

DOC# 9661095

WARRANTY DEED

(Williamson County, Texas)

Date: November 18, 1996

Grantor: MICKAN, MERKORD & KOKEL, INC., A Texas Corporation

Grantee: A. B. BURT CARNES and wife, SUSAN CARNES

Address: 310 Cherrywood Circle
Taylor, Tx. 76574

Consideration: TEN DOLLARS and other good and valuable consideration in hand paid to Grantor, the sufficiency of which is acknowledged, and the execution and delivery by Grantee of Grantee's one certain promissory note of even date herewith in the principal sum of FIFTY TWO THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$52,400.00) payable to Grantor, payable and bearing interest as therein provided, and containing the usual clauses for acceleration of maturity and 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 DALE ILLIG, Trustee.

Property (including any improvements):

10.4 acres of land, more or less, out of the B.B.B. & C.R.R. SURVEY, Abstract No. 111, in Williamson County, Texas, and being more fully described in Exhibit "A" attached hereto and made a part hereof.

Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is made, delivered and accepted subject to the payment of ad valorem taxes assessed against the property conveyed for the current year, all restrictions, covenants, any outstanding royalty and mineral reservations, conditions and easements of record affecting said property, and any and all zoning laws, regulations and ordinances of municipal and/or other governmental authorities affecting said property.

This conveyance is also made, delivered and accepted subject to those certain restrictions set out in Exhibit "B" attached hereto and made a part hereof.

This conveyance is also made, delivered and accepted subject to that certain Deed of Trust dated February 29, 1996, executed by Mickan, Merkord & Kokel, Inc. to Carl Doering, Trustee, recorded under Document No. 9611260, Official Records, Williamson County, Texas, in the principal amount of \$76,863.00 payable to the order of Walburg State Bank.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in anywise belonging, to have and

Warranty Deed
MMK/Carnes 11:196-156

OFFICIAL RECORDS
WILLIAMSON COUNTY, TEXAS

belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, successors, and assigns to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, Grantee's heirs, administrators, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

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.

When the context requires, singular nouns and pronouns include the plural.

MICKAN, MERKORD & KOKEL, INC.

By:

Its:

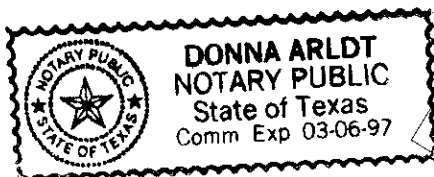
STATE OF TEXAS

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COUNTY OF WILLIAMSON

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This instrument was acknowledged before me on November 18, 1996 by LARRY D. KOKEL, SECRETARY-TREASURER of MICKAN, MERKORD & KOKEL, INC., a Texas corporation, on behalf of said corporation.



Donna Arldt
Notary Public, State of Texas

EXHIBIT "A"

FOREST SURVEYING AND MAPPING CO.
1002 Ash St.
Georgetown, Tx. 78626

DESCRIPTION FOR MICKAN, MERKORD & KOKEL, INC.
A.B. BURT CARNES et. ux.

BEING 10.4 acres of the B.B.B. & C. R.R. Survey, Abstract No. 111, in Williamson County, Texas; part of the 76.863 acre tract which was described in a deed to Mickan, Merkord & Kokel, Inc., of record in Document No. 9538896, Official Records of Williamson County, Texas. Surveyed on the ground in October of 1996, by William F. Forest, Jr., Registered Professional Land Surveyor No. 1847.

BEGINNING at an iron pin set in the North line of the said 76.863 acre tract and in the fenced South line of County Road 317, for the Northeast corner of this tract. An iron pin found at the Northeast corner of the said 76.863 acres stands N 70 deg. 09 min. 45 sec. E 359.45 feet.

THENCE S 19 deg. 25 min. 20 sec. E passing iron pins at 93.86 feet, at 168.37 feet, at 488.55 feet, and at 813.46 feet; continuing in all 1200.00 feet to an iron pin set.

THENCE (remaining North of an old fence), N 79 deg. 11 min. 15 sec. W at 243.09 feet pass an iron pin set, continuing in all 486.09 feet to an iron pin set.

THENCE N 19 deg. 25 min. 20 sec. W at 466.69 feet pass an iron pin set, continuing in all 950.00 feet to an iron pin set.

THENCE along the North line of the 76.863 acre tract and the fenced South line of County Road 317, N 69 deg. 51 min. 20 sec. E 410.0 feet to a nail found Northwest of a 14 inch Liveoak, and N 70 deg. 09 min. 45 sec. E 10.0 feet to the POINT OF BEGINNING.

