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# MARCH LUNCHEON

March 11, 2025

**Speaker: Pratima Poudyal P.E., Civil Engineering  
Founder, Jupitex, Inc.  
Utility Projects and ROW Acquisition Challenges**

Ms. Pratima Poudyal is the founder of Jupitex, Inc., a civil engineering consulting firm. She is also a registered professional engineer in the State of Texas and Georgia with 16 years of experience in Civil Engineering. Ms. Poudyal holds bachelor's degree in civil engineering from Tribhuvan University, Nepal and master's degree in civil engineering from Oklahoma State University, Stillwater, Oklahoma.



With expertise in water and wastewater planning and capital improvement projects, Ms. Poudyal worked for the City of Fort Worth Water Department for 7 years. She has successfully led design and construction projects from small diameter water/wastewater distribution and collection systems to large diameter transmission systems. She is committed to delivering engineering solutions not only to meet technical standards but also to enhance the communities.

Outside of professional achievements, Ms. Poudyal is a proud mom of an 8-year-old son and loving wife. Together, they enjoy spending time outdoors, traveling, cooking meals together, or singing and dancing.



# NORTH TEXAS NEWS

International Right of Way Association, Dallas-Forth Worth

MARCH 2025



<b>President</b>	Matt Lance, SR/WA, R/W-RAC, R/W-URAC
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<b>Director - 2 Year</b>	Will Snider, MAI, SR/WA, R/W-AC



## NORTH TEXAS NEWS

### President's Message

Hello Chapter Members,

Spring is in the air! I can't begin to tell you how excited we are for the upcoming 2025 "Retro Right of Way" Spring Seminar and the 26th Annual Steve Baggett Memorial Golf Tournament to be held on March 27-28, 2025. Vice President Leighton Gambill and her amazing team of volunteers are working tirelessly to make this the best Seminar we've ever held. Please hurry, as early registration for the Spring Seminar ends on March 9, 2025. For more information concerning event registrations and sponsorship opportunities, please visit the [Chapter 36 website](#).



**Matt Lance**

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HDR Inc.  
817.390.9848  
[matt.lance@hdrinc.com](mailto:matt.lance@hdrinc.com)

Other upcoming events include the Region 2 Spring Forum and Chapter 8 Relocation Symposium to be held on April 3-4, 2025, in Houston, TX. Additionally, for those planning on attending the 71st Annual International Education Conference on June 1-4, 2025, in Virginia Beach, VA, registration is currently open with early registration discounts available until March 21, 2025.

As a reminder, Chapter 36 proudly awards the Donald J. Sherwood, SR/WA Scholarship to Chapter 36 members and their family members each year at our June Chapter Meeting. Don't wait until the last minute to submit a scholarship application! Please submit applications no later than 5pm on Wednesday, May 14, 2025. Please contact Will Snider, Chapter 36, Director 2-Year at [director2year@irwachapter36.org](mailto:director2year@irwachapter36.org) or [wsnider@obrien-row.com](mailto:wsnider@obrien-row.com) for more information.

Finally, nominations for Chapter 36 Officers for the 2025 - 2026 fiscal year are now open. If you or someone you know is interested in a position on our Chapter Board, please submit a nomination form to our Nominations and Elections Committee, which is chaired by Michael Hale, Chapter 36, Director 1-Year for consideration. Please complete the officer nomination form, which may be downloaded from the [Chapter 36 website](#) and return to [mhale@cobbhendley.com](mailto:mhale@cobbhendley.com) no later than 5:00pm on March 31, 2025. The Nominations and Elections Committee will review the nominations and select a proposed slate of officers that will be on the election ballot in May 2025.

I look forward to seeing all of you at our luncheon on March 11<sup>th</sup> at Texas Star Golf Course in Euless, TX. We will be treated to a presentation by Pratima Poudyal P.E. of Jupitex, Inc., where she will discuss Utility Projects and ROW Acquisition challenges

Matt Lance

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## NORTH TEXAS NEWS

### Vice President's Message

Friends! March is here! I can't believe it, we are just a few short weeks away from our event!

