

WARRANTY DEED WITH VENDOR'S LIEN

THE STATE OF TEXAS,)
COUNTY OF BLANCO.) KNOW ALL MEN BY THESE PRESENTS:

That I, R. BURNELL BENNETT, acting herein by and through my duly authorized Attorney-in-Fact, RICHARD HOERSTER, being of the County of Harris and State of Texas, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, and other valuable consideration to the undersigned paid by the Grantees herein named, the receipt of which is hereby acknowledged, and the further consideration of the execution and delivery by Grantees of their one certain promissory note of even date herewith in the principal sum of EIGHTY THOUSAND SIX HUNDRED SEVENTY-TWO AND NO/100 (\$80,672.00) DOLLARS, payable to the order of Grantor in monthly installments and bearing interest as therein provided, containing the usual clauses providing for acceleration of maturity and for attorney's fees, the payment of which note is secured by the vendor's lien herein retained, and is additionally secured by a Deed of Trust of even date herewith to Pat Dooley, Trustee, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto GARY T. WHITED and wife, BARBARA J. WHITED, whose address is 11107 Slaughter Creek Drive, Austin, Travis County, Texas, 78748, all of the following described real property in Blanco County, Texas, to-wit:

BEING 91.52 acres of land situated in Blanco County, Texas, and being comprised of the following:

- 28.43 acres of land, out of the Frederick Rogers Survey No. 172, Abstract No. 513;
- 0.50 acres of land out of the C. & M. R. R. Co. Survey No. 321, Abstract No. 987; and,
- 62.59 acres of land out of the G. C. & S. F. R. R. Co. Survey No. 131, Abstract No. 1082; and,

being out of and a part of that certain 619.97 acre tract of land conveyed from William Darrell Willerson to R. Burnell Bennett by Deed dated April 4, 1979, and found of record in Volume 98, Page 862, of the Deed Records of Blanco County, Texas.

Said 91.52 acre tract of land is described more particularly by metes and bounds in Exhibit "A", attached hereto and made a part hereof; together with a 30 foot wide roadway easement more fully described by metes and bounds in Exhibit "B", attached hereto and made a part hereof;

This conveyance is SUBJECT, however, to the following restrictions, covenants, conditions and reservations, which are a part of the consideration for the execution of the Deed and which

shall run with and burden the title to the property hereby conveyed, and shall be binding upon the Grantees, their heirs, executors and administrators and assigns, and which are described more particularly as follows, to-wit:

1. No more than one residence shall be erected or placed on any original or subdivided tract, and the tract shall not be less than 15 acres.

2. Residences shall have a ground floor area of not less than 800 square feet exclusive of garage and other appendages, and shall be constructed no closer than 50 feet to the road and no closer than 30 feet to the side property lines. Any buildings once started, shall be completed on exterior prior to occupancy and shall be completed on the interior within a period of 12 months. Outbuildings shall be no closer than 100 feet to the road and shall at no time be used for human habitation. Barns shall be 250 feet or more from the road. All buildings must be completely enclosed from ground level to the lower portion of outside walls so as to maintain a neat appearance and to remove posts or piers from outside view.

3. No outside toilets shall be permitted and no septic tanks shall be drained into the road or creek. Sewerage disposal systems must meet Blanco County specifications and requirements. Chemical toilets may be used during construction.

4. No noxious, offensive, unlawful or immoral use shall be made of any tract, nor shall any tract be used as a dumping ground for refuse of any sort. Each owner shall maintain each tract owned by him in a clean and sightly condition. No sign of any kind will be displayed to public view on any property except one professional sign of not more than 5 square feet for sale or rent.

5. No commercial business shall be operated on any tract. No alcoholic beverage, including beer, shall be offered for sale on this or any other tract, nor shall any poultry, egg, feed-lot or other commercial livestock operations be permitted. Livestock, except for hogs and turkeys, may be maintained on any tract provided their numbers and maintenance shall not become a nuisance to neighboring tracts or to the Grantor.

6. Notwithstanding the provisions of Paragraph "2", tents and camping trailers may be used on weekends or for short vacation periods; however, tents and camping trailers may not be used as permanent dwellings.

7. No more than 20% of the tract shall be cleared of trees until the tract is 50% paid for.

8. A utilities and drainage easement of 10 feet along the sides and rear of each tract is hereby designated to serve the best interest of all owners within the Turkey Creek property and the Grantor assumes no responsibility for removal of any trees, shrubbs, fences of other objects within the easement.