STATE OF TEXAS

:

KNOW ALL MEN BY THESE PRESENTS;

COUNTY OF WILLIAMSON

:

I, WM. F. FOREST, JR., do hereby certify that this survey was made on the ground of the property legally described hereon and is correct and that there are no significant discrepancies, conflicts, shortages in area, known boundary line conflicts; visible encroachments, overlapping of improvements, utility lines or roads, except as shown on the attached plat, and that said property has access to and from a public roadway. Records research for easement verification has not been performed unless indicated on the attached plat by recording references.

TO CERTIFY WHICH, WITNESS my hand and seal at Georgetown, Texas, this 8th day of October, 1996, A.D. File: wp12:carnes.111



William F. Forest Jr.
WM.F. FOREST JR.
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1847

EXHIBIT B

PROPERTY RESTRICTIONS

1. The property hereby conveyed shall be used and occupied for single family residential purposes only. Each residence shall have a total floor living area of not less than 1,700 square feet, exclusive of garages, carports and porches.
2. No mobile home or manufactured home of any nature shall be placed on the property hereby conveyed. No previously occupied building or structure shall ever be moved onto said property. No used materials are to be used on any residence or structure, nor are any building materials to be stored on any tract, except for immediate construction of residence. This shall not prohibit storage of building materials which are covered and kept in an orderly manner.
3. No building shall be located less than fifty (50) feet from front, side or rear property line.
4. No structure or building including outbuildings shall be erected, placed or altered on the property hereby conveyed until the construction plans and specifications and a plan showing the location of the structure has been approved by the Architectural Control Committee as to quality of materials, workmanship, design and as to location with respect to set-back requirements. The Architectural Control Committee shall be composed of Ray Mickan, Randy Merkord, Larry Kokel and Burt Carnes. In the event of the death or resignation of any member of said committee, the remaining member or members shall have full authority to act until the member or members appoint a replacement member(s). Each replacement member shall be an owner of record of property out of the 115.286 acres described in DOC #9505871 and DOC #9538896. The Architectural Control Committee shall have full authority based on a majority vote of the committee to approve or disapprove the design and location of structures, buildings and fences proposed to be constructed on any tract located on said 115.286 acres. In the event said committee fails to approve or disapprove such design and location within 90 days after said plans and specifications have been submitted, such approval will not be required and this covenant will be deemed to have been fully complied with. Plans shall be considered delivered when mailed or hand delivered to at least two of the members of the Architectural Control Committee. The members of such committee shall be entitled to no compensation for services and no fee shall be charged by the committee for review of plans and specifications defined in this covenant. The powers and duties of such committee shall cease on and after January 1, 2017 regardless of the automatic ten year extension stated in restriction Number 11.
5. Every outbuilding, except for stables, barns, and a greenhouse, shall correspond in style and architecture to the dwelling to which it is appurtenant. All stables, barns, and greenhouses shall be of new construction and be a minimum of enameled steel exterior siding. The Architectural Control Committee must approve all outbuildings including

stables, barns, and greenhouses in regards to construction quality and location prior to construction.

6. Raising of poultry is prohibited and pigs or hogs shall not be housed or kept on said property. No livestock shall be permitted until said property is fenced and then no more than one (1) per two (2) acres shall be permitted. Livestock consists of horses, cattle, sheep and goats. Commercial dog kennels shall not be permitted.
7. Said property shall not be used as a dumping ground for rubbish, trash, garbage or other waste. Said property shall not be used for storage of non-operating automotive vehicles.
8. The property hereby conveyed shall not be subdivided into a tract size less than five acres and only one single family residence shall be placed on each five acre tract. Any tract of land 10.0 acres or greater must have a minimum of 30 feet of frontage on County Road 317. Any tract of land less than 10.0 acres but greater than 5.0 acres must meet the subdivision requirements of Williamson County. The 5.0 acre minimum size restriction shall expire on January 1, 2017 regardless of the automatic ten year extension stated in restriction Number 11.
9. The owners of each of the tracts comprising the said 115.286 acre tract, their heirs and assigns, shall have full right to prosecute any violation of these restrictions and covenants at law or in equity.
10. Invalidation of any one or more of these covenants and restrictions by judgement of a court having jurisdiction shall in no way affect the validity of any other covenants and restrictions which shall remain in force and effect upon said property.
11. All restrictions and covenants shall be binding until January 1, 2017 on which date they shall automatically be extended for an additional 10 year period, unless a majority of property owners owning tracts out of the 115.286 acre tract agree in writing to change or eliminate said restrictions, uses and covenants. Those property owners whose collective ownership constitutes at least 51% of the acreage of the original 115.286 acres shall be the majority required herein.

Doc# 9661095
Pages: 5
Date : 11-19-1996
Time : 04:38:19 P.M.
Filed & Recorded in
Official Records
of WILLIAMSON County, TX.
ELAINE BIZZELL
COUNTY CLERK
Rec. \$ 17.00