


**CERTIFICATION CONCERNING RECORD OF EXECUTIVE SESSION HELD  
DURING THE REGULAR MEETING OF THE EBERT METROPOLITAN  
DISTRICT ON SEPTEMBER 9, 2025**

I hereby certify that it is my opinion that the discussion held during the executive session convened near the end of the special meeting of the Board of Directors of Ebert Metropolitan District held September 9, 2025, was properly noticed and constituted privileged attorney-client communication, and therefore no record or electronic recording was required to be kept for such executive session pursuant to Section 24-6-402, C.R.S. I further certify that I was in attendance by Zoom tele-video conference and participated in the discussions for the entire executive session. The privileged discussions during executive session concerned specific questions of legal counsel regarding the proposed District Lease Agreement, request for consent to a transfer of the golf course Concessionaire Agreement to EPR Properties, a real estate investment trust (REIT), acceptance of certain parcels from Developer and HC Land Investments, LLC, potential dismissal of case No. 2023CV32212 against Town Center Metropolitan District, reimbursement of Developer for \$245,394.64 per Reimbursement Agreement, and conveyance of ponds and Argonne tree lawn in Tower Farms to the District, all in accordance with Section 24-6-402(4)(b), C.R.S.

Dated this 26th day of September, 2025.

By:   
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Evan D. Ela, General Counsel  
Ebert Metropolitan District