). The Project is owned and operated by the Borrower and/or affiliated entities.

All interested parties are invited to express their views with respect to the Project and the Obligations by attending the public hearing to be held via teleconference, by dialing the following toll-free number: 1-800-719-6100 (Access Code: 8503021#). Any interested persons unable to attend the hearing may submit their views in writing to the Issuer c/o Abraham “Abe” Benavides, McCall, Parkhurst & Horton L.L.P., 717 North Harwood, Suite 900, Dallas, Texas 75201, prior to the date scheduled for the hearing.

This notice is published and the above-described hearing is to be held in satisfaction of the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended, regarding the public approval prerequisite to the exemption from federal income taxation of interest on the Obligations.

NOTICE TO CREDITORS

Notice is hereby given that original Letters Testamentary for the Estate of STEVEN FITE, also known as Steven Anthony Fite and Steven A. Fite, Deceased, were issued on September 23, 2025, in Cause No. 25-069-PR, pending in the County Court of KENDALL County, Texas, to: Jana Fite

All persons having claims against this Estate which is currently being administered are required to present them to the undersigned within the time and in the manner prescribed by law.

c/o: LASCA ARNOLD PENDLEY
Law Office of Lasca A. Arnold, PLLC
140 E. Bandera Rd.
Boerne, TX 78006

DATED the 29th day of September, 2025.

Lasca Arnold Pendley
LASCA ARNOLD PENDLEY
Attorney for Jana Fite
State Bar No.: 24097320
140 E. Bandera Rd., Boerne, TX 78006
Telephone: (210) 996-3163
E-mail: lasca@lascaarnold.com

NOTICE TO CREDITORS

Notice is hereby given that original Letters Testamentary for the Estate of Robin Arthur Hawkins, Deceased, were issued on August 20, 2025, in Cause No. 25-095-PR pending in the County Court-at-Law of Kendall County, Texas, to: Eric Hawkins.

All persons having claims against this Estate which is currently being administered are required to present them to the undersigned within the time and in the manner prescribed by law.

c/o: Richard R. Crow, Jr.
Attorney at Law
11610 Vance Jackson #518
San Antonio, TX 78230

DATED the 5th day of October, 2025

/S/ Richard R Crow, Jr.
Richard R. Crow, Jr.
Attorney for Eric Hawkins
State Bar No.: 24044736
11610 Vance Jackson #518
San Antonio, TX 78230
Telephone: (210) 288-0328
Email: rick@crowlawtexas.com

LEGALS

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UNITED STATES
POSTAL SERVICE® (All Periodicals Publications Except Requester Publications)

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Publisher (Name and complete mailing address)
Marcy Branson
PO Box 820 / 215 Water St, Unit A
Boerne TX 78006
Editor (Name and complete mailing address)
THOMAS EDWARDS
PO BOX 820
Boerne TX 78006
Managing Editor (Name and complete mailing address)
Jeff Flinn
PO BOX 820
Boerne TX 78006

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Full Name Complete Mailing Address
Henry D. & KatiAnn Philhower
PO Box 1010
Taylor TX 76574

11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box
Full Name Complete Mailing Address
None

12. Tax Status (For completion by nonprofit organizations authorized to mail at nonprofit rates) (Check one)
The purpose, function, and nonprofit status of this organization and the exempt status for federal income tax purposes:
☐ Has Not Changed During Preceding 12 Months
☒ Has Changed During Preceding 12 Months (Publisher must submit explanation of change with this statement)

PS Form 3526, July 2014 [Page 1 of 4 (see instructions page 4)] PSN: 7530-01-000-9901 PRIVACY NOTICE: See our privacy policy on www.usps.com.

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☒ I certify that 69% of all my distributed copies (electronic and print) are paid above a nominal price.

17. Publication of Statement of Ownership
☒ If the publication is a general publication, publication of this statement is required. Will be printed in the 10/05/2025 issue of this publication. ☐ Publication not required.

18. Signature and Title of Editor, Publisher, Business Manager, or Owner
Sonya Pitts Date 9-26-25
I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).

ADVERTISEMENT FOR BID

Sealed Bids for the construction for **Plant Avenue Parking Lot Improvements** will be received by the City of Boerne Engineering & Mobility Department, Attention: Victor Saenz, at 447 N Main Street, Boerne, Texas 78006, until 2:00 pm local time on October 16, 2025, at which time the Bids received will be publicly opened and read aloud. Bids received after this time will be returned unopened. The Project consists of all labor, equipment and work to **demolish and construct a new 0.42-acre parking lot**. This project is subject to all required construction testing in accordance with the construction plans and City of Boerne specifications.

