

4/16/08

**QUAIL RUN ESTATES
RESTRICTIONS**

Volume 222, Page 97, Volume 222, Page 613 and Volume 232, Page 786, Deed Records of Kerr County, Texas, BUT OMITTING ANY COVENANT OR RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons.

OTHER EXCEPTIONS

- Mineral reservation by Grantor, as described in instrument from {PR,"insert grantor for min. reservation",ST1,8} to {PR,"insert grantee for min. reservation",ST1,9}, dated {PR,"insert date of min. reservation",DT2,8}, recorded in Volume {PR,"insert volume number of min. reservation",IN1,8}, Page {PR,"insert page number of min. reservation",IN1,8}, {PR,"insert record type for min. reservation",ST1,8} Records of Kerr County, Texas, reference to which instrument is here made for all purposes, together with all rights, expressed or implied in and to the property covered by this policy arising out of or connected with said interests and conveyance. Title to said interest not checked subsequent to date of aforesaid instrument.
- Easements per replat recorded in Volume {PR,"insert volume number",IN1,9}, Page {PR,"insert page number",IN1,10} Plat Records of Kerr County, Texas.
- Any visible and/or apparent roadways or easements over or across the subject property.
- Rights of Parties in Possession. (AS PER OWNER POLICY ONLY)

793332

VOL 222 PAGE 97

GRADY TUCK, JR., TRUSTEE

TO

GRADY TUCK, JR., ET AL

ASSUMPTION DEED

THE STATE OF TEXAS

§

COUNTY OF KEPR

§

KNOW ALL MEN BY THESE PRESENTS:

§

THAT I, GRADY TUCK, JR., TRUSTEE, of the County of Kerr and the State of Texas, for and in consideration of the sum of TEN AND NO/100THS DOLLARS (\$10.00) 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 assumption and agreement to pay by Grantees, according to the terms thereof, all principal and interest now remaining unpaid on those three certain promissory notes in the original principal sums of ONE HUNDRED FIFTY-FIVE THOUSAND THREE HUNDRED NINETY-TWO AND NO/100THS DOLLARS (\$155,392.00) EACH, dated July 26, 1978, executed by Grady Tuck, Jr., Trustee and payable to the order of Betty Burney Mosty Hall, Ruth Burney Spivey Posey, and Mable Burney Ransleben, and secured by a Vendor's Lien retained in Deed of even date therewith upon the herein described property and being additionally secured by a Deed of Trust thereon recorded in Volume 169, Page 129, of the Deed of Trust Records of Kerr County, Texas; and Grantees assume and promise to keep and perform all of the covenants and obligations of the Grantor named in said Deed of Trust, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto GRADY TUCK, JR., MICHAEL L. HEDGES, and REGINALD A. TUCK, d/b/a HILL COUNTRY LAND COMPANY, all of the following described real property in Kerr County, Texas, to-wit:

424.06 acres (313.19 acres out of Survey No. 63 and 110.87 acres out of Survey No. 64) situated between State Highway No. 173 and Wharton Road.

BEGINNING at a fence cornerpost and 3/8" iron stake for the east corner of the herein described tract in the southwest

right of way line of a public road known as Wharton Road, believed to be in the approximate southeast line of said Survey No. 63 and approximately 682.62 feet S.44°09'W. from a point believed to be its east corner on the south bank of the Guadalupe River;

THENCE, along a fence and the approximate line between said Survey No. 63 and W.T. Crook Survey No. 62, Abstract No. 112, the common line between said Burney Estate land and the H.W. Bockhoff Estates land, each anglepost marked by a 3/8" iron stake, S.53°59'W., 21.57 ft.; S.44°31'W., 1883.32 ft.; S.34°13'W., 116.96 ft.; S.44°49'W., 3501.29 ft. to a cornerpost and 3/8" iron stake for the south corner of the herein described tract and the south corner of said Burney Estate land in the northeast right of way line of State Highway No. 173;

