



"Grantees") all of the following described real property in Gillespie County, Texas, (the "Property"), to-wit:

BEING 19.393 acres of land, more or less, situated in Gillespie County, Texas, part of the S.A. & M.G. RR. Co. Survey No. 737, Abstract No. 655; said 19.393 acre tract of land is described by metes and bounds on **Exhibit "A"**, attached hereto and made a part hereof.

There is included in this conveyance to Grantees and Grantor does hereby grant, sell and convey unto Grantees, their heirs, successors and assigns, a roadway easement for the free nonexclusive and uninterrupted use, liberty and privilege of unobstructive passage in and along that portion of the 1.784 acre tract of land more particularly described on **Exhibit "B"** attached hereto and made a part hereof, not a part of 19.393 acres more fully described on **Exhibit "A"** attached hereto and made a part hereof, together with the free ingress, egress, regress, over and across the same, subject to the further provisions hereof. The right to use and enjoy said easement shall exist in favor of and inure to the benefit of the Grantees herein, their heirs, successors and assigns, all tenants, guests and invitees of any of such persons, in common with the Grantor, its successors and assigns. This easement shall further be deemed appurtenant to said Property conveyed to Grantees and each and every portion thereof. The right of ingress and egress provided herein may be exercised by any reasonable means, whether now in existence or known or whether by a means which may come into existence in the future, regardless of any increased burden which may result from any such use.

There is expressly reserved in this conveyance to and for Grantor, Grantor's successors and assigns, a roadway easement for the free nonexclusive and uninterrupted use, liberty and privilege of unobstructive passage in and along that portion of the 1.784 acre tract of land more

particularly described on **Exhibit "B"** attached hereto and made a part hereof, that is a part of the 19.393 acres more fully described on **Exhibit "A"** attached hereto and made a part hereof, together with the free ingress, egress, regress, over and cross the same. The right to use and enjoy said reserved easement and right of way shall exist in favor of and inure to the benefit of the Grantor herein, its successors and assigns, all tenants, guests and invitees of any such persons, in common with Grantees, their heirs, successors and assigns. This easement shall further be deemed appurtenant to that 140.862 acre tract of land conveyed to Grobe-Lich Properties, Ltd. by deed recorded in Document No. 20181860 of the Official Public Records of Gillespie County, Texas, save and except that 19.393 acre tract of land fully described on **Exhibit "A"** attached hereto and made a part hereof. The right of ingress and egress provided herein may be exercised by any reasonable means, whether now in existence or known or whether by a means which may come into existence in the future, regardless of any increased burden which may result from any such use.

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, administrators and assigns:

1. Recreational vehicles, travel trailers, buses, mobile homes, modular homes, pre-manufactured homes and/or industrial homes shall not be used as a permanent dwelling on the Property. Recreational vehicles and/or travel trailers are permissible for temporary use but must be kept out of sight from roadway and adjoining tracts.

2. All perimeter fences erected on the Property shall be of new material and erected in accordance with professional fence building standards regarding quality and appearance.

3. The Property shall be used for single-family residential, agricultural purposes, B & B (Bed and Breakfast) and/or VRBO (Vacation Rental by Owner) purposes only. All other commercial uses are prohibited. A single family dwelling, B & B (Bed and Breakfast) and/or VRBO structure constructed after July 1, 2018 shall contain a minimum of 1200 square feet of living area (heated and cooled area). The cabin on the Property will be allowed or "grandfathered" in regards to the minimum living area requirement of 1200 square feet.

4. Except for entrance and other gates, fences, roadways, wells, well houses, septic systems, and buried electric, telephone and other buried utility lines or cables, no improvement or structure shall be stored, placed or erected on the Property within one hundred (100) feet from any boundary of the Property. Nothing in this paragraph is to preclude the repair or renovation of any pre-existing infrastructure to include buildings, fences, tanks, etc.

5. The fences on the Property's boundaries shall be maintained in a manner which will restrain livestock.

6. There shall be no commercial feeding operation or commercial breeding of animals or fowl on the Property.

7. Abandoned or inoperative equipment, vehicles or junk shall not be stored or maintained on the Property. The Property shall be maintained clean and neat in appearance and free of litter at all times.

8. Feeders and/or blinds (stands) shall be a minimum of 100' from any Property line. No commercial hunting is allowed.

9. Prior to January 1, 2038, no subdivision of the Property by Grantees shall be permitted without written authorization from Grantor.

If any term or provision of this instrument or the application thereof shall be held to be invalid, all other terms and provisions of these restrictions or the application thereof shall not be affected thereby, nor shall any failure of Grantor, its successors or assigns to seek enforcement of any term or provision constitute a waiver of any right to do so in the future or the validity or enforceability of such term or provision. Grantor and every other person, firm or corporation hereinafter having any right, title or interest in any portion of that 140.862 acre tract of land conveyed to Grobe-Lich Properties, Ltd. by deed recorded in Document No. 20181860 of the Official Public Records of Gillespie County, Texas, shall have the right to enforce and to prevent the violation of any of said restrictions by injunction or other lawful procedure and to recover any damages resulting from such violations. Damages for the purpose of this paragraph shall include court cost and reasonable and necessary attorney's fees. The restrictions imposed on the Property shall be enforceable for a term ending on July 1, 2043, after which date the restrictions shall automatically terminate and be of no further force or effect.

Grantor shall have the right at any time, at its sole discretion and without any joinder or consent of any other party, to amend the restrictions for the purposes of correcting any error, ambiguity or inconsistency appearing herein. Said amendment shall be effective upon filing of the instrument containing such amendment in the offices of the County Clerk of Gillespie County, Texas.

