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DOC. NO.

92064872

SPECIAL WARRANTY DEED

THE STATE OF TEXAS

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§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

9:44 AM 4793

21.00 INDX
1 1 07/08/92

9:45 AM 4793

3.00 RECM
1 1 07/08/92
920648.72-DOC#
29-12-CHK#

That TEXAS COMMERCE BANK-AUSTIN, NATIONAL ASSOCIATION, (hereinafter referred to as "Grantor"), acting herein by and through its undersigned officer, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to it in hand paid and caused to be paid in the manner hereinafter stated by JESTER LIMITED PARTNERSHIP, a Texas limited partnership, the receipt of which is hereby acknowledged and confessed, has GRANTED, BARGAINED, SOLD and CONVEYED and by these presents does GRANT, BARGAIN, SELL and CONVEY unto the said JESTER LIMITED PARTNERSHIP, a Texas limited partnership (hereinafter referred to as "Grantee"), whose address is 2722 S. Medford, Lufkin, Texas 75901, that certain real property, together with all improvements thereon situated, in Travis County, Texas, described on Exhibit A attached hereto and hereby made a part hereof for all purposes; provided, however, that such property and improvements are hereby conveyed AS-IS, WHERE IS AND WITH ALL FAULTS, AND GRANTOR EXPRESSLY DISCLAIMS, AND GRANTEE ACKNOWLEDGES AND ACCEPTS THAT GRANTOR HAS DISCLAIMED, ANY AND ALL REPRESENTATIONS, WARRANTIES OR GUARANTIES, OF ANY KIND, ORAL OR WRITTEN, EXPRESS OR IMPLIED, OR ARISING BY OPERATION OF LAW (EXCEPT AS TO TITLE AS HEREAFTER PROVIDED), OF OR RELATING TO SUCH PROPERTY, INCLUDING WITHOUT LIMITATION, (i) THE USE, INCOME POTENTIAL, EXPENSES, OPERATION, CHARACTERISTICS OR CONDITION OF THE PROPERTY OR ANY PORTION THEREOF, INCLUDING WITHOUT LIMITATION, WARRANTIES OF SUITABILITY, HABITABILITY, MERCHANTABILITY, DESIGN OR FITNESS FOR ANY SPECIFIC PURPOSE OR A PARTICULAR PURPOSE, OR GOOD AND WORKMANLIKE CONSTRUCTION OF ANY IMPROVEMENTS, (ii) THE NATURE, MANNER OR CONDITION OF THE PROPERTY ON THE SURFACE OR SUBSURFACE, THEREOF, WHETHER OBVIOUS, VISIBLE OR APPARENT, (iii) THE ENVIRONMENTAL CONDITION OF THE PROPERTY AND THE PRESENCE OR ABSENCE OF OR CONTAMINATION BY HAZARDOUS MATERIALS, (iv) THE COMPLIANCE OF THE PROPERTY WITH ALL REGULATIONS OR LAWS RELATING TO HEALTH OR THE ENVIRONMENT, INCLUDING WITHOUT LIMITATION, THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT, THE RESOURCE CONSERVATION AND RECOVERY ACT, THE CLEAN WATER ACT, THE TEXAS HEALTH AND SAFETY CODE, THE TEXAS WATER CODE AND ANY FEDERAL OR STATE LAW OR REGULATION REGARDING ENDANGERED OR PROTECTED SPECIES, EACH AS IT MAY BE AMENDED FROM TIME TO TIME, AND INCLUDING ANY AND ALL REGULATIONS, RULES OR POLICIES PROMULGATED THEREUNDER, (v) THE DEVELOPMENT ORDINANCES AND RESTRICTIONS, WATERSHED ORDINANCES, ZONING AND OTHER POSSIBLE USE RESTRICTIONS THAT MAY OR MAY NOT AFFECT THE PROPERTY, AND ANY INTENDED USE OR DEVELOPMENT OF THE PROPERTY AS A RESIDENTIAL SUBDIVISION OR OTHERWISE, AND (vi) THE SOIL CONDITIONS, DRAINAGE, FLOODING CHARACTERISTICS, UTILITIES OR OTHER CONDITIONS EXISTING IN, ON OR UNDER THE PROPERTY.