**NEW ANNOUNCEMENT!** I have arranged for a small room block at the Delta House in Southlake. It is minutes away from our The Marq. Please use this link to reserve your room! <https://www.marriott.com/event-reservations/reservation-link.mi?id=1741035274360&key=GRP&questreslink2=true&app=resvlink>



**Leighton Gambill**

Integra Realty Resources  
214.632.4243  
[lgambill@irr.com](mailto:lgambill@irr.com)

**Continuing Education Update:** We have been approved for 8 hrs of CLE. We are anticipating the rest of our pending CE's to come through this week! I will update the Chapter 36 website as they come in.

We are movin and groovin! Early registration ends this weekend!! So please do not hesitate to save your seat! We have added several items to our event line up, including the dinner ticket for the after party of the Steve Baggett Memorial Golf Tournament. We are still looking for logo swag bag items. If you have something to contribute please reach out to Ana Salazar to arrange for delivery! In case you need the date again, Thursday, March 27<sup>th</sup> at Tour 18 in Flower Mound.

Our speaker line up is included on the following page, I look forward to hearing from a few of our favorite speakers, but bringing in some new faces as well! I can't say it enough, our Chapter is absolutely THE BEST! I am continually amazed at our support system and beyond grateful as I see each registration come in!

Please remember to **REGISTER NOW** and avoid late fees. If you have any questions or would like to get involved please reach out to myself, Leighton Gambill at [LGambill@irr.com](mailto:LGambill@irr.com) or 214-632-4243, Miles Travis (Sponsorships) at [miles.travis@cushwake.com](mailto:miles.travis@cushwake.com), or Ana Salazar (Golf Tournament) at [asalazar@pinnaclegroup.biz](mailto:asalazar@pinnaclegroup.biz).

Peace Out,

Leighton Gambill

Chapter 36 VP



Integra Realty Resources  
Fort Worth

**NORTH TEXAS NEWS**



**The Lowdown**

**Retro Right of Way**

**26th Annual Steve Baggett Memorial Golf Tournament & IRWA Ch. 36 Spring Seminar**

**March 27 & 28**



**Retro Right of Way Steve Baggett Memorial Golf Tournament & Reception**

**Tour 18 Dallas**  
8718 Amen Corner, Flower Mound

**Registration/Putting Contest: 10:00 AM**  
**Tee Time: 11:00 AM**

**Costs:**

**Golf**  
Individual Golfer: \$125  
Team of 4 Golfers: \$500

**Reception**  
Dinner Ticket: \$40

**March 27**

We will gladly put together golf teams if registering solo. Please contact Golf Chair, Ana Salazar, (817) 901-2634 or [asalazar@pinnaclegroup.biz](mailto:asalazar@pinnaclegroup.biz) with any team requests or questions regarding golf tournament.

**NORTH TEXAS NEWS**

# 26th Annual Steve Baggett Memorial Golf Tournament

## Retro Right of Way Sponsorship Opportunities

### GOLF SPONSORSHIPS

<p><b>Tournament Sponsor</b> <b>\$2,000</b></p> <ul style="list-style-type: none"> <li>• Logo Recognition on all Tournament Advertising &amp; Awards</li> <li>• Recognition at the Reception &amp; Seminar</li> <li>• Tent at a Hole</li> <li>• 2 Complimentary Tournament Registrations</li> <li>• Only 1 Available</li> </ul>	<p><b>Beverage Sponsor</b> <b>\$1,000</b></p> <p><b>SOLD OUT</b></p> <ul style="list-style-type: none"> <li>• Sponsor cups and Drink</li> <li>• Recognition at the Reception</li> <li>• Limited Number Available</li> <li>• "Subject to change"</li> </ul>	<p><b>Tent Sponsorship</b> <b>\$750</b></p> <ul style="list-style-type: none"> <li>• Tent Located at a Hole of Your Choosing</li> <li>• Logo Recognition on Yard Sign at a Hole</li> <li>• Recognition at the Tournament Reception</li> <li>• Limited Number Available</li> </ul>	<p><b>Hole Sign Sponsorship</b> <b>\$250</b></p> <ul style="list-style-type: none"> <li>• Logo Recognition on Yard Sign at a Hole</li> <li>• Recognition at the Tournament Reception</li> <li>• Limited Number Available</li> </ul>
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### RECEPTION SPONSORSHIPS