9. Firearms shall not be discharged into or through adjoining tracts or used in any manner dangerous to persons.

10. Except for the main entrance to the 619.97 acres owned by R. Burnell Bennett on Highway No. 281 at the East end of said property, no owner of said property shall place any gates or barricades across any roadway easement, and fenced tracts shall have cattleguards across roadway easements.

11. No part of the 619.97 acres owned by R. Burnell Bennett shall be subdivided into a tract or tracts of less than 15 acres in size.

12. Mobile homes may be placed on any part of said 619.97 acres, but under no circumstances will any part of the 619.97 acres be utilized for purposes of a mobile home park whether by lease, sale or otherwise. These mobile homes must be of modern design and must be skirted within 6 months of placing on property, and must be maintained in a condition so as not to become a detriment to the acreage.

13. These restrictions, covenants and conditions shall run with the land until January 1, 1985, and may then be altered or changed by two-thirds majority vote in acreage of then current owners. These current restrictions shall remain in force until such a change is passed by a two-thirds majority vote as described above. These restrictions, covenants and conditions are enforceable by any one or more of the Grantees of the 619.97 acres owned by R. Burnell Bennett. The Owner could prevent or stop such violation by injunction.

14. Invalidity of any one of these covenants or restrictions by judgment of any Court shall in no wise affect any of the other provisions which shall remain in full force and effect.

Said property is also conveyed by the Grantor herein and is accepted by the Grantees herein SUBJECT to the following:

a. Leon D. Glasscock, et al to Monarch Royalty Corp., Royalty Deed to undivided 1/24 interest in and to all of the oil, gas and other minerals that may be produced from said land, dated March 3, 1928, recorded in Volume 3, Pages 394-396, of the Oil and Gas Records of Blanco County, Texas;

b. Leon D. Glasscock, et al to C. B. Illington, Royalty Deed to undivided 1/12 interest in and to all of the oil, gas and other minerals that may be produced from said land, dated March 3, 1928, recorded in Volume 3, Pages 398-400, of the Oil and Gas Records of Blanco County, Texas;

c. Leon D. Glasscock, et al to D. F. Fleet, W. B. Osborn and John J. Fleet, Royalty Deed to undivided 1/24 interest in and to all of the oil, gas and other minerals that may be produced from said land, found of record in Volume 3, Pages 411-413, of the Oil and Gas Records of Blanco County, Texas;

d. Leon D. Glasscock, et al to E. A. Dreeben, Royalty Deed to undivided 2/12 interest in and to all of the oil, gas and other minerals that may be produced from said property, dated March 3, 1928, recorded in Volume 3, Pages 416-417, of the Oil and Gas Records of Blanco County, Texas;

e. Leon D. Glasscock, et al to E. A. Dreeben, Royalty Deed to undivided 1/12 interest in and to all of the oil, gas and other minerals that may be produced from said property, found of record in Volume 3, Pages 439-441, of the Oil and Gas Records of Blanco County, Texas;

f. Leon D. Glasscock, et al to E. W. Whitney, Royalty Deed to undivided 1/12 interest in and to all of the oil, gas and other minerals that may be produced from said property, dated March 3, 1928, recorded in Volume 3, Pages 442-443, of the Oil and Gas Records of Blanco County, Texas;

g. Deed of Trust dated April 4, 1979, executed by R. Burnell Bennett to William Darrell Willerson, found of record in Volume 49, Page 652, of the Deed of Trust Records of Blanco County, Texas; and,

h. Any and all visible or apparent easements on or across the property herein described;

TO HAVE AND TO HOLD the above described premises, together with all and singular the said rights and appurtenances thereto

in anywise belonging unto the said Grantees, their heirs and assigns forever, and I do hereby bind myself, my heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantees, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

But it is expressly agreed that the Vendor's Lien, as well as the Superior Title in and to the above described premises is retained against the above described property, premises and improvements until the above described note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute.

EXECUTED this the 19th day of July, A. D., 1983.

R. Burnell Bennett

R. BURNELL BENNETT

By: *Richard Hoerster*

RICHARD HOERSTER, Attorney-in-Fact for R. Burnell Bennett

THE STATE OF TEXAS,)
COUNTY OF GILLESPIE.)

BEFORE ME, the undersigned authority, on this day personally appeared Richard Hoerster, known to me to be the person whose name is subscribed to the foregoing instrument as the attorney-in-fact of R. Burnell Bennett, and acknowledged to me that he subscribed the name of R. Burnell Bennett thereto as principal and his own name as attorney-in-fact, and executed the same for the purposes and consideration therein expressed, and in the capacity therein set forth.

GIVEN under my hand and seal of office, on this the 19th day of July, A. D., 1983.