This conveyance is made by Grantor and accepted by Grantees expressly subject to the following matters to the extent, but only to the extent, the same are valid and subsisting and affect the Property (without waiving rights or defenses relating to and without ratifying such matters) to-wit:

- a. Easement executed by Selma Sagebiel, et vir to the State of Texas, dated April 20, 1955, recorded in Volume 74, Pages 17-18, Deed Records of Gillespie County, Texas.
- b. Right-of-Way Easement executed by Willie R. Willmann and wife, Ethel J. Willmann to Central Texas Electric Cooperative, Inc., dated August 26, 1983, recorded in Volume 158, Pages 961-962, Deed Records of Gillespie County, Texas.
- c. Mineral interest as described in deed executed by Ethel Willmann to Grace Lorraine Brock, dated October 24, 1983, recorded in Volume 156, Pages 252-254, Deed Records of Gillespie County, Texas.
- d. Right of Way Easement executed by Grace L. Brock to Central Texas Electric Cooperative, Inc., dated January 16, 1984, recorded in Volume 162, Pages 794-795, Deed Records of Gillespie County, Texas.
- e. Mineral interest as described in deed executed by Ethel J. Willmann, et vir to Thomas G. Boschen and wife, Dorothy E. Boschen, dated February 5, 1990, recorded in Volume 198, Pages 623-626, Real Property Records of Gillespie County, Texas.
- f. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records.
- g. Rights of tenant in possession under unrecorded lease.
- h. Rules, regulations and orders governing subdivision, sanitation and waste disposal, and the drilling, construction, and use of water wells as passed by the Commissioners' Court of Gillespie County, Texas, and the Texas Commission on Environmental Quality.
- i. The following matters, all as shown on survey prepared by Abraham J. Leamons, Registered Professional Land Surveyor No. 6275, dated July 6, 2018:
  - 1. Overhead utility lines
  - 2. Utility poles
  - 3. Guys
  - 4. Electric meters
  - 5. Pedestals
  - 6. Channel Easement
  - 7. The rights of adjoining property owners, if any, in and to that portion of the property lying between the encroaching fence and the East property line.

- j. Rights of other parties in and to the easement described as Tract II above.
- k. Right of Way Easement executed by Grobe-Lich Properties, Ltd. to Central Texas Electric Cooperative, Inc., dated July 20, 2018, recorded under Clerk's Register No. 20183744 of the Official Public Records of Gillespie County, Texas.

Ad valorem taxes on said property for the current year have been prorated and the payment thereof is assumed by Grantees.

This conveyance is made and accepted with the understanding and agreement by the parties hereto that the lands herein described may be rendered for ad valorem tax purposes under the Texas Constitutional Provision as "open space" or "Agricultural Use" lands. Grantees are aware of the fact that should they discontinue to use such lands so as to qualify under the "open space" or "Agriculture Use" provisions of the law of this State, then a roll back tax may become due to the taxing authorities. Grantees further agree that should a "roll back" occur as a result thereof, then such "roll back" tax obligation shall be the sole obligation of Grantees. In the event Grantor's change in the use of the Property prior to the execution of this Deed or denial of a special use valuation on the Property claimed by Grantor results in assessments for periods prior to the execution of this Deed, the assessments will be the obligation of Grantor. Grantor makes no representations or warranties regarding the ability of Grantees to continue to qualify the Property under any such "open space" or "agricultural use" provisions, and Grantees, by acceptance of this Deed, assume sole responsibility therefore.

Grantor, for the same Consideration and subject to the exceptions listed above, does hereby grant, sell, and convey to Grantee, without express or implied warranty, the strips or gores, if any, between the Property and abutting properties and land lying in or under any public thoroughfare, opened or proposed, abutting or adjacent to the Property, together with all and

singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantees and Grantees' successors and assigns forever. All warranties that might arise by common law as well as the warranties in section 5.023 of the Texas Property Code (or its successor) are excluded as to the Property conveyed by this paragraph.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantees, their heirs and assigns forever; and it does hereby bind itself, its successors and assigns 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, 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.

**CARDINAL FINANCIAL COMPANY, LIMITED PARTNERSHIP**, at the instance and request of the Grantees herein, having advanced and paid in cash to the Grantor herein that portion of the purchase price of the herein described property as is evidenced by the hereinbefore described **\$345,000.00** note, the vendor's Lien, together with the Superior Title to said property, is retained herein for the benefit of said **CARDINAL FINANCIAL COMPANY, LIMITED PARTNERSHIP**, and the same are hereby TRANSFERRED and ASSIGNED to said **CARDINAL FINANCIAL COMPANY, LIMITED PARTNERSHIP**, without recourse.



EXECUTED this the 7<sup>th</sup> day of August, 2018.

GROBE-LICH PROPERTIES, LTD.

By: GROBE-LICH INVESTMENTS, LLC,  
Its General Partner

By:   
KASH MORROW, Member

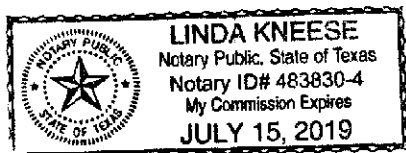
Address of Grantees:

P. O. Box 1309  
Fredericksburg, Texas 78624

THE STATE OF TEXAS           §

COUNTY OF GILLESPIE       §

This instrument was acknowledged before me on this the 8 day of August, 2018, by KASH MORROW, Member of GROBE-LICH INVESTMENTS, LLC, General Partner of GROBE-LICH PROPERTIES, LTD., a Texas Limited Partnership, on behalf of said Partnership.




  
Notary Public, State of Texas

EXHIBIT " A "

Page 1 of 2


**SEARCHERS**  
**LAND SURVEYING, LLC**

MASON | FREDERICKSBURG

P.O. Box 528 Mason, TX 76856 | 325-347-7489 | TBPLS Firm #10193966  
 P.O. Box 1504 Fredericksburg, TX 78624 | 806-252-9810 | TBPLS Firm #10194211  
[www.searchersls.com](http://www.searchersls.com)

LEGAL DESCRIPTION: Being 19.393 acres of land out of the S. A. & M. G. RR. Co. Survey No. 737, Abstract No. 655 in Gillespie County, Texas and being a portion of that certain 140.612 acre tract described in Instrument No. 20181860 of the Official Public Records of Gillespie County, Texas; Said 19.393 acre tract being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found in the south line of said 140.612 acres for the northwest corner of Tract 3, Hill Top Unit No. 1 as shown on plat recorded in Volume 1, Page 78 of the Plat Records of Gillespie County, Texas, the northeast corner of Tract 2 of said Hill Top Unit 1 and the southeast corner hereof;

THENCE South 89°43'17" West a distance of 487.68 feet along the south line of said 140.612 acre tract and the north line of said Tract 2 to a 1/2 inch iron rod found for the northeast corner of Tract 1 of said Hill Top Unit 1 and the northwest corner of said Tract 2;

THENCE South 89°41'21" West a distance of 605.22 feet to a calculated point in the east right-of-way line of U. S. Highway 87 for the southwest corner of said 140.612 acre tract, the northwest corner of said Tract 1 and the southwest corner hereof and from which a 1/2 iron rod found bears North 89°41'21" East a distance of 0.91 feet and a concrete monument found in the east right-of-way line of said U. S Highway 87 bears South 16°38'14" East a distance of 1200.29 feet;

Page 2 of 2

THENCE North  $16^{\circ}35'34''$  West along the east right-of-way line of said U. S. Highway 87 and the west line of said 140.612 acre tract, at a distance of 629.23 feet pass a 1/2 inch iron rod set for the southwest corner of that certain 1.784 acre tract surveyed this same day by Searchers Land Surveying, LLC, being a portion of said 140.612 acre tract, continuing along the east right-of-way line of said U. S. Highway 87, the west line of said 140.612 acre tract and the west line of said 1.784 acre tract in all for a total distance of 659.48 feet to a calculated point for the northwest corner hereof and from which 1/2 inch iron rod set in the east right-of-way line of said U. S. Highway 87 and the west line of said 140.612 acre tract for the northwest corner of said 1.784 acre tract bears North  $16^{\circ}35'34''$  West a distance of 30.25 feet, a concrete monument found in the east right-of-way line of said U. S. Highway 87 and the west line of said 140.612 acre tract bears North  $12^{\circ}29'11''$  West a distance of 375.55 feet and a 3/8 inch iron rod found in the east right-of-way line of said U. S. Highway 87 for the southwest corner of that certain 10.40 acre tract conveyed in Instrument No. 20141880 of said Official Records and a northwest corner of said 140.612 acre tract bears North  $12^{\circ}38'30''$  West a distance of 435.71 feet;

THENCE crossing said 140.612 acre tract and said 1.784 acre tract, the following 3 courses:

1. North  $80^{\circ}50'28''$  East a distance of 206.58 feet to a calculated point and from which a 1/2 inch iron rod set for a corner of said 4.132 acre tract bears North  $16^{\circ}12'12''$  West a distance of 30.23 feet and a 1/2 inch iron rod set for a corner of said 4.132 acre tract bears South  $16^{\circ}12'12''$  East a distance of 30.23 feet;
2. North  $66^{\circ}45'07''$  East a distance of 141.56 feet to a calculated point and from which a 1/2 inch iron rod set for a corner of said 4.132 acre tract bears North  $11^{\circ}46'32''$  West a distance of 30.62 feet and a 1/2 inch iron rod set for a corner of said 4.132 acre tract bears South  $11^{\circ}46'32''$  East a distance of 30.62 feet;
3. North  $89^{\circ}41'49''$  East a distance of 947.21 feet to a calculated point in the east line of said 1.784 acre tract for the northeast corner hereof;

THENCE South  $00^{\circ}00'00''$  East crossing said 140.612 acre tract along the east line of said 1.784 acre tract, at a distance of 30.00 feet pass a 1/2 inch iron rod set for the southeast corner of said 1.784 acre tract, continue crossing said 140.612 acre tract in all for a total distance of 720.13 feet to the POINT OF BEGINNING containing 19.393 acres of land, more or less.

EXHIBIT " B "

Page 1 of 2



## SEARCHERS LAND SURVEYING, LLC

MASON | FREDERICKSBURG

P.O. Box 528 Mason, TX 76856 | 325-347-7489 | TBPLS Firm #10193966  
 P.O. Box 1504 Fredericksburg, TX 78624 | 806-252-9810 | TBPLS Firm #10194211  
[www.searchersls.com](http://www.searchersls.com)

LEGAL DESCRIPTION: Being 1.784 acres of land out of the S. A. & M. G. RR. Co. Survey No. 737, Abstract No. 655 in Gillespie County, Texas and being a portion of that certain 140.612 acre tract described in Instrument No. 20181860 of the Official Public Records of Gillespie County, Texas and being a portion of that certain 19.393 acre tract, being a portion of said 140.612 acre tract; Said 1.784 acre tract being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod set in the east line of U. S. Highway 87, the west line of said 140.612 acre tract and the west line of said 19.393 acre tract and from which a concrete monument found in the east line of said U. S. Highway 87 bears South 16°37'19" East a distance of 1829.52 feet;

THENCE North 16°35'34" West a distance of 60.51 feet along the east right-of-way line of U. S. Highway 87, the west line of said 140.612 acre tract and the west line of said 19.393 acre tract to a 1/2 iron rod set and from which a concrete monument found in the east right-of-way line of said U. S. Highway 87 bears South 16°37'19" East a distance of feet and a 3/8 inch iron rod found in the east right-of-way line of said U. S. Highway 87 for the northwest corner of said 140.612 acre tract and the southwest corner of that certain 10.40 acre tract described in Instrument No. 20141880 of said Official Public Records bears North 12°20'49" West a distance of 405.53 feet;

THENCE crossing said 140.612 acre tract, the following 3 courses:

1. North 80°50'28" East a distance of 206.79 feet to a 1/2 iron rod set;
2. North 66°45'07" East a distance of 143.94 feet to a 1/2 iron rod set;
3. North 89°41'49" East a distance of 953.46 feet to a calculated point for the northeast corner hereof and from which a 1/2 inch iron rod found bears North 89°41'04" East a distance of 68.79 feet;

Page 2 of 2

THENCE South 00°00'00" East crossing said 140.612 acre tract, at a distance of 30 feet pass a calculated point for the northeast corner of said 19.393 acre tract, continue crossing said 140.612 acre tract along the east line of said 19.393 acre tract in all for a total distance of 60 feet to a 1/2 inch iron rod set for the southeast corner hereof and from which a 1/2 inch iron rod found in the south line of said 140.612 acre tract for the northeast corner of Tract 2, Hill Top, Unit No. 1 as shown on plat recorded in Volume 1 Page 78 of the Plat Records of Gillespie County, Texas, the northwest corner of Tract 3 of said Hill Top, Unit No. 1 and the southeast corner of said 19.393 acre tract bears South 00°00'00" East a distance of 690.13 feet;

THENCE crossing said 140.612 acre tract and said 19.393 acre tract, the following 2 courses:

1. South 89°41'49" West a distance of 940.97 feet to a 1/2 iron rod set;
2. South 66°45'07" West a distance of 139.17 feet to a 1/2 iron rod set;
3. South 80°50'28" West a distance of 206.37 feet to the POINT OF BEGINNING containing 1.784 acres of land, more or less.

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Mary Lynn Rusche*

Mary Lynn Rusche, County Clerk

Gillespie County Texas

August 08, 2018 03:35:50 PM

FEE: \$64.00

CCHEESEMAN

20184187

LD





**Central Texas Electric Co-op**  
388 Friendship Lane • P.O. Box 553 • Fredericksburg, Texas 78624-0553

Work Order # \_\_\_\_\_

**THIS DOCUMENT HAS  
NOT BEEN COMPARED TO  
ORIGINAL FILED DOCUMENT**

**COPY**

**RIGHT OF WAY EASEMENT**

THE STATE OF TEXAS

COUNTY OF Gillespie

§  
§  
§

KNOW ALL MEN BY THESE PRESENTS:

That Grobe-Lich Properties LTD, hereinafter called "Grantor", for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant unto the CENTRAL TEXAS ELECTRIC COOPERATIVE, INC., a Texas corporation, hereinafter called "Cooperative", whose post office address is P.O. BOX 553, Fredericksburg, Texas 78624-0553, and its successors and assigns, the right to enter upon the lands of Grantor, situated in Gillespie County, Texas, more particularly described as follows:

A 140.61 acre tract of land owned by Grobe-Lich Properties LTD recorded in Vol. 20181860, Pages \_\_\_\_\_; Property ID: 10311.  
Deed Records of Gillespie County, Texas.  
Subdivision / Development, \_\_\_\_\_ Lot/Tract No. \_\_\_\_\_

The right-of-way easement, rights and privileges herein granted shall be used for the purpose of providing electric utility service (overhead), including placing, constructing, operating, repairing, inspecting, rebuilding, replacing, removing, and/or relocating electric lines, distribution facilities or equipment, as well as reading any meter or performing any act related to the provision of electric utility service. The easement shall be 20 feet wide, one half (1/2) of such distance on either side of the centerline of the easement. The Cooperative is specifically granted pedestrian and vehicular ingress and egress over the herein described land to or from said right-of-way.

As per sketch attached

The easement, rights and privileges herein granted shall be perpetual, unless abandoned, appurtenant to the land, and shall inure to the benefit of the Cooperative's successors and assigns. Grantor represents that he is the owner of the above-described tract of land and binds himself, and his heirs, successors and assigns to warrant and forever defend the easement and rights described herein to the Cooperative, its successors and assigns, except those held by the following persons: \_\_\_\_\_

The Cooperative shall have the right to use so much of the surface of the hereinbefore described property of Grantor as may be reasonably necessary to construct and install within the right-of-way granted hereby the facilities that may at any time be necessary for the purposes herein specified. The Cooperative shall have the right to clear, cut and trim trees and shrubbery to the extent necessary to keep them clear of said electric line or system and to clear, cut and trim from time to time all dead, weak, leaning or dangerous trees that are tall enough to strike the wires in falling. Grantor shall be responsible for removal of any or all limbs, debris, branches or brush that must be cut in order to clear the right-of-way for new construction or maintenance of any lines constructed on the property.

Grantor further covenants that Grantor, his heirs, successors and assigns, shall facilitate and assist Cooperative personnel in exercising their rights and privileges herein described at all times and shall not build, construct, or cause to be erected, any building or other structure upon the easement right-of-way that may interfere with the provision of electric service or the exercise of the rights granted to the Cooperative herein.

SIGNED this 20<sup>th</sup> day of July, 2018

WITNESS:

GRANTOR(S):

[Signature]

[Signature]

20183744

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E

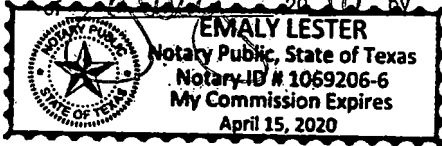


ACKNOWLEDGEMENT

THE STATE OF TEXAS §  
COUNTY OF Gillespie §

This instrument was acknowledged before me, the undersigned authority, on this the 20th day

of July 2018 by Kash Morrow



*Emaly Lester*  
Notary Public, State of Texas

For the acknowledgement of multiple signers:

THE STATE OF TEXAS §  
COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me, the undersigned authority, on this the \_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ and

\_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of Texas

WITNESS ACKNOWLEDGEMENT

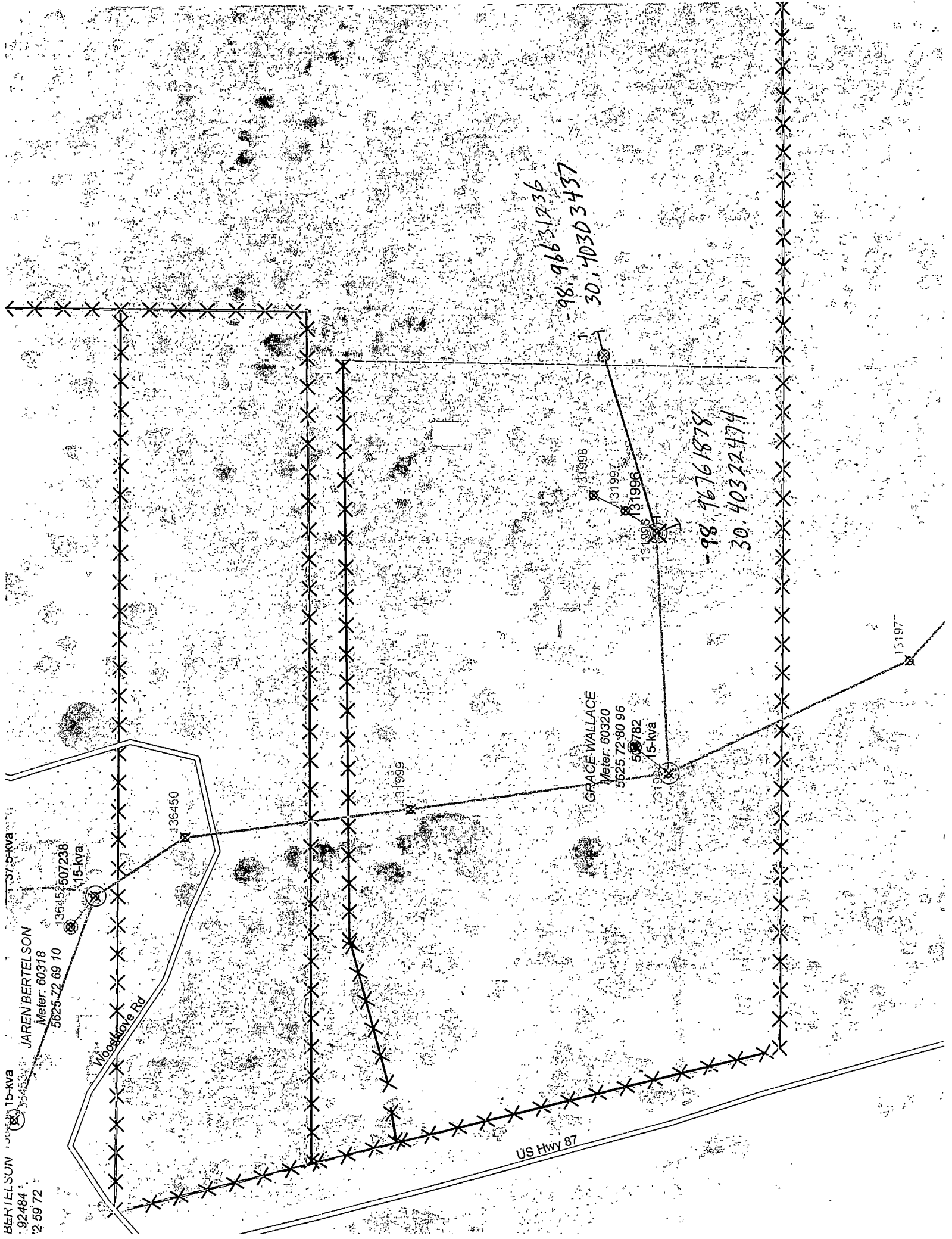
THE STATE OF TEXAS §  
COUNTY OF \_\_\_\_\_ §

Before me, the undersigned authority, on this the \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, \_\_\_\_\_, appeared before me, and, after being duly sworn by  
me, stated that he saw \_\_\_\_\_, Grantor, subscribe this  
instrument, and that he signed the same as a witness at the request of Grantor.

\_\_\_\_\_  
Notary Public, State of Texas

BERTELSON  
92484  
2-59-72

15-kva  
JAREN BERTELSON  
Meter: 60318  
5625-72 69 10  
136450  
507238  
15-kva



US Hwy 87

GRACE WALLACE  
Meter: 60320  
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15197



FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Mary Lynn Rusche*



Mary Lynn Rusche, County Clerk

Gillespie County Texas

July 20, 2018 11:14:07 AM

FEE: \$24.00    CCHEESEMAN    **20183744**

E

CHANNEL EASEMENT

STATE OF TEXAS

County of Gillespie

KNOW ALL MEN BY THESE PRESENTS:

THAT I, Mrs. Selma Sagebiel, joined by my husband, Alfred G. Sagebiel of Gillespie County, Texas, in consideration of the sum of One Dollar and other good and valuable consideration in hand paid by the State of Texas, acting through the State Highway Commission, receipt of which is hereby acknowledged, do by these presents grant, bargain, sell and convey unto the said State of Texas, the free and uninterrupted use, liberty and privilege of the passage in, along upon and across the following land(s) in Gillespie County, Texas, owned by me, and being subject to: (Important Note: If no liens, easements or leases exist, insert the word, "None.") lein(s) held by None, easement(s) held by None, lease(s) held by None, and being particularly described as follows, to-wit: Being a tract of land 50 feet wide and 200 feet long to provide channel improvements for U.S. Highway No. 87, the centerline of which begins in the East right of way line of said highway at a point at right angles to Station 389/45 and bears N 75° E for a distance of 200 feet. The above described tract of land contains 0.230 acre(s) of land, more or less. For the purpose of opening, constructing and maintaining a permanent channel in, along, upon and across said premises, with the right and privilege at all times of the grantee herein, his or its agents, employees, workmen and representatives having ingress, egress, and regress in, along, upon and across said premises for the purpose of making additions to, improvements on and repairs to the said channel, or any part thereof. It is specifically understood that the State and its assigns shall be vested with the title to and the right to take and use, without additional compensation, any stone, earth, gravel, caliche or any other materials or minerals upon, in and under said land, except oil, gas and sulphur, for the construction and maintenance of the Highway System of Texas. And it is further agreed that Gillespie County, Texas in consideration of the benefits above set out, will remove from the property above described such fences, buildings and other obstructions as may be found upon said premises. TO HAVE AND TO HOLD unto the said State of Texas as aforesaid for the purposes aforesaid the premises above described. Witness our hands, this the 20th day of April, A.D. 1955.

Mrs. Selma Sagebiel  
Alf G Sagebiel

THE STATE OF TEXAS

County of Gillespie

Before me, FELIX SCHERER, Clerk, County Court, Gillespie Co., Texas in and for said County and State, on this day personally appeared Alfred G. Sagebiel, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed. Given under my hand and seal of office, this the 20th day of April 1955.

(Seal)

Felix Scherer  
FELIX SCHERER, Clerk,  
County Court, Gillespie Co., Texas

THE STATE OF TEXAS,

County of Gillespie

Before me, FELIX SCHERER, Clerk, County Court, Gillespie Co.,

Texas, in and for said County and State, on this day personally appeared Mrs. Selma Sagebiel, wife of Alfred G. Sagebiel, known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Mrs. Selma Sagebiel, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it. Given under my hand and seal of office, this the 20th day of April 1955.

(Seal)

Felix Scherer  
FELIX SCHERER, Clerk  
County Court, Gillespie Co., Texas

Filed for record in my office the 12th day of September A.D. 1955 at 8:05 o'clock A.M. and duly recorded the 14th day of September A.D. 1955 at 4:45 o'clock P.M. in Volume 74, pages 17-18.

Felix Scherer, Clk. Co. Ct., Gillespie County, Texas.

MARJORIE MAE HOFMANN, ET VIR

TO

THE STATE OF TEXAS

RIGHT-OF-WAY DEED

STATE OF TEXAS

County of Gillespie

KNOW ALL MEN BY THESE PRESENTS:

That I. Marjorie Mae Hofmann, joined by my husband, Travis Hofmann, of the County of Mason, State of Texas, for and in consideration of the sum of Five Hundred Sixty-one (\$561.00) DOLLARS, to me in hand paid by the State of Texas, acting by and through the State Highway Commission, receipt of which is hereby acknowledged, have this day sold, and do by these presents, grant, bargain, sell and convey unto the State of Texas, all that certain tract or parcel of land, situate in the County of Gillespie, State of Texas, and being a part of a tract of land out of Surveys No. 145, B.S. & F. and No. 2, G. Friedrich, conveyed by Henry L. Keyser et ux to Marjorie Mae Keyser Hofmann by deed dated the 22nd day of December, 1947, and recorded in Volume 71, Page 303 of Deed Records of Gillespie County, Texas; said tract or parcel of land herein conveyed, being subject to: (Important Note: If no liens, leases or easements exist, insert the word "None.") lien(s) held by None, easement(s) held by None, lease(s) held by None, and being more particularly described as follows, to-wit: Being all of the land included between a point in grantor's North East property line which bears S 27° 28' E 60 feet westerly from Engineer's Centerline Station 260/75 and a point in grantor's South East property line which bears S 11° 36' W at Engineer's Centerline Station 302/94 lying between the present West right of way line of present U.S. Highway No. 87 and the proposed W right of way line of U.S. Highway No 87 to provide 120 feet of right of way 60 feet on each side of adjacent to the centerline of proposed U.S. Highway No. 87, as located and staked by the Texas Highway Department, said centerline being more particularly described as follows: Beginning at a point in the centerline of proposed U.S. Highway No 87 at Engineer's Centerline Station 260/75, said point bears N 68° 45' E 60 feet from a point in grantor's North West property line and bearing N 18° 57' W 1057 feet from grantor's North West property corner. Said property corner bears N 75° 17' W a distance of 14 feet.



WVL 158 PAGE 962

For the joint acknowledgement of man and wife, use:  
The State of Texas, )

County of MASON )

Before me, the undersigned authority, on this day personally appeared Willie R. Willmann and wife, Ethel J. Willmann, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 26th day of August, A.D. 1983.



Imogene Lange  
Imogene Lange  
Notary Public, Mason County, Texas.

WARRANTY DEED WITH VENDOR'S LIEN

VOL. 156 PAGE 252

The State of Texas, )

County of Gillespie. ) KNOW ALL MEN BY THESE PRESENTS:

That I, Ethel Willmann, owning, occupying and claiming other property as my homestead, of the County of Mason, 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 grantee herein named, out of her sole and separate property and estate, the receipt of which is hereby acknowledged, and the further consideration of the execution and delivery by grantee of her one certain promissory note of even date herewith, in the principal sum of TWO HUNDRED THIRTY-SIX THOUSAND THREE HUNDRED FORTY AND NO/100 (\$236,340.00) DOLLARS, payable to the order of grantor in annual 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 David Willmann, Trustee, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto Grace Loraine Brock, of 108 North Acorn Street, Fredericksburg, Gillespie County, Texas, 78624, as her sole and separate property and estate, subject to the reservation hereinafter made, all of the following described real property in Gillespie County, Texas, to-wit:

The same being 131.3 acres of land, part of Survey No. 737, originally granted to S. A. & M. G. R. R. Co., and patented to John O. Meusebach by Patent No. 185, Vol. 7, dated June 26, 1871, Abstract No. 655, and being a portion of that 277.1 acre tract of land that was conveyed to Ethel Willmann by partition deed dated June 3, 1974, recorded in Vol. 110, pages 171-175 of the Deed Records of Gillespie County, Texas, said tract of 131.3 acres of land being described by metes and bounds as follows, to-wit:

BEGINNING at a steel bar found set at fence post for the S. E. corner of the aforesaid mentioned 277.1 acre tract of land that was conveyed to Ethel Willmann for the S. E. corner of this tract of land;

THENCE with fence, West 3114.3 feet to a steel bar found set at fence post, being a point in the East right-of-way line of U. S. Highway No. 87, for the S. W. corner of said 277.1 acre tract of land and the S. W. corner of this tract of land;

THENCE with fence along the East right-of-way line of U. S. Highway No. 87, as follows:

- N. 16° 15' W. 734.7 feet to a steel bar set at fence post;
- N. 11° 35' W. 45.6 feet to a steel bar set in fence for the W. N. W. corner of this tract of land;

THENCE East 1380.0 feet to a steel bar set for a reentrant corner of this tract of land;

THENCE North 1256.3 feet to a steel bar set for corner;

THENCE N. 39° 11' E. 508.0 feet to a steel bar set for corner;

THENCE East 1739.6 feet to a steel bar set in fence, being a point in the occupational East line of Survey No. 737, S. A. & M. G. R. R. Co., for the N. E. corner of this tract of land;

THENCE with fence along the occupational East line of Survey No. 737, S. A. & M. G. R. R. Co., as follows:

- S. 2° 00' W. 660.7 feet;
- S. 2° 35' W. 1000.0 feet;
- S. 3° 17' W. 500.0 feet;
- S. 3° 28' W. 242.0 feet to the place of beginning.

SAVE AND EXCEPT, and there is hereby reserved unto Grantor, her heirs and assigns, an undivided one-half (1/2) royalty interest in all of the oil, gas and other minerals in and under and that may be produced from the above property. Grantor, her heirs and assigns, shall not participate in the making of any oil, gas or mineral lease covering said property, nor shall she participate in any bonus which may be paid for any such lease, nor shall she participate in any rental or shut-in gas well royalty to be paid under any such lease.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said grantee, her heirs and assigns forever, as her separate property and estate, 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 grantee, her heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

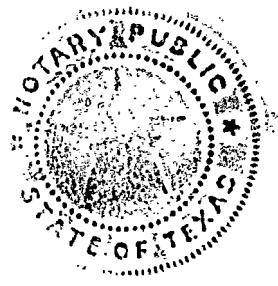
But it is expressly agreed that the Vendor's Lien as well as the Superior Title in and to the above described premises is retained against the above described property, premises and improvements until the above described note and all interest thereon are fully paid according to the face, tenor, effect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

VOL 156 PAGE 254

EXECUTED this 24 day of October, A. D. 1983.

Ethel Willmann  
Ethel Willmann

The State of Texas, )  
County of Gillespie. ) This instrument was acknowledged before me on  
October 24, 1983, by Ethel Willmann.



James Warren James Wieser  
Notary Public for the State of Texas

My commission expires May 31, 1985

CERTIFICATE OF LEGALITY AND AUTHENTICITY

I, certify that the discrete numbered microfilm images between the Title Page and the Certificate of Legality and Authenticity have been made in strict accordance with Article 1941 (a) V.T.C.S., and that each image is a true, correct, and exact copy of the page or pages of the identified instrument of writing, legal document, paper, or record which had been filed for record on the date and at the time stamped on each; that no microfilm image or images were substituted for any original discrete microfilm image or images between the Title Page and this Certificate. Official Public Records of Real Property--DEED, Volume 156 Pages 252-254, filmed on the 24th day of October, A.D. 1983.

DORIS LANGE, Clerk, by Debbie L. Wahl Deputy.  
Debbie L. Wahl

\*\*\*\*\*



GRACE L. BROCK

TO

CENTRAL TEXAS ELECTRIC COOPERATIVE, INC.

After Recording Return to

LINE NO. 84-0053

CENTRAL TEXAS ELECTRIC COOPERATIVE, INC.

EASEMENT NO.

P. O. Box 553

Fredericksburg, Texas 78624

NAME

RIGHT OF WAY EASEMENT (Distribution)

THE STATE OF TEXAS )
COUNTY OF Gillespie )

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, Grace L Brock

for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant unto the CENTRAL TEXAS ELECTRIC COOPERATIVE, INC., a corporation, whose postoffice address is FREDERICKSBURG, TEXAS, and

its successors or assigns, the right to enter upon the lands of the undersigned, situated in the County of Gillespie State of Texas and more particularly described as follows:

A tract of land located approximately 10 1/4 miles North (Show Direction Above)

from the town of Fredericksburg, Texas; and bounded on the north by land owned by:

on the south by land owned by: Highway 87

on the east by land owned by: Willie Ray Wellmann

and on the west by land owned by:

and to place, construct, operate, repair, maintain, relocate and replace thereon and in or upon all streets, roads, or highway abutting said lands an electric transmission or distribution line or system, and to clear, cut and trim trees and shrubbery to the extent necessary to keep them clear of said electric line or system and to clear, cut and trim from time to time all dead, weak, leaning or dangerous trees that are tall enough to strike the wires in falling;

Together with the right of ingress and egress over my (our) adjacent lands to or from said right-of-way for the purpose of constructing, operating, repairing, maintaining, relocating, replacing and removing said lines and appurtenances.

In granting this easement it is understood that at pole locations, the location of the poles will be such as to form the least possible interference to farm operations, so long as it does not materially increase the cost of construction.

The undersigned covenants that he is the owner of the above described lands and that the said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following persons:

It is further understood that, whenever necessary, words used in this instrument in the singular shall be construed to read in the plural and that words used in the masculine gender shall be construed to read in the feminine.

IN WITNESS WHEREOF, the undersigned has set his hand and seal this 16 day of January, 1984. Sealed and delivered in the presence of:

Kenneth W. Kruse
Kenneth W. Kruse

Grace L. Brock L.S.

Date 16 JAN 1984

L.S.

EX-162 PAGE 794

NOT 162 PAGE 795

WITNESS ACKNOWLEDGEMENT

The State of Texas, )

County of *Allegra*,

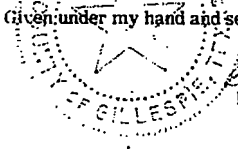
Before me, the undersigned authority in and for said County and State, on this day personally appeared

*Kenneth W. K... ..*

known to me to be the person whose name is subscribed as a witness to the foregoing instrument of writing, and, after

being duly sworn by me, stated on oath that he saw *Chas. L. Brock* the Grantor, subscribe the same and that he signed the same as a witness at the request of the Grantor.

Given under my hand and seal of office, this *7* day of *October*, A.D. 19*86*



*Bill W. Sta...*  
Notary Public

County, Texas.

*John J. ...*  
*June 29, 1986*



VOL 198 PAGE 624

N. 16 deg. 31 min. W., at 156.4 feet a concrete monument, 388.2 feet in all to a steel bar set, for the N.W. corner of this tract of land;

THENCE East 1599.1 feet to a steel bar set in fence in a West line of said 131.3 acre tract, for the N.E. corner of this tract of land;

THENCE with fence, South 905.7 feet to a corner post, for a reentrant corner of said 131.3 acre tract, for the S.E. corner of this tract of land;

THENCE with fence, West 1380.0 feet to the place of BEGINNING.

There is excepted from this conveyance and reserved to Grantors herein one-half (1/2) of all of the minerals in and under said 30.75 acres now owned by Grantors herein.

This conveyance is subject to restrictive covenants described in Exhibit A which is attached to and made a part hereof.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said grantees, their heirs and assigns forever; and we do hereby bind ourselves, our 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.

The mailing address of the grantees, Thomas Boschen and Dorothy E. Boschen, is Route 1, Box 2855, Montpelier, Virginia 23192.

EXECUTED this 5th day of February, 1990.

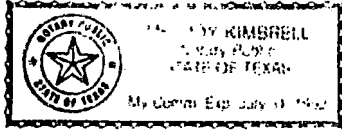
*Ethel J. Willmann*  
Ethel J. Willmann

*Willie R. Willmann*  
Willie R. Willmann

VOL. 198 PAGE 625

THE STATE OF TEXAS )  
COUNTY OF MASON... )

This instrument was acknowledged before me on the 7th day of February, 1990, by Ethel J. Willmann.

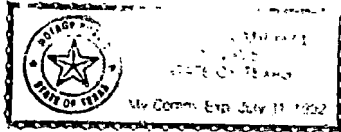


\_\_\_\_\_  
Notary Public, State of Texas  
Notary's printed or typed name:

\_\_\_\_\_  
My commission expires:

THE STATE OF TEXAS )  
COUNTY OF MASON... )

This instrument was acknowledged before me on the 7th day of February, 1990, by Willie R. Willmann.



\_\_\_\_\_  
Notary Public, State of Texas  
Notary's printed or typed name:

\_\_\_\_\_  
My commission expires:

EXHIBIT A  
RESTRICTIONS

1. No mobile home or travel home shall be used as a permanent dwelling on the property, but may be used as temporary residence prior to starting construction of a permanent residence and during construction of the permanent residence after which time mobile home shall be removed from the premises.
2. No structure of a temporary character, tent, shack, garage, or other out building shall be used on any tract at any time as a residence, either temporarily or permanently, subject to the preceding section.
3. No industrial pursuit or enterprise shall be permitted to be conducted on the tract. Industrial pursuit or enterprise shall mean engaging in the manufacture or assembly of goods or processing of raw materials unserviceable in their natural state (other than cottage industry by an artisan, i.e., artist, painter, photographer, wood, metal or glass sculptor or fabricator) and shall be inclusive of but not exclusive of:
  - A. Auto painting and repair, heavy machinery operation or storage, welding or machine shop, concrete products manufacture.Agriculture use and the processing of agricultural goods into commercial products are declared not to be an industrial pursuit or enterprise.
4. Animals, except swine, may be kept on any tract provided they do not constitute a commercial livestock feeding operation; that they be confined to the owner's respective tract, at all times, and that they not be offensive to adjacent landowners by either smell, noise, sight or otherwise.
5. No abandoned automobiles, equipment or junk shall be permitted on the subject premises or upon any road adjoining said premises. After completion of a permanent residence, tract owners may store their personal travel trailer, motor home or other recreational vehicle on the premises, so long as it is not used as a permanent dwelling.
6. No noxious or offensive activity shall be permitted on the subject premises, nor shall anything be done thereon which shall be an annoyance or nuisance to the neighbors.

These restrictions shall remain in effect until December 31, 2010 at which time they shall expire unless further extended by the majority of the landowners at that time.

CERTIFICATE OF LEGALITY AND AUTHENTICITY

I, certify that the discrete numbered microfilm images between the Title Page and the Certificate of Legality and Authenticity have been made in strict accordance with Article 1941 (a), V.T.C.S., and that each image is a true, correct, and exact copy of the page or pages of the identified instrument of writing, legal document, paper, or record which had been filed for record on the date and at the time stamped on each; that no microfilm image or images were substituted for any original discrete microfilm image or images between the Title Page and this Certificate. Official Public Records of Real Property, Volume 198, Pages 623-626, filmed on the 12th day of February, A.D. 1990.

DORIS LANGE, Clerk, by Jelena Cornoni  
Jelena Cornoni