TO HAVE AND TO HOLD the above described property together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, its successors and assigns forever, subject to the restrictive covenants, easements and exceptions

Ad valorem taxes and maintenance fees, if any, have been prorated between Grantor and Grantee as of the date hereof, and Grantee assumes the obligations to pay same as they become due and payable subsequent to the date hereof.

25th IN TESTIMONY WHEREOF, this instrument is executed on this the July, 1992.

TEXAS COMMERCE BANK-AUSTIN,
NATIONAL ASSOCIATION

By: [Signature]
Name: _____
Title: Assistant Vice President

"Grantor"

JESTER LIMITED PARTNERSHIP, a Texas
limited partnership

By: DH Investment Company, a Texas
corporation

By: [Signature]
Name: DAVID A. HILL
Title: PRESIDENT

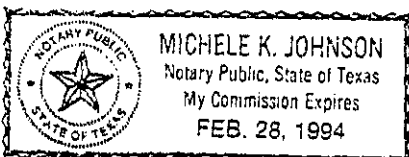
"Grantee"

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned Notary Public, on this day personally appeared JOHN M. EMMINGS, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said Texas Commerce Bank-Austin, National Association and that (s)he executed the same as the act and deed of such association for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN under my hand and seal of office this 7th day of JULY, 1992.

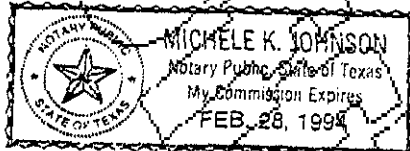
[Signature]
Notary Public in and for
the State of Texas
Print Name: _____
My Commission Expires: _____



THE STATE OF TEXAS
COUNTY OF TRAVIS

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This instrument was acknowledged on the 7th day of JULY, 1992, by DAVID A. HILL, PRESIDENT of DH Investment Company, a Texas corporation, General Partner of Jester Limited Partnership, a Texas limited partnership, on behalf of said limited partnership.



Michele K. Johnson
Notary Public in and for
the State of Texas
Printed Name: _____
My Commission expires: _____

ATTACH:

- Exhibit A - Property Description
- Exhibit B - Permitted Encumbrances

UNRECORDED

EXHIBIT A

PROPERTY DESCRIPTION

64.797 acres of land, more or less, out of the Alex E. Patton Survey No. 541, Abstract No. 600, in Travis County, Texas, and being the same property more fully described by metes and bounds in the Exhibit A-1 attached hereto, and made a part hereof for all purposes, SAVE AND EXCEPT any portion of the subject property located within the boundaries of (a) Jester Point 2, Section 6, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 88, Page 204-205 of the Plat Records of Travis county, Texas, and (b) Right-Of-Way Dedication of record in Volume 10945, Page 124 of the Real Property Records of Travis County, Texas.

(T1)

EXHIBIT A-1

METES AND BOUNDS DESCRIPTION

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE A.E. PATTON SURVEY NO. 541 SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO TEXAS COMMERCE BANK - AUSTIN, NATIONAL ASSOCIATION OF RECORD IN VOLUME 11634 PAGE 1870 OF THE TRAVIS COUNTY, TEXAS DEED RECORDS SAID TRACT BEING 64.797 ACRES OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found in the easterly line of that certain tract of land described in a deed to Beard Family Partnership of record in volume 11312 page 1101 of the Travis County, Texas Deed Records being in the westerly line of said Texas Commerce Bank - Austin, National Association tract being the northwest corner of Jester Point 2 Section 5-B, a subdivision of record in plat book 88 page 202 and 203 of the Travis County, Texas Plat Records for the southwest corner of the herein described tract;

