

FILM CODE

00005396885

WARRANTY DEED

THE STATE OF TEXAS

}

} KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

}

That we, FLOYD B. INKS, JR., and wife, MICKIE INKS (as to Lots 12-17, inclusive, of Tract 1, and Tract 2 and Tract 3), FLOYD B. INKS, III (as to Lot 18 of Tract 1), ROBERT M. INKS (as to Lot 19 of Tract 1) and JEANNA S. INKS a/k/a JEANNA SUE INKS, now known as JEANNA SUE INKS BARTLING (as to Lot 20 of Tract 1), hereinafter collectively called "GRANTORS", for the consideration hereinafter stated, have GRANTED, SOLD and CONVEYED, and by these presents do hereby GRANT, SELL and CONVEY, unto CAPITAL COMMERCIAL DEVELOPMENT, INC., a Texas corporation, whose mailing address is 327 Congress Avenue, Suite 450, Austin, Travis County, Texas 78701, hereinafter called "GRANTEE", the following described real estate, together with all improvements thereon situated in Travis County, Texas:

- Tract 1: Lots 12 - 20, inclusive, WINDY COVE, an addition in Travis County, Texas, according to the map or plat thereof recorded in Book 28, Page 41, Plat Records of Travis County, Texas.
- Tract 2: All that certain parcel or tract of land out of the Thomas Gray Survey No. 2, Travis County, Texas, being a portion of Lot 11, WINDY COVE, a subdivision as recorded in Book 28, Page 41, of the Plat Records of Travis County, Texas, and being all of a tract as conveyed to D. L. Landrum and Monroe Vivion by Deed recorded in Volume 3249, Page 1410, of the Deed Records of Travis County, Texas, and being more particularly described by metes and bounds in Exhibit "A-1" attached hereto and incorporated herein for all purposes; and

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

12630 1668

Exhibit

Witness

Date

Melissa Parkhill, CSR

4
KALINOSKI
6-8-17

Exhibit A-1

Tract 3: All that certain parcel or tract of land being out of the Thomas Gray Survey No. 2, Travis County, Texas, being all of a 0.85 acre tract as conveyed to Floyd B. Inks, Jr., by Deed recorded in Volume 4611, Page 154 of the Deed Records of Travis County, Texas, and described in Deed recorded in Volume 4530, Page 348 of the Deed Records of Travis County, Texas, to which reference is hereby made and incorporated herein for all intents and purposes, and being more particularly described by metes and bounds in Exhibit "A-2" attached hereto and incorporated herein for all purposes.

(Tracts 1, 2 and 3 are hereinafter collectively referred to as the "Property")

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the GRANTEE, its successors and assigns, forever:

And GRANTORS do hereby bind themselves, their heirs and assigns, to WARRANT AND FOREVER DEFEND, all and singular, the Property unto the GRANTEE, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof, subject, however, to the matters set forth on Exhibit "B" attached hereto and made a part hereof for all purposes; provided, however the foregoing warranty of title by FLOYD B. INKS, JR. and wife, MICKIE INKS shall be limited to Lot 12-17, inclusive, of Tract 1, and Tract 2 and Tract 3; the foregoing warranty of title by FLOYD B. INKS, III shall be limited to Lot 18 of Tract 1; the foregoing warranty of title by ROBERT M. INKS shall be limited to Lot 19 of Tract 1; and the foregoing warranty of title by JEANNA S. INKS a/k/a JEANNA SUE INKS, now known as JEANNA SUE INKS BARTLING shall be limited to Lot 20 of Tract 1.

The consideration for this conveyance, receipt of which is hereby acknowledged, is as follows:

1. \$10.00 and other valuable consideration paid to GRANTORS for which no lien, either expressed or implied, is retained; and

2. \$150,000.00 advanced and paid at the instance and request of GRANTEE by James E. Jones ("Lender") for which GRANTEE has executed a promissory note ("Note") of even date herewith in the sum of \$150,000.00, payable to the order of Lender, and bearing interest and payable as therein provided, the payment of which note is secured by a vendor's lien herein retained and is additionally secured by a Deed of Trust of even date herewith to A. Rick Hightower, Trustee.

The vendor's lien and superior title are specifically retained by GRANTORS against Lots 16 - 20, inclusive, of Tract 1, until the Note and all interest thereon are fully paid, and to the extent the same secure payment of the Note, are hereby ASSIGNED and TRANSFERRED to JAMES E. JONES, the Lender named above, without recourse on GRANTORS. *see, lot 2, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20*


This conveyance is also made and accepted subject to the following restrictions:

1. Lots Number Twelve (12) through Twenty (20) shall be used for single family dwellings only.
2. The part of Lot 11 shall be used only for persons on foot to access the lake water from Rock Cliff Road. It shall never be used for an access to the water for vehicles or watercraft, i.e., no roadway or boat slip, or similar may be constructed on that part of Lot 11. *see, lot 11, 12, 13, 14, 15, 16, 17, 18, 19, 20*
3. The part of Lot 11 at the water line can have a landing/walking/boat dock large enough to accommodate a maximum of two (2) boats; however, such dock or landing structure shall comply with and never exceed the restrictions for a similar structure as required by the governing agencies for Lake Austin proper, including those applicable laws, rules and regulations of the City of Austin, Travis County, the State of Texas and the Lower Colorado River Authority.
4. The part of Lot 11 herein purchase^d shall never be used in such a manner to disturb the peace and tranquility of the Pond and its immediate area, nor shall its use ever disturb in any manner, those persons whose property lies on or near the Pond or the slough leading from the Pond to Lake Austin proper. *see, lot 11, 12, 13, 14, 15, 16, 17, 18, 19, 20*


GRANTORS herein agree to pay all taxes on the Property for all years up to and including the year 1995, and GRANTEE agrees to assume the payment of all taxes for the year 1996 and subsequent years, the same having been prorated as of the date of this Deed.


EXECUTED as of the 2nd day of February, 1996.


FLOYD B. INKS, JR.


MICKIE INKS


FLOYD B. INKS, III


ROBERT M. INKS

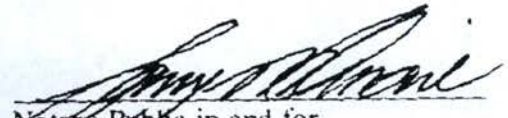

JEANNA S. INKS a/k/a JEANNA SUE INKS, now known as JEANNA SUE INKS BARTLING

THE STATE OF TEXAS

COUNTY OF Travis

This instrument was acknowledged before me on the 22nd day of February, 1996, by Floyd B. Inks, Jr. and wife, Mickie Inks.

(Notary Seal) 



Notary Public in and for
the State of Texas

THE STATE OF TEXAS

COUNTY OF Travis

This instrument was acknowledged before me on the 22nd day of February, 1996, by Floyd B. Inks, III.

(Notary Seal) 

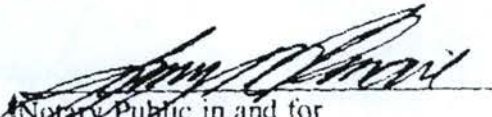

Notary Public in and for
the State of Texas

THE STATE OF TEXAS

COUNTY OF Travis

This instrument was acknowledged before me on the 22nd day of February, 1996, by Robert M. Inks.

(Notary Seal) 

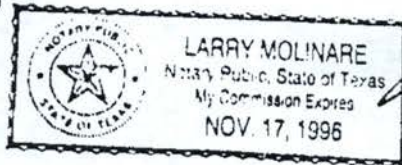

Notary Public in and for
the State of Texas

THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 22nd day of February, 1996, by Jeanna S. Inks a/k/a Jeanna Sue Inks, now known as Jeanna Sue Inks Bartling.

(Notary Seal)



[Signature]
Notary Public in and for
the State of Texas

**CHARGE TO
GRACY TITLE
RETURN TO**

After Recording Return To:
Capital Commercial Development, Inc.
327 Congress Avenue, #450
Austin, Texas 78701

EXHIBIT "A-1"

FIELD NOTES
0.144 ACRE OUT OF LOT 11

ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE THOMAS GRAY SURVEY NO. 2, TRAVIS COUNTY, TEXAS; BEING A PORTION OF LOT 11, WINDY COVE, A SUBDIVISION AS RECORDED IN BOOK 28, PAGE 41 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; AND BEING ALL OF A TRACT AS CONVEYED TO D.L. LANDRUM AND MONROE VIVION BY DEED RECORDED IN VOLUME 3249, PAGE 1410 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8" iron rod found on the north right-of-way line of Rockcliff Road at the most westerly corner of the above described Lot 11 for the most westerly corner and POINT OF BEGINNING of the herein described tract;

THENCE, with the northwest line of said Lot 11, N34°14'07"E, pass a 1/2" iron rod set with cap stamped TERRA FIRMA at 67.01 feet, and continuing on for a total distance of 251.23 feet to a point (inundated) at the most northerly corner of said Lot 11 for the most northerly corner of this tract;

THENCE, with the northeast line of said Lot 11, S48°04'03"E a distance of 29.89 feet to a point (inundated) at the most easterly corner of the above described Landrum and Vivion tract;

THENCE, with the southeast line of said Landrum and Vivion tract, the following three (3) courses:

- 1) S34°14'07"W a distance of 132.03 feet to a 1/2" iron rod set with cap stamped TERRA FIRMA on the bank of Lake Austin (slough) at an angle point;
- 2) S56°54'07"W a distance of 24.90 feet to a 1/2" iron rod set with cap stamped TERRA FIRMA at an angle point; and
- 3) Along the southeast line of a twenty (20)-foot road easement, as conveyed by plat recorded in Book 28, Page 41 of the Plat Records of Travis County, Texas, S34°14'07"W a distance of 81.62 feet to a 1/2" iron rod set with cap stamped TERRA FIRMA on the curving north right-of-way line of Rockcliff Road for the most southerly corner of this tract;

THENCE, with the north right-of-way line of Rockcliff Road along a curve to the left, an arc distance of 22.68, having a radius of 162.00 feet and a chord which bears N83°19'53"W a distance of 22.66 feet to the POINT OF BEGINNING, and containing 0.144 acre of land, more or less.