Bidding Documents may be viewed at City of Boerne City Hall (Issuing Office), at 447 N Main Street, Boerne, Texas 78006. Plans and specifications may be viewed or downloaded free of charge from <https://www.ci.boerne.tx.us/bids.aspx>, Project ID “**Plant Avenue Parking Lot Improvements**”. It is the bidder’s responsibility to determine that a complete set of documents, as defined in the Agreement are received. Neither Owner nor Engineer are responsible for full or partial sets of Bidding Documents, including Addenda, obtained from sources other than the Issuing Office or <https://www.ci.boerne.tx.us/bids.aspx>.

Bids will be received for a single prime Contract. Bids shall be on a unit price basis, as indicated in the Bid Form. Bid, payment, and performance bonds are required. City of Boerne reserves the right to reject any or all bids or waive any informalities in the bidding.

A virtual pre-bid conference will be held at 10:00 am local time on October 8, 2025 using Microsoft Teams. The login information for the pre-bid conference can be found on CivCast. Attendance at the pre-bid conference is highly encouraged but is not mandatory. All technical questions shall be submitted via <https://www.civcastusa.com>. The deadline for questions is 5:00 pm local time on October 9, 2025. Answers to all written questions received prior to the deadline will be posted to <https://www.civcastusa.com> on October 10, 2025.

BOERNE STAR.COM



EXHIBIT B
FORM OF PROPOSED RESOLUTION

RESOLUTION NO. _____

A RESOLUTION APPROVING THE FINANCING BY THE NEW HOPE CULTURAL EDUCATION FACILITIES FINANCE CORPORATION ON BEHALF OF MORNINGSIDE MINISTRIES FOR A HEALTH FACILITY LOCATED WITHIN THE CITY OF BOERNE, TEXAS

WHEREAS, the Cultural Education Facilities Finance Corporation Act, Chapter 337, Texas Local Government Code, as amended (the "Act"), authorizes and empowers New Hope Cultural Education Facilities Finance Corporation (the "Issuer") to issue revenue bonds on behalf of the Town of New Hope, Texas (the "Issuing Unit") to finance the costs of a health facility found by the Board of Directors of the Issuer to be required, necessary or convenient for health care, research and education, any one or more, within the State of Texas and in furtherance of the public purposes of the Act; and

WHEREAS, Morningside Ministries (the "Borrower"), a Texas nonprofit corporation exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (the "Code"), proposes to obtain financing from the Issuer from the proceeds of one or more series of the Issuer's bonds or notes, pursuant to a plan of financing, in a maximum principal amount not to exceed \$48,000,000 (the "Bonds") and will use a portion of the proceeds of the Bonds to finance and refinance the cost of a retirement facility known as Morningside at Menger Springs, located at 1100 Grand Boulevard, Boerne, Texas 78006 (the "Project"); and

WHEREAS, the Project is located within the City of Boerne, Texas (the "City") and outside the limits of the Issuing Unit; and

WHEREAS, pursuant to section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") the Issuer has caused to be published a notice of public hearing (the "TEFRA Notice") with respect to the issuance of the Bonds and the financing of the Project, and held such a hearing after reasonable notice on October 13, 2025 (the "TEFRA Hearing"); and

WHEREAS, pursuant to the provisions of section 147(f) of the Code, the City Council of the City of Boerne, Texas, after the TEFRA Hearing, must approve issuance of the Bonds by the Issuer to enable the Bonds to qualify as tax-exempt obligations under the Code;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BOERNE, TEXAS THAT:

Section 1. The City Council, solely for purposes of section 147(f) of the Code, hereby approves the issuance of the Bonds and the Project; provided that the City shall have no liability in connection with the financing of the Project and shall not be required to take any further action with respect thereto.

Section 2. The foregoing approval is given in accordance with the provisions of section 147(f) of the Code and for no other purposes and is not to be construed as an undertaking by the City of Boerne, Texas. The Bonds shall not constitute a liability, indebtedness, or an obligation of the City of Boerne, Texas nor shall any of the assets of the City of Boerne, Texas be pledged to the payment of the Bonds.

Section 3. This Resolution shall take effect immediately from and after its adoption and it is accordingly so ordered.

PASSED AND APPROVED, this the _____ day of _____, 2025.

APPROVED:

Mayor

ATTEST:

City Secretary