<p><b>Dinner Sponsor</b> <b>\$1,000</b></p> <ul style="list-style-type: none"> <li>• Logo Recognition throughout Venue</li> <li>• Verbal Recognition at the Tournament Reception &amp; Seminar</li> <li>• Only 1 Available</li> </ul>	<p><b>Cigar Sponsor</b> <b>\$1,250</b></p> <p><b>SOLD OUT</b></p> <ul style="list-style-type: none"> <li>• Logo Recognition throughout Venue</li> <li>• Verbal Recognition at the Tournament Reception &amp; Seminar</li> <li>• Limited Number Available</li> <li>• "Subject to change"</li> </ul>	<p><b>Drink Sponsor</b> <b>\$1,000</b></p> <ul style="list-style-type: none"> <li>• Logo Recognition throughout venue</li> <li>• Verbal Recognition at the Tournament Reception &amp; Seminar</li> <li>• Only 1 Available</li> <li>• "Subject to change"</li> </ul>	<p><b>Raffle Sponsor</b> <b>\$750</b></p> <ul style="list-style-type: none"> <li>• Logo Recognition throughout venue</li> <li>• Verbal Recognition at the Tournament Reception &amp; Seminar</li> <li>• Only 1 Available</li> </ul>
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# Retro Right of Way IRWA CH. 36 Spring Seminar The Marq Southlake

285 Shady Oaks Dr, Southlake, TX 76092

Check In/Breakfast: 7:30 AM

Seminar Begins: 8:00 AM

Lunch: 12:30 PM

Seminar Concludes: 5:00 PM

### PRESENTATIONS

- Anatomy of a Review of a Partial Acquisition – James Rohrig; DART
- Relocation Eras – Danyelle Donnelly Daniels, Yoana Quintero, and Oscar Rodriguez; Stateside Right of Way Services, LLC
- Adequate Vs Just Compensation: A Distinction Without a Difference – Bobby Debelak; McDowell Hetherington LLP
- From Concept to Completion: The Council of Governments' Role in Transportation Projects – Wade Haffey; North Central Council of Governments
- Texas Economic Update – Emily Kerr; Federal Reserve Bank of Dallas
- Mo Money Mo Problems: Lawyers & Clients Are Still Suing Each Other Over Fees – Sue Ayers; Hutcheson Bowers LLLP
- Relocation: Final Rule Update – Kristen Short; Blackbird Right of Way
- Condemnation in Place – The What, When, and How of it – Jordan A. Miller; Baker Moran Doggett Ma & Dobbs LLP

**March 28**

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# The Boogie Blueprint

## IRWA CH. 36 Spring Seminar Retro Right of Way

- 7:30 AM** Check - in & Breakfast
- 8:00 AM** Opening
- 8:15 AM** Anatomy of a Review of a Partial Acquisition - James Rohrig; DART
- 9:00 AM** Relocation Eras - Danquelle Donnelly Daniels, Yoana Quintero, and Oscar Rodriguez; Stateside Right of Way Services, LLC
- 9:45 AM** Break
- 10:00 AM** Adequate Vs Just Compensation: A Distinction Without a Difference - Bobby Debelak; McDowell Hetherington LLP
- 11:00 AM** From Concept to Completion: The Council of Governments' Role in Transportation Projects - Wade Haffey; North Central Council of Governments
- 11:45 AM** Texas Economic Update - Emily Kerr; Federal Reserve Bank of Dallas
- 12:30 PM** Lunch
- 1:30 PM** Mo Money Mo Problems: Lawyers & Clients Are Still Suing Each Other Over Fees - Sue Ayers; Hutcheson Bowers LLLP
- 2:30 PM** Relocation: Final Rule Update - Kristen Short; Blackbird Right of Way
- 3:30 PM** Break
- 3:45 PM** Condemnation in Place - The What, When, and How of it - Jordan A. Miller; Baker Moran Doggett Ma & Dobbs LLP
- 4:45 PM** Closing