THENCE, along a fence and the northeast right of way line of said State Highway No. 173, the westerly line of said Burney Estate land each point an anglepost and 3/8" iron stake unless otherwise stated: N.47°57'W., 230.02 ft.; N.35°10'W., 389.80 ft.; N.24°03'W., 334.06 ft. to a concrete right of way marker; N.18°41'W., 111.13 ft.; N.18°49'W., 963.41 ft.; to a concrete right of way marker at the beginning of a 0°59' curve to the left having a 5°00' central angle and a 5789.65 ft. radius; 505.24 ft. along said 0°59' curve to its end; N.18°54'W., 256.07 ft. to a concrete right of way marker; N.18°23'W., 223.55 ft. to a concrete right of way marker at the beginning of a 3°09' curve to the right having a 48°48' central angle and a 1820.06 ft. radius; 1550.28 ft. along said 3°09' curve to a concrete right of way marker at its end; N.23°30'E., 202.20 ft. to a concrete right of way marker; N.32°00'E., 221.08 ft. to a concrete right of way marker at the beginning of a 2°55' curve to the left, having an 11°10' central angle and a 1970.08 ft. radius; and 384.03 ft. along said 2°55' curve to a concrete right of way marker at its intersection with a fence and the southerly right of way line of said Wharton Road;

THENCE, along a fence and the southerly right of way line of said Wharton Road each point an anglepost and 3/8" iron stake; N.32°04'E., 1456.34 ft.; N.83°44'E., 691.06 feet; N.59°16'E., 215.05 ft. to the beginning of a wood log retaining wall;

THENCE, along said southerly right of way line of Wharton Road, fence and wood log retaining wall; N.77°38'E., 25.27 ft.; S.71°04'E., 39.65 ft.; S.59°23'E., 102.82 ft. to a concrete box culvert, S.54°42'E., 29.95 ft., crossing said box culvert to a cornerpost;

THENCE, again along a fence and the southerly right of way line of said Wharton Road: S.14°22'W., 11.17 ft. S.47°24'E., 788.50 ft.; S.57°08'E., 2087.18 ft.; S.32°34'E., 600.82 ft.; and S.15°04'E., 156.99 ft. to the PLACE OF BEGINNING, containing 421.66 acres of land within these metes and bounds.

Field Notes prepared after an actual survey on the ground May 17, 1978, by D.R. Voelkel, Registered Professional Engineer No. 8889 and Registered Public Surveyor No. 443.

SAVE AND EXCEPT the following:

PARCEL NO. 1: 2.01 acres out of said Survey No. 64 situated south of Wharton Road.

BEGINNING at a 3/8" iron stake set in a fenceline along the Southerly right-of-way line of said Wharton Road for the east corner of the herein described tract, which point bears 1045.02 feet,

S.79°40'W., from a point believed to be the north corner of the William T. Crook Survey No. 63, Abstract No. 116, in Kerr County, Texas;

THENCE, along the southeast boundary of the herein described tract, S.29°15'W., 196.45 feet to a 3/8" iron stake set in a fenceline for the southeast corner of the herein described tract;

THENCE, along said fenceline which forms part of the southwest boundary of the herein described tract, each point being an anglepost and "60-penny" common nail; N.39°38'W., 271.11 feet; N.65°18'W., 32.89 feet; N.19°37'W., 45.74 feet; and N.63°56'W., 64.54 feet to a 3/8" iron stake set for a southwest corner of the herein described tract;

THENCE, along the remainder of the southwest boundary of the herein described tract, N.77°46'W., 207.24 feet to an existing 3/8" iron stake at a fence anglepost in the southerly right-of-way line of said Wharton Road, which point marks the West corner of the herein described tract;

THENCE, along said fenceline along the southerly right-of-way line of said Wharton Road, which forms the northeast boundary of said Tuck 424.06 acre tract and the herein described tract, each point being an anglepost and existing 3/8" iron stake, the following seven (7) calls: N.58°47'E., 215.45 feet; N.77°45'E., 25.18 feet; S.71°19'E., 39.68 feet; S.60°02'E., 102.99 feet; S.55°09'E., 30.33 feet; S.25°44'W., 8.03 feet; and S.48°09'E., 291.82 feet to the PLACE OF BEGINNING, containing 2.01 acres of land within these metes and bounds.