I HEREBY CERTIFY that these notes were prepared by Terra Firma from a survey made on the ground on August 24, 1995 under my supervision and are true and correct to the best of my knowledge.

Craig C. Oggar



8/30/95
Date

Craig C. Oggar
Registered Professional Land Surveyor No. 32867

Client: Doug Agarwal
Date: August 30, 1995
WO No.: 0009-07-01
FB: 156
Disk: TRS.009

**FIELD NOTES
0.849-ACRE TRACT**

ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE THOMAS GRAY SURVEY NO. 2, TRAVIS COUNTY, TEXAS; BEING ALL OF A 0.85-ACRE TRACT AS CONVEYED TO FLOYD B. INKS, JR. BY DEED RECORDED IN VOLUME 4611, PAGE 154 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND DESCRIBED IN DEED RECORDED IN VOLUME 4530, PAGE 348 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING for POINT OF REFERENCE at a 1/2" iron rod found on the east right-of-way line of Rockcliff Road at the most westerly corner of Lot 15, Windy Cove, a subdivision as recorded in Book 28, Page 41 of the Plat Records of Travis County, Texas; Thence, with the northwest line of said Windy Cove, S33°52'25"W a distance of 30.45 feet to a P-K nail set in asphalt on the centerline of pavement of Rockcliff Road at the most southerly corner of the above described Inks 0.85-acre tract for the most southerly corner and POINT OF BEGINNING of the herein described tract;

THENCE, with the centerline of said asphalt road, the following five (5) courses:

- 1) N29°02'11"W a distance of 128.36 feet to a P-K nail set in asphalt at an angle point;
- 2) N07°26'19"E a distance of 82.03 feet to a P-K nail set in asphalt at an angle point;
- 3) N48°30'36"E a distance of 109.05 feet to a P-K nail set in asphalt at an angle point;
- 4) N69°55'41"E a distance of 94.59 feet to a P-K nail set in asphalt at an angle point; and
- 5) N85°39'17"E a distance of 88.85 feet to a P-K nail set in asphalt on the northwest line of said Windy Cove at the most easterly corner of said Inks 0.85-acre tract for the most easterly corner of this tract;

THENCE, with the northwest line of said Windy Cove, the following two (2) courses:

- 1) S34°15'10"W, pass a 1/2" iron rod found on the south right-of-way line of Rockcliff Road at 37.19 feet, pass a 1/2" iron rod found at the most northerly corner of said Lot 15 at 187.92 feet, and continuing on for a total distance of 338.41 feet to said 1/2" iron rod found at the POINT OF REFERENCE; and
- 2) S33°52'25"W a distance of 30.45 feet to the POINT OF BEGINNING, and containing 0.849 acre of land, more or less.

I HEREBY CERTIFY that these notes were prepared by Terra Firma from a survey made on the ground on August 24, 1995 under my supervision and are true and correct to the best of my knowledge.

Craig C. Greger



Date 8/27/95

Craig C. Greger
Registered Professional Land Surveyor No. 3938

Client: Doug Agarwal
Date: August 30, 1995
WO No.: 0009-07-01
FB: 156
Disk: TR5.009

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS
12630 1677

Exhibit "B"

1. Restrictive covenants of record in Volume 1544, Page 374, Deed Records and septic tank note per plat recorded in Book 28, Page 41, Plat Records of Travis County, Texas (Tracts 1 & 2).
2. Five (5') foot public utility easement, across the rear of the lots, as shown on plat recorded in Book 28, Page 41, Plat Records of Travis County, Texas (Tract 1).
3. Five (5') foot public utility easement, along the northwest property line of the lot, as shown on plat recorded in Book 28, Page 41, Plat Records of Travis County, Texas (Lots 12 and 15 of Tract 1).
4. Forty (40') foot drainage and boat channel easement, across the rear of the lot, as shown on plat recorded in Book 28, Page 41, Plat Records of Travis County, Texas (Tract 2).
5. Boundary Line Agreement dated September 15, 1973, recorded in Volume 4762, Page 1957, Deed Records of Travis County, Texas (Tract 2).
6. Any portion of the property described herein within the limits or boundaries of any public or private roadway and/or highway (Tract 3).

RECORDERS MEMORANDUM:
ORIGINAL IS OF POOR QUALITY!!

FILED
96 FEB 26 PM 4:41
DANA DENNEY
COUNTY CLERK
TRAVIS COUNTY, TEXAS

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

FEB 26 1996



Dana Denney
COUNTY CLERK
TRAVIS COUNTY, TEXAS

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

12630 1678

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