**March 28**

## \* IRWA Ch. 36 \* Spring Seminar Retro Right of Way

**MARCH 28**

### Sponsorship Opportunities

Dazzling Diamond \$2,000	Groovy Gold \$1,500	Slamin Silver \$1,000	Boogie Bronze \$500
Logo Recognition in Program	☺	☺	☺
Logo Recognition on Sponsor Signs Throughout Meeting Area	☺	☺	☺
Verbal Recognition at the Seminar	☺	☺	☺
Complimentary Registration to the Seminar	<b>3</b>	<b>2</b>	<b>1</b>
Signage at the Steve Baggett Memorial Golf Tournament	☺	☺	
Tent at a Hole for the Steve Baggett Memorial Golf Tournament	☺		
Introduction of a Speaker at the Seminar	☺		

**Breakfast**

**SOLD OUT**

• Logo Recognition in Program  
• Verbal Recognition at Seminar  
• Complimentary Registration Available

**Lunch Sponsor**

**SOLD OUT**

• Logo Recognition in Program  
• Verbal Recognition at Seminar  
• Complimentary Registration Available

**Break Sponsor**

**SOLD OUT**

• Logo Recognition in Program  
• Verbal Recognition at Seminar  
• Complimentary Registration Available

**Lanyard Sponsor**

**SOLD OUT**

• Logo Recognition in Program  
• Verbal Recognition at Seminar  
• Complimentary Registration Available

**Program Sponsor**

**SOLD OUT**

• Logo Recognition in Program  
• Verbal Recognition at Seminar  
• Complimentary Registration Available

**NORTH TEXAS NEWS**

# Retro Right of Way Registration Information

**26TH ANNUAL STEVE BAGGETT MEMORAIL GOLF  
TOURNAMENT & RECEPTION**

<p><b>Golf</b></p> <p>Individual Golfer: \$125 Team of 4 Golfers: \$500</p>	<p><b>Reception</b></p> <p>Dinner Ticket: \$40</p>
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**SPRING SEMINAR**

<p><b>IRWA Member Registration</b></p> <p>Earlybird (Before 3/9): \$175 Late (3/10 - 3/24): \$195</p>	<p><b>Non-Member Registration</b></p> <p>Earlybird (Before 3/9): \$195 Late (3/10 - 3/24): \$215</p>
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## Interested?

Opportunity you don't see listed?

## Contact

**Miles Travis**  
713-609-3350  
[Miles.travis@cushwake.com](mailto:Miles.travis@cushwake.com)

**Leighton Gambill**  
214-632-4243  
[lgambill@irr.com](mailto:lgambill@irr.com)

**March 27 & 28**

## NORTH TEXAS NEWS

### Director 2-Year

Howdy Chapter 36 Members!

We are now accepting applications for the Donald J. Sherwood Scholarship in recognition of our own Chapter 36 member, Donald J. Sherwood, MAI, SR/WA, R/W-AC. Donnie Sherwood is a promoter of professional education, an IRWA instructor, Chapter 36 Professional of the Year, and 2009 Frank C Balfour Professional of the Year winner. Some of his further accolades include the 2018 W. Howard Armstrong Instructor of the Year, 2023 Region 2 Lifetime Achievement Award, and 2024 International Lifetime Achievement Award. In his honor, Chapter 36 proudly awards the Donald J. Sherwood, SR/WA Scholarship to Chapter 36 members and their family members each year. Chapter 36 accepts applications in the first quarter of each year and recipients are announced at the June Chapter meeting.



**Will Snider**

MAI, SR/WA, R/W-AC  
 O'Brien Right of Way Valuation  
 Senior Director  
 817.332.0200  
[wsnider@obrien-row.com](mailto:wsnider@obrien-row.com)

The completed application packet, with required academic support and recommendations, must be submitted to Will Snider, Chapter 36 Director 2-Year at [wsnider@obrien-row.com](mailto:wsnider@obrien-row.com) no later than 5pm on Wednesday, May 14, 2025.

[Click here to download](#) scholarship applications.