Being the same property conveyed by and described in as Parcel No. 1 in Warranty Deed from Grady Tuck, Jr., Trustee to Freddie Lee Schoolcraft and wife, Barbara Schoolcraft, dated September 5, 1978, and appearing of record in Volume 213, Page 121 of the Deed Records of Kerr County, Texas.

PARCEL NO. 2: FIELD NOTES DESCRIPTION FOR A 33.34 ACRES OF LAND OUT OF THE 485.60 ACRE TRACT BELONGING TO GRADY TUCK, ET AL, IN KERR COUNTY, TEXAS.

BEING all of a certain 33.34 acre tract or parcel of land out of that 485.60 acre tract situated between State Highway No. 173 and the Guadalupe River, part of the William Burney Estate, and being out of the William P. Crook Survey No. 63, Abstract No. 116, in Kerr County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8" iron stake set for the south corner of the herein described tract 0.85 feet southwest of the highway perimeter fence in the boundary line of said 485.60 acre tract along said Highway, which point bears 5361.5 feet S.56°30'W., from a point believed to be the east corner of said Survey No. 63, on the south bank of the Guadalupe River, and which point bears 1145.59 feet N.31°30'W., from the South corner of said 485.60 acre tract at a 3/8" iron stake and a fence corner post;

THENCE, along a fence and the northeast right-of-way line of said Highway, N.18°49'W., 864.08 feet to a concrete right-of-way marker, around a 0°59' circular curve to the left, having a

central angle of 5°00' and a radius of 5789.65 feet, passing a concrete right-of-way marker at 489.45 ft. and continuing for a total of 505.24 feet (L.C. = 505.3 ft., N.21°23'W.) to a point, and N.18°54'W., 203.26 feet to a 3/8" iron stake set 0.3 feet southwest of said fence line along said right-of-way for west corner of the herein described tract;

THENCE, N.73°48'E., 995.58 feet across said 485.60 acre tract to a 3/8" iron stake set for the north corner of the herein described tract;

THENCE, S.39°28'E., 938.42 feet to a 3/8" iron stake set for the east corner of the herein described tract;

THENCE, S.42°53'W., 101.39 feet to a nail at the north fence corner post of a cleared field approximately 25 acres; S.45°00'W., 1061.62 feet with the northwest fence of said field to a nail at the west fence corner post of said field; and S.44°16'W., 292.34 feet to the PLACE OF BEGINNING, containing 33.34 acres of land within these metes and bounds.

Being the same property conveyed by Warranty Deed from Grady Tuck, Jr., Trustee to Reginald A. Tuck and David P. Braden, Jr., dated October 17, 1978, and appearing of record in Volume 214, Page 668, of the Deed Records of Kerr County, Texas.

PARCEL NO. 3: FIELD NOTES DESCRIPTION FOR A 19.01 ACRE TRACT OF LAND OUT OF THE GRADY TUCK, JR., ET AL, 485.60 ACRE TRACT FORMERLY OWNED BY WM. BURNLEY IN KERR COUNTY, TEXAS.