THENCE with the easterly line of said Beard tract being a westerly line of said Texas Commerce Bank - Austin, National Association tract for a westerly line of the herein described tract the following sixteen (16) courses and distances as enumerated below:

- 1) N30°09'46"W 220.97 feet to an iron rod found for an angle point,
- 2) N30°03'11"W 298.76 feet to an iron rod found for an angle point,
- 3) N30°11'24"W 227.00 feet to an iron rod set for an angle point,
- 4) N81°03'43"E 404.62 feet to an iron rod set for an angle point,
- 5) N26°40'00"E 335.68 feet to an iron rod set for an angle point,
- 6) N09°06'41"E 197.31 feet to an iron rod set for an angle point,
- 7) S85°04'08"W 150.18 feet to an iron rod set for an angle point,
- 8) S72°00'00"W 252.14 feet to an iron rod set for an angle point,
- 9) N75°00'00"E 252.14 feet to an iron rod set for an angle point,

- 10) N32°00'00"W 200.00 feet to an iron rod set being in the easterly line of the S.P.R.R. Co. Survey No. 3 and being in the east line of IVANHOE PROPERTIES, INC. tract of record in volume 11204, page 1023 of the Travis County, Texas deed records being a westerly line of said Texas Commerce Bank tract for an angle point herein,
- 11) with the easterly line of said S.P.R.R. Co. Survey being a westerly line of said Patton Survey being the easterly line of said Ivanhoe Inc. tract being a westerly line of said Texas Commerce Bank tract for a westerly line of the herein described tract N29°55'04"E 270.00 feet to an iron rod set for an angle point,
- 12) S73°27'44"E 146.28 feet to an iron rod set for an angle point,
- 13) N60°00'00"E 70.00 feet to an iron rod set for an angle point,
- 14) S85°00'00"E 218.49 feet to an iron rod set for an angle point,
- 15) N09°00'00"E 323.57 feet to an iron rod set for an angle point,
- 16) N29°59'46"E 380.00 feet to an iron rod set for the most northwesterly corner of the herein described tract;

THENCE for the northerly line of the herein described tract the following five (5) courses and distances as enumerated below:

- 1) S60°00'14"E 75.00 feet to an iron rod found at the point of curvature for an angle point herein,
- 2) with said curve being a curve to the left, having a radius of 1190.36 feet, an arc distance of 295.97 feet and whose chord bears S67°07'37"E 295.21 feet to an iron rod found at the point of tangency for an angle point herein,
- 3) S74°15'00"E 340.00 feet to an iron rod found at the point of curvature for an angle point herein,
- 4) with said curve being a curve to the right, having a radius of 1127.32 feet, an arc distance of 298.25 feet and whose chord bears S66°40'15"E 297.38 feet to an iron rod found at the point of tangency for an angle point herein,
- 5) S59°05'30"E 165.00 feet to an iron rod set for the most northeasterly corner of the herein described tract;

THENCE for the easterly line of the herein described tract the following eleven (11) courses and distances as enumerated below:

- 1) S30°54'30"W 90.00 feet to an iron rod set at the point of curvature for an angle point herein,
- 2) with said curve being a curve to the left, having a radius of 15.00 feet, an arc distance of 23.56 feet and whose chord bears S75°54'30"W 21.21 feet to an iron rod set at the point of tangency for an angle point herein,