## IRWA Chapter 36 Donald J. Sherwood Scholarship

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[Application located on IRWA Chapter 36 website:](#)  
 Education Tab at top/PDC & Scholarships/Donald J. Sherwood, SR/WA Scholarship/Click here to download

### Scholarship Criteria

- Enrolled as a full-time college student (12+ college semester hours)
- Chapter 36 member, or family member of one
- In good standing with an accredited collegiate institution

*\*Preferred (but not required) fields of study in a right of way or right of way related field, e.g., appraisal, engineering, law, surveying, real estate/real estate management, drafting, finance, property management, business/public management*

### Summary of Application Contents

See application for more details

- Completed and signed application
- Transcript
- Letter(s) of recommendation (at least one required)
- Current photograph
- Essay (one page limit; no specific requirements on font, margins, etc.)

## Deadline is Wednesday, May 14, 2025

Deadline is 5pm

Send submissions to Will Snider, Scholarship Committee Chair, at  
[director2year@irwachapter36.org](mailto:director2year@irwachapter36.org) or [wsnider@obrien-row.com](mailto:wsnider@obrien-row.com)

Questions? Email or call/text 817-776-1155

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# Ask the Attorney

By: John P. Baker, Tony Attia, and Charles Wilson

**Question: What does ‘arbitrary and capricious’ really mean when it comes to condemning property or setting a route?**

**Answer:** The ‘arbitrary and capricious’ standard is an affirmative defense that can be raised by a condemnee in an eminent domain proceeding. Essentially, the condemnee can challenge the condemnor’s right to exercise its discretion in determining the public necessity for the taking. Commonly, a condemnee will challenge the amount of land taken or the purpose for which the land was taken. The condemnee has the burden of proving that the condemnor acted in an arbitrary or capricious manner when it condemned the property.

The condemnor’s discretion to determine what and how much land to condemn for its purposes—that is, to determine public necessity—is nearly absolute.” *Malcomson Rd. Util. Dist. v. Newsom*, 171 S.W.3d 257, 268 (Tex. App.—Houston [1st Dist.] 2005, pet. denied). The reason for this is because if an entity is vested with the power of eminent domain, then they need to be able to make a determination that a pipeline or other large-scale project is globally necessary and serves a public purpose without having to make granular determinations of necessity as to each tract of affected land. *City of Austin v. Whittington*, 384 S.W.3d 766, 783 (Tex. 2012).

Thus, this affirmative defense of ‘arbitrary and capricious action’ requires a very high burden of proof from the condemnee. Arbitrary and capricious decisions are generally decisions not done according to reason or judgment and are a willful and unreasoning action, action without consideration and in disregard of the facts and circumstances that existed at the time the condemnation was decided upon. See *Whittington*, 384 S.W.3d at 777–78. Simply put, there must be no reasonable basis for the condemnor’s decision to condemn the specific property being challenged. *Morello v. Seaway Crude Pipeline Co., LLC*, 585 S.W.3d 1, 13–14 (Tex. App. 2018).

A common situation arises when a condemnor has to decide between alternative routes. When there is room for two opinions, an action cannot be deemed arbitrary when it is exercised honestly and upon due consideration, regardless of how strongly one believes an erroneous conclusion was reached. See *Whittington*, 384 S.W.3d at 777–78. In practice, this means that even a showing that alternate plans are feasible or better does not make the condemnation determination arbitrary or capricious. *Id.*



**John P. Baker**

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**Charles Wilson**

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[cwilson@bakermoran.com](mailto:cwilson@bakermoran.com)



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Additionally, a condemnor also does not abuse its authority if it later changes its plans for the use of the land *Circle X Land & Cattle Co. v. Mumford Indep. Sch. Dist.*, 325 S.W.3d 859, 864 (Tex. App. 2010) (holding that a school district's change of plans from sports complex to complex and new high school did not render the taking arbitrary and capricious). Nor is it arbitrary or capricious for the condemnor to alter its specific plan for the property after the commissioners' hearing even if the new plan allegedly prejudices the landowner. See *id.*; *PR Invs. & Specialty Retailers, Inc. v. State*, 251 S.W.3d 472, 476–79 (Tex.2008).