Being all of a certain 19.01 acre tract or parcel of land out of Tract No. 2, a 424.06 acre tract situated south of Wharton Road, out of a 485.60 acre tract conveyed to Grady Tuck, Jr., Trustee, from Betty Burnley Mosty Hall, et al, by Warranty Deed recorded in Volume 211 at Page 657 of the Deed Records of Kerr County, Texas; and being out of William Watt Survey No. 64, Abstract No. 363 in Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron stake set in a fenceline along or abutting the southern right-of-way line of Wharton Road which forms the northern boundary of said 424.06 acre tract and the herein described tract, for the southwest corner of the herein described tract, which point bears approximately 1337 feet S.83°55'W., from a point believed to be the north corner of the William T. Crook Survey No. 63, Abstract No. 116, in Kerr County, Texas;

THENCE, along said fenceline, N.32°03'E., 928.43 feet to an existing 3/8" iron stake and fence anglepost, and N.83°50'E., 690.88 feet to an existing 3/8" iron stake for the most northerly corner of the herein described tract;

THENCE, along the southwest boundary of a certain 5.12 acre tract of land conveyed to Freddie L. Schoolcraft, et ux, from Grady Tuck, Jr., Trustee, by deed recorded in Volume 213 at Page 121 of the Deed Records of Kerr County, Texas, which forms the northeast boundary of the herein described tract, S.77°19'E., 207.24 feet to an existing 3/8" iron stake at a fence cornerpost;

THENCE, along a fenceline along the southwest boundary of said 5.12 acre tract and the northeast boundary of the herein described tract, S.63°29'E., 64.54 feet and S.19°10'E., 45.74 feet to a

1/2" iron stake set for the northeast corner of the herein described tract;

THENCE, along the southeast boundary of the herein described tract, S.38°54'W., 1149.59 feet to a 1/2" iron stake set for the south corner of the herein described tract;

THENCE, along the southwest boundary of the herein described tract, N.78°24'W., 748.00 feet to the PLACE OF BEGINNING, containing 19.01 acres of land within these metes and bounds, which land is also known as Tract No. 24 of Burney Oak Estates, a subdivision in Kerr County, Texas.

Being the same property conveyed by Warranty Deed from Grady Tuck, Jr., Trustee to Harold M. Scott, et ux, Dorothy Jean Scott, dated December 29, 1978, and appearing of record in Volume 216, Page 732, of the Deed Records of Kerr County, Texas.

PARCEL NO. 4: FIELD NOTES DESCRIPTION FOR A 37.58 ACRE TRACT OF LAND OUT OF THE GRADY TUCK, JR., ET AL, 485.60 ACRE TRACT FORMERLY OWNED BY WM. BURNEY IN KERR COUNTY, TEXAS.

Being all of a certain 37.58 acre tract or parcel of land out of Tract No. 2, a 424.06 acre tract situated south of Wharton Road, out of a 485.60 acre tract conveyed to Grady Tuck, Jr., Trustee from Betty Burney Mosty Hall, et al, by Warranty Deed recorded in Volume 211 at Page 557 of the Deed Records of Kerr County, Texas; comprising, more or less, 13.4 acres out of William T. Crook Survey No. 63, Abstract No. 116, and 24.2 acres out of William Watt Survey No. 64, Abstract No. 363 in Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at an existing 1/2" iron stake in a fenceline along or abutting the southeast right-of-way line of State Highway No. 173, for the northwest corner of a certain 33.36 acre tract of land known as Oak Forest South Subdivision as recorded in Volume 4 at Page 146 of the Plat Records of Kerr County, Texas, which point marks the southwest corner of the herein described tract and which point bears approximately 6137 feet, S.45°40'W., from the east corner of said Survey No. 63;

THENCE, along said fenceline which forms the westerly boundary of said 424.06 acre tract and the herein described tract, the following ten (10) calls, each point being an existing "60-penny" common nail and fence anglepost; N.18°34'W., 52.56 feet; N.18°24'W., 223.98 feet; N.19°11'W., 25.45 feet; N.12°37'W., 198.60 feet; N.08°21'W., 96.78 feet; N.03°35'W., 189.75 feet; N.02°20'E., 191.81 feet; N.08°09'E., 191.04 feet; N.12°56'E., 132.10 feet; and N.18°43'E., 58.65 feet to an existing 1/2" iron stake for the most westerly corner of a certain 232.86 acre tract known as Burney Oak Estates as recorded in Volume 4 at Page 149 of the Plat Records of Kerr County, Texas, and for the northwest corner of the herein described tract;