- 3) S30°54'30"W 143.55 feet to an iron rod set at the point of curvature for an angle point herein,
- 4) with said curve being a curve to the left, having a radius of 425.00 feet, an arc distance of 68.71 feet and whose chord bears S26°16'37"W 68.63 feet to an iron rod set at the point of tangency for an angle point herein,
- 5) S21°38'44"W 53.22 feet to an iron rod set at the point of curvature for an angle point herein,
- 6) with said curve being a curve to the left, having a radius of 15.00 feet, an arc distance of 22.21 feet and whose chord bears S20°46'36"E 20.24 feet to an iron rod set at the point of reverse curvature for an angle point herein,
- 7) with said curve being a curve to the right, having a radius of 525.00 feet, an arc distance of 6.40 feet and whose chord bears S62°50'58"E 6.40 feet to an iron rod set at the point of tangency for an angle point herein,
- 8) S62°30'00"E 73.04 feet to an iron rod set for an angle point,
- 9) S27°30'00"W 187.21 feet to an iron rod set for an angle point,
- 10) S01°55'09"E 434.71 feet to an iron rod set for an angle point,
- 11) S43°30'00"E 600.00 feet to a concrete monument found at the most easterly northeast corner of said Jester Point 2 Section 5-B for the southeast corner of the herein described tract;

THENCE with the northerly line of said Jester Point 2 Section 5-B for the southerly line of the herein described tract the following seven (7) courses and distances as enumerated below:

- 1) S32°30'00"W 435.00 feet to an iron rod found for an angle point,
- 2) S76°21'00"W 311.21 feet to an iron rod found for an angle point,
- 3) N62°54'00"W 462.53 feet to an iron rod found for an angle point,
- 4) N51°54'00"W 324.54 feet to an iron rod found for an angle point,
- 5) S64°13'00"W 365.70 feet pass a concrete monument found in the easterly right-of-way of JESTER BOULEVARD, a dedicated public right-of-way, dedicated by a subdivision plat known as JESTER POINT 2, SECTION 6, of record in Plat Book 88, Page 204 and 205 of the Travis County, Texas plat records, a distance in all crossing said right-of-way of 455.50 feet to an iron rod found in the curving west line of said right-of-way for an angle point,
- 6) with a curve to the left, having a radius of 541.52 feet, an arc distance of 32.60 feet and whose chord bears S25°58'57"E 32.59 feet to an iron rod found at the northeast corner of Lot 13 Block "D" of said JESTER POINT 2, SECTION 5-B for an angle point,
- 7) leaving said right-of-way with the north line of said Lot 13 S62°18'00"W 120.61 feet to the PLACE OF BEGINNING containing 64.797 acres of land.

EXHIBIT B

PERMITTED ENCUMBRANCES

1. Restrictive covenants recorded in Volume 11666, Page 827, of the Real Property Records of Travis County, Texas.
2. A Sanitary Sewer Line Easement, located across subject property, granted to the City of Austin, as described in Volume 11116, Page 11, of the Real Property Records of Travis County, Texas.
3. A Water Line Easement located across subject property, granted to the City of Austin, as described in Volume 10874, Page 864, of the Real Property Records of Travis County, Texas.
4. Subject to the reservation of a 1/32nd non-participating royalty interest in and to all of the oil, gas, and other minerals in, on, or under the subject property, as retained in an instrument of record in Volume 7948, Page 824, of the Real Property Records of Travis County, Texas.
5. A waterline easement located across the subject property, granted to the City of Austin, as described in Vol. 10416, Page 178, of the Real Property Records of Travis County, Texas.
6. Gravel drive along the northeast portion of subject property as shown on survey dated May 28, 1992, prepared by Billy H. Trimble, RPLS.

FILED
PM
1992 JUL -8 PM 4:48

DANA DE BEAUVOIR
COUNTY CLERK
TRAVIS COUNTY, TEXAS

RECORDER'S MEMORANDUM - At the time of recordation this instrument was found to be inadequate for the best photographic reproduction, because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on the date and at the time stamped herein by me; and was duly RECORDED, in the Volume and Page of the named RECORDS of Travis County, Texas, on

JUL 8 1992



Dana De Beauvoir
COUNTY CLERK
TRAVIS COUNTY, TEXAS

STA *rec.*
AFTER RECORDING RETURN TO:
ATTN: *M Johnson*
STEWART TITLE
PO BOX 1806
AUSTIN, TX 78767

COPIES