Joan Gold (Joan Gold)

Notary Public in and for the State of Texas.

My Commission Expires: May 2, 1985.

EXHIBIT "A"

BEING 91.52 acres of land situated in Blanco County, Texas, and being comprised of the following:

1. 28.43 acres of land out of the Frederick Rogers Survey No. 172, Abstract No. 513;
2. 0.50 acres of land, out of the C. & M. R. R. Co. Survey No. 321, Abstract No. 987; and,
3. 62.59 acres of land, out of the G. C. & S. F. R. R. Co. Survey No. 131, Abstract No. 1082, and,

being out of and part of that certain 619.97 acre tract of land conveyed by William Darrell Willerson to R. Burnell Bennett by Deed dated April 4, 1979, and found of record in Volume 98, Page 862, of the Deed Records of Blanco County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at an iron pin in the fence and Northerly line of said 619.97 acre tract at the Northeast corner of a 35.77 acre tract whence the Northeast corner of said C. & M. R. R. Co. Sur. No. 321 bears South 87 deg. 38' East 65.0 feet and also from said iron pin, the Northwest corner of said 619.97 acre tract bears North 87 deg. 38' West 389.15 feet, North 86 deg. 17' 45" West 802.65 feet, North 86 deg. 25' West 124.18 feet, and North 86 deg. 38' West 684.02 feet, for the Northwest corner hereof;

THENCE South 3 deg. 03' 30" East with Easterly line of said 35.77 acre tract at 526.70 feet, cross the centerline of a 30 foot wide Access Easement and at 923.27 feet, in all, an iron pin on the bank of a creek;

THENCE South 6 deg. 45' East continuing with the Easterly line of said 35.77 acre tract 21.69 feet, to an iron spike set in the center of said creek, for a reentrant corner hereof;

THENCE continuing with said 35.77 acre tract with and up the centerline of said creek in twenty-four (24) courses and distances as follows:

- 1) South 47 deg. 41' West 50.80 feet;
- 2) South 75 deg. 06' West 113.10 feet;
- 3) South 37 deg. 00' West 39.96 feet;
- 4) South 6 deg. 38' East 27.41 feet;
- 5) South 82 deg. 47' East 52.95 feet;
- 6) South 25 deg. 49' East 74.07 feet;
- 7) South 25 deg. 32' 30" West 73.69 feet;
- 8) South 59 deg. 22' West 94.47 feet;
- 9) North 89 deg. 29' West 62.31 feet;
- 10) North 52 deg. 28' 30" West 97.69 feet;
- 11) North 86 deg. 55' West 27.78 feet;
- 12) South 68 deg. 19' West 93.55 feet;
- 13) South 33 deg. 13' West 66.20 feet;
- 14) South 28 deg. 35' East 102.52 feet;
- 15) South 14 deg. 33' 45" West 214.30 feet;
- 16) South 31 deg. 59' 15" West 143.8 feet;
- 17) South 9 deg. 17' West 75.71 feet;
- 18) South 36 deg. 22' East 25.40 feet;
- 19) South 64 deg. 09' East 63.49 feet;
- 20) South 33 deg. 40' East 29.35 feet;
- 21) South 10 deg. 00' West 74.32 feet;
- 22) South 45 deg. 25' West 41.98 feet;
- 23) South 80 deg. 38' West 103.1 feet;
- 24) South 45 deg. 33' West 69.6 feet, to an iron spike set in the fence and southerly line of said 619.97 acre tract, for the Southeast corner of said 35.77 acre tract, for the Southwest corner hereof, whence an iron pin at a fence post in the West bank of said creek bears North 67 deg. 38' West 12.6 feet, and the Southwest corner of said 619.97 acre tract bears North 67 deg. 38' West 1456.45 feet;

THENCE with the fence and Southerly line of said 619.97 acre tract in two courses and distances as follows:

- 1) South 67 deg. 38' East 1348.78 feet, to an iron pin, and,
- 2) South 67 deg. 42' 15" East 1433.60 feet, to an iron pin at the Southwest corner of a 251.40 acre tract, for the Southeast corner hereof, whence an iron pin in the Westerly right-of-way line of U.S. Highway No. 281, at the Southeast corner of said 619.97 acre tract and said 251.40 acre tract bears South 67 deg. 42' 15" East 1230.29 feet, South 67 deg. 36' East 1693.07 feet and South 67 deg. 57' 15" East 530.43 feet;

THENCE with the Westerly line of said 251.40 acre tract in three (3) courses and distances as follows:

- 1) North 9 deg. 29' 45" East 833.65 feet, an iron pin;
- 2) North 9 deg. 32' 30" West 374.55 feet, an iron pin, and,
- 3) North 1 deg. 41' West 308.86 feet, to an iron pin in the South line of a 30 foot wide Access Easement at a Westerly Southeast corner of a 47.10 acre tract, for a Southerly Northeast corner hereof, whence an iron pin at a Southerly Northwest corner of said 251.40 acre tract in the North line of said easement bears North 10 deg. 02' East 30.00 feet;

THENCE with the Southerly line of said 47.10 acre tract in two (2) courses and distances as follows:

- 1) North 73 deg. 13' West 365.83 feet, an iron pin, and,
- 2) North 68 deg. 00' West leaving said Access Easement, 101.80 feet, to an iron pin at the East corner of an 8.55 acre tract;

THENCE with and around the perimeter of said 8.55 acre tract in five (5) courses and distances as follows:

- 1) South 54 deg. 29' 30" West at 478.22 feet, an iron pin and crossing a ravine 684.30 feet, in all, an iron pin and South corner of said 8.55 acre tract;
- 2) North 30 deg. 02' 30" West 216.54 feet, an iron pin;
- 3) North 43 deg. 15' 30" West 237.52 feet, an iron pin;
- 4) North 44 deg. 57' 30" West 218.31 feet, an iron pin, and West corner of said 8.55 acre tract; and,
- 5) North 40 deg. 31' 45" East crossing said ravine and said Access Easement, 542.45 feet, to an iron pin in the Easterly line of said easement, and the Westerly line of said 47.10 acre tract, for the North corner of said 8.55 acre tract, for an Easterly corner hereof;

THENCE with the Easterly line of said easement and Westerly line of said 47.10 acre tract in five (5) courses and distances as follows:

- 1) North 2 deg. 50' West 117.75 feet, an iron pin;
- 2) North 17 deg. 34' 30" West 166.54 feet, an iron pin;
- 3) North 15 deg. 17' East 107.93 feet, an iron pin;
- 4) North 13 deg. 18' 15" East 204.27 feet, an iron pin; and,
- 5) North 7 deg. 05' West 134.34 feet, an iron pin;

THENCE North 15 deg. 58' East leaving said easement, 158.65 feet to an iron pin in the fenced Northerly line of said 619.97 acre tract, at the Northwest corner of said 47.10 acre tract, for the Northeast corner hereof;

THENCE with the fenced Northerly line of said 619.97 acre tract, North 88 deg. 35' West 225.59 feet, an iron pin, and North 87 deg. 38' West 753.22 feet, to the place of beginning hereof and containing 91.52 acres of land;

EXHIBIT "B"

BEING a 30 foot road easement extending from U. S. Highway No. 281 to two separate 21.00 acre tracts out of the Westerly portion of that certain 619.97 acre tract conveyed by William Darrell Willerson to R. Burnell Bennett by Deed dated April 4, 1979, and found of record in Volume 98, Page 862, of the Deed Records of Blanco County, Texas, said easement being within the G. C. & S. F. R. R. Co. Survey No. 31, and being more particularly described by course and distance as follows:

BEGINNING at an iron pin in the Westerly right-of-way line of U.S. Highway No. 281, at the intersection of the Southerly line of herein described easement, whence a concrete right-of-way monument bears South 10 deg. 14' 30" West 365.7 feet, and another right-of-way monument bears North 10 deg. 14' 30" East 535.9 feet;

THENCE with the Southerly line of an old roadway and Southerly line hereof in fifteen (15) courses and distances as follows:

- 1) North 56 deg. 59' 15" West 34.52 feet, an iron pin;
- 2) North 23 deg. 45' 30" West 127.58 feet, an iron pin;
- 3) North 51 deg. 00' West 142.09 feet, an iron pin;
- 4) South 89 deg. 57' 30" West 145.07 feet, an iron pin;
- 5) South 64 deg. 58' 30" West 141.58 feet, an iron pin;
- 6) North 88 deg. 06' 30" West 142.28 feet, an iron pin;
- 7) North 57 deg. 02' West 152.10 feet, an iron pin;
- 8) North 71 deg. 03' 30" West 185.26 feet, an iron pin;
- 9) North 51 deg. 36' 45" West 98.68 feet, an iron pin;
- 10) North 64 deg. 46' West 81.63 feet, an iron pin;
- 11) North 30 deg. 50' 45" West 162.91 feet, an iron pin;
- 12) North 10 deg. 42' 30" East 105.27 feet, an iron pin;
- 13) North 26 deg. 17' 15" West 58.3 feet, an iron pin;
- 14) North 60 deg. 51' 45" West 358.4 feet, an iron pin;
- 15) North 49 deg. 47' 45" West 28.24 feet, to the point of intersection of the centerline of a new roadway, for a turn herein, whence an iron pin set for reference bears South 24 deg. 47' West 17.2 feet;