THENCE, along the northwest boundary of the herein described tract and a southerly boundary of said 232.86 acre tract, N.70°29'E., 1071.60 feet to an existing 1/2" iron stake for a westerly corner of said 232.86 acre tract and the northeast corner of the herein described tract;

THENCE, along the easterly boundary of the herein described tract and a westerly boundary of said 232.86 acre tract the following seven (7) calls, each point being an existing 1/2" iron stake: S.44°49'E., 115.31 feet; S.17°55'E., 310.40 feet; S.15°53'W., 244.90 feet; S.19°10'E., 235.70 feet; S.7°50'E., 208.36 feet; S.37°43'W., 174.64 feet; and S.19°19'W., 244.30 feet to an existing 1/2" iron stake for the most northerly corner of said Oak Forest South and the southeast corner of the herein described tract;

THENCE, along the northwestern boundary of said Oak Forest South and the southeastern boundary of the herein described tract S.73°48'W., 995.58 feet to the PLACE OF BEGINNING, containing 37.58 acres of land within these metes and bounds.

Being the same property conveyed by Warranty Deed from Grady Tuck, Jr., Trustee to Reginald A. Tuck and David P. Braden, Jr., dated February 2, 1979, and appearing of record in Volume 218, Page 156, of the Deed Records of Kerr County, Texas.

PARCEL NO. 5: All of Lot 23 of Burney Oak Estates, a subdivision of record in Volume 4, at Page 149 of the Plat Records of Kerr County, Texas, being 12.71 acres of land.

Being the same property conveyed by Warranty Deed from Grady Tuck, Jr., Trustee to Joe Grady Tuck and wife, Pamela Kay Tuck, dated March 1, 1979, and appearing of record in Volume 219, Page 94, of the Deed Records of Kerr County, Texas.

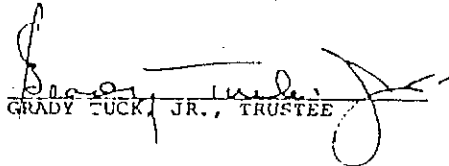
This conveyance is further made and accepted subject to the following:

- (1) Easement to Lower Colorado River Authority of record in Volume 75, Page 235, of the Deed Records of Kerr County, Texas.
- (2) Declaration of Covenants, Conditions and Restrictions of Burney Oak Estates appearing of record under Clerk's File No. 793331, of the Deed Records of Kerr County, Texas.

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 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

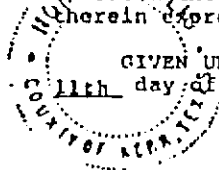
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assigns, against every person whomsoever lawfully claiming or
to claim the same or any part thereof.

EXECUTED this 11th day of June, A.D., 1979.

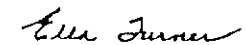

GRADY TUCK, JR., TRUSTEE

THE STATE OF TEXAS §
COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day
personally appeared GRADY TUCK, JR., TRUSTEE, 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
herein expressed and in the capacity therein stated.



GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the
11th day of June, A.D., 1979.


NOTARY PUBLIC in and for
Kerr County, Texas

Eila Turner
Printed or Stamped Name of Notary

My Commission Expires:

August 16, 1980

*793332

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Assumption And

Grady Aueh, Jr. Trustee
to
Grady Aueh, Jr. et al

FILED FOR RECORD

1:45 o'clock P.M.

JUN 12 1979

Emmie H. Muenker
Clerk County Court, Kern County, Texas

Patricia Dye

Filed by return to
Jae Grady Aueh, Atty.