Overall, to prove that a taking was arbitrary and capricious, the condemnee must negate any reasonable basis for the taking. The condemnee must prove that the taking was for a private use instead of a public one or prove that the condemnor had no legitimate need or basis for taking the property. If the entity has done its due diligence in determining the amount and reason for the take, then this affirmative defense will not affect the rights or decisions of the condemnor.



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*The views, thoughts, and opinions expressed in this article belong solely to the authors –Jordan A. Miller, Charles M. Wilson, Madison Yasenchok – and not necessarily to the author's law firm or its clients, or any organization, committee, or other group of which the author is a member. Transmission of the information contained in this article is not intended to create, and receipt does not constitute, an attorney-client relationship between you and Baker | Moran. This article contains information on legal issues and is not a substitute for legal advice from a qualified attorney licensed in the appropriate jurisdiction.*



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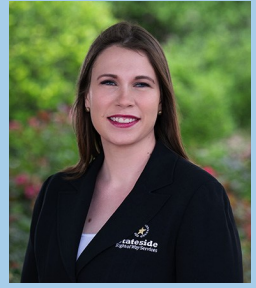
## Education Committee News

Hello Chapter 36 Members!

Happy March to all our wonderful members. Don't leave furthering your education and working toward your education goals be left up to luck. Check out all the amazing courses our Chapter is planning to host.

A full list of courses being offered is available on the link below. [IRWA Virtual Classes Calendar](#).

Below is the schedule of classes we will be offering through March of this year.



**Danyelle Donnelly Daniels**

SR/WA, R/W-URAC, R/W-RAC  
Stateside Right of Way Services  
Vice President  
817.369.3191  
[danyelled@statesiderow.com](mailto:danyelled@statesiderow.com)



### Chapter 36 2025 Education Calendar

	<b>Course</b>	<b>Location</b>	<b>Date</b>
431	Problems in the Valuation of Partial Acquisitions	Virtual	Mar 21, 2025
215	Right of Way Acquisition for Pipeline Projects	In-Person: Fort Worth TNP Office	Mar 27-28, 2025
207	Practical Negotiations for U.S. Federal or Federally Assisted Projects	In-Person: Richardson Half Office	May 29-30, 2025

If your company is interested in hosting a Closed Class for your employees, please reach out to us and we can assist in helping schedule and coordinate the class. Send the Education Committee an email at [education@irwachapter36.org](mailto:education@irwachapter36.org).

### Which Courses Do I Need?

Only the PDC can tell you which class you need to complete the education requirements for designation and certification. If you are planning to get your RWA, RWP or SR/WA the list of courses you need to complete your credentialing are located at [www.irwaonline.org](http://www.irwaonline.org). Just visit the "Credentialing" tab.



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**Appraisal & Appraisal Review**  
[tillmanj@flash.net](mailto:tillmanj@flash.net)  
**817-926-9835**

## Letter from the Temporary Editor

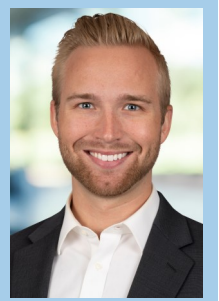
Chapter 36,



As a reminder, Chapter 36 would like to invite and incentivize all members to submit content for the monthly newsletter. Want to win a **free lunch**? Well, please email something cool to myself or Ciara for us to highlight in the newsletter!

[cbrown@obrien-row.com](mailto:cbrown@obrien-row.com)

[jbosacker@obrien-row.com](mailto:jbosacker@obrien-row.com)



**Jake Bosacker**

O'Brien Right of Way  
Valuation  
Analyst  
817.332.0200  
[jbosacker@obrien-row.com](mailto:jbosacker@obrien-row.com)

This could be anything from your company events, projects you're proud of, professional announcements, open positions, shouting out someone you think is amazing, basically anything and everything related to our industry, our right-of-way family, or your company. As they say, "There's no such thing as bad publicity."

If your article is selected, you'll receive a free Chapter 36 lunch and your piece will be published. Come on Chapter 36, you can do this!



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