THENCE leaving the Southerly line of said old roadway with the centerline of said new roadway in twelve (12) courses and distances as follows:

- 1) South 85 deg. 12' West 209.43 feet;
- 2) South 76 deg. 04' West 228.0 feet;
- 3) South 79 deg. 55' West 320.87 feet;
- 4) South 74 deg. 11' West 95.91 feet, whence an 8 inch Live Oak bears South 20 deg. 14' East 28.5 feet;
- 5) South 63 deg. 27' West 121.75 feet;
- 6) South 59 deg. 29' West 514.3 feet, whence an iron pin on most Southerly corner of a 47.11 acre tract bears North 45 deg. 20' West 15.51 feet;
- 7) South 73 deg. 19' West 94.77 feet;
- 8) North 88 deg. 06' 15" West 302.52 feet;
- 9) North 89 deg. 47' 15" West 302.54 feet, to a point where a Southerly bearing line of said 47.10 acre tract crosses said easement, and an iron pin and reentrant corner of said 47.10 acre tract bears North 10 deg. 02' East 15.0 feet;
- 10) North 73 deg. 13' West 364.02 feet;
- 11) North 56 deg. 56' 30" West 591.90 feet;
- 12) North 52 deg. 29' West 100.45 feet, to a point where Northerly bearing line of said 47.10 acre tract crosses said easement and an iron pin and reentrant corner of said 47.10 acre tract bears North 10 deg. 28' East 17.4 feet;

THENCE continuing with the centerline of said easement parallel with and 15 feet West of the Westerly line of said 47.10 acre tract in seven (7) courses and distances as follows:

- 1) North 49 deg. 26' 30" West 163.53 feet;
- 2) North 36 deg. 47' 45" West 72.39 feet;
- 3) North 2 deg. 50' West 120.40 feet;
- 4) North 17 deg. 34' 30" West 169.54 feet;
- 5) North 15 deg. 17' East 111.48 feet;
- 6) North 13 deg. 18' 15" East 201.34 feet; and,
- 7) North 7 deg. 05' West 123.44 feet, to an iron spike, whence an iron pin and angle point in the Westerly line of said 47.10 acre tract bears North 54 deg. 12' East 17.10 feet;

THENCE continuing with the centerline of said easement in twenty-four (24) courses and distances as follows:

- 1) North 64 deg. 30' West 51.48 feet;
- 2) South 75 deg. 58' West 119.50 feet;
- 3) South 82 deg. 06' West 116.54 feet;
- 4) South 57 deg. 42' West 55.21 feet;
- 5) South 42 deg. 30' West 75.58 feet;
- 6) South 23 deg. 21' West 162.51 feet;
- 7) South 52 deg. 52' West 73.19 feet;
- 8) South 71 deg. 25' West 68.07 feet;
- 9) South 61 deg. 55' West 82.49 feet;
- 10) South 82 deg. 43' West 64.28 feet;
- 11) North 76 deg. 53' West 164.65 feet;
- 12) North 84 deg. 00' West at 35.20 feet, cross the Easterly line of a 35.77 acre tract and continue 76.63 feet, in all;
- 13) North 63 deg. 23' West 151.03 feet;
- 14) North 44 deg. 17' West 124.46 feet;
- 15) North 79 deg. 32' 30" West 127.30 feet;
- 16) South 81 deg. 24' 45" West 62.94 feet;
- 17) North 49 deg. 25' 30" West 262.51 feet;
- 18) South 47 deg. 25' West at 213.03 feet, cross the Westerly line of said 35.77 acre tract and Easterly line of a 21.00 acre tract and continue 361.61 feet, in all;
- 19) North 79 deg. 23' 30" West 165.26 feet;
- 20) South 68 deg. 34' 30" West 64.17 feet;
- 21) South 44 deg. 21' West 44.90 feet;
- 22) South 16 deg. 16' 15" West 182.20 feet;
- 23) South 54 deg. 31' 15" West 136.73 feet, to a point in a common boundary between said 21.00 acre tracts, and,
- 24) North 84 deg. 19' West with said common boundary 138.51 feet to an iron pin and angle point in said common boundary for the point of termination hereof, whence an iron pin and common Westerly corner of said 21.00 acre tracts bears North 74 deg. 25' 30" West 569.16 feet;