Filed for record June 12, 1979 at 1:45 o'clock P.M.
Recorded June 19, 1979
EMMIE H. MUENKER, Clerk

By Betty J. Sney Deputy

793700

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GRADY TUCK, JR., ET AL TO GUY W. DEAN, JR., TRUSTEE

WARRANTY DEED WITH VENDOR'S LIEN

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF KERR §

THAT WE, GRADY TUCK, JR., MICHAEL L. HEDGES, and REGINALD A. TUCK, all of the County of Kerr, and the State of Texas, for and in consideration of the sum of TEN AND NO/100THS DOLLARS (\$10.00) and other valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged, and the further consideration of the execution and delivery by Grantee of his one certain promissory note of even date herewith in the principal sum of FIFTY-NINE THOUSAND FIVE HUNDRED AND NO/100THS DOLLARS (\$59,500.00), payable to the order of the CHAS. SCHREINER BANK of Kerrville, Kerr County, Texas, as therein provided and bearing interest at the rate therein specified, providing for acceleration of maturity and for attorney's fees, and being secured by a prior and superior Vendor's Lien and Superior Title herein and hereby expressly retained and reserved upon the property herein described and conveyed, and being additionally secured by a prior and superior Deed of Trust thereon of even date herewith to JOE BURKETT, JR., Trustee; and for the further consideration of the execution and delivery by Grantee of his one certain other promissory note of even date herewith in the principal sum of SEVENTEEN THOUSAND AND NO/100THS DOLLARS (\$17,000.00) payable to the order of Grantors herein at Kerrville, Kerr County, Texas, and bearing interest from date thereof until maturity at the rate of nine and three-quarters per cent (9 3/4%) per annum, past due principal and interest to bear interest at the rate of 10% per annum, principal and interest being payable one (1) year from date of closing, said note providing for

acceleration of maturity in event of default in the payment thereof and further providing that should default be made in the payment of the \$59,500.00 note hereinabove described or in any of the covenants of the Deed of Trust securing the same, the indebtedness evidenced by said \$17,000.00 note, at the option of the holder thereof, shall at once become due and payable, said note providing for 10% attorney's fees and being secured by a second and inferior Vendor's Lien and Superior Title herein and hereby expressly retained and reserved upon the property herein described and conveyed and is additionally secured by a second and inferior Deed of Trust thereon of even date herewith to JOE GRADY TUCK, Trustee, have GRANTED, SOLD AND CONVEYED unto GUY W. DEAN, JR., TRUSTEE, of the County of Kerr, and the State of Texas, all of the following described real property in Kerr County, Texas, to-wit:

FIELD NOTES DESCRIPTION FOR A 39.54 ACRE TRACT OF LAND OUT OF THE GRADY TUCK, JR., ET AL, 485.60 ACRE TRACT FORMERLY OWNED BY WM. BURNEY IN KERR COUNTY, TEXAS.

Being all of a certain 39.54 acre tract or parcel of land out of Tract No. 2, 424.06 acre tract situated south of Wharton Road, out of a 485.60 acre tract conveyed to Grady Tuck, Jr., Trustee, from Betty Burney Mosty Hall, et al, by Warranty Deed recorded in Volume 211 at Page 657 of the Deed Records of Kerr County, Texas; and being out of William T. Crook Survey No. 63, Abstract No. 116 in Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron stake in a fenceline along or abutting the northeast right-of-way line of State Highway No. 173, for the south corner of Oak Forest South Subdivision as recorded in Volume 4 at Page 146 of the Plat Records of Kerr County, Texas, which point marks the west corner of the herein described tract, and which point bears approximately 6137 feet S.45°40'W., from the east corner of said Survey No. 63;

THENCE, along a fenceline which forms the southeast boundary of said Oak Forest South Subdivision and the northwest boundary of the herein described tract, N.44°16'E., 291.35 feet to a 1/2" iron stake and N.45°00'E., 1061.62 feet to a 1/2" iron stake set to mark the east corner of said Oak Forest South Subdivision and the herein described tract;

THENCE, along a fencline which forms a southeast boundary of Burney Oaks Subdivision as recorded in Volume 4 at Page 149 of the Plat Records of Kerr County, Texas; and forms the northeast boundary of the herein described tract, S.45°05'E., 1113.38 feet to a 1/2" iron stake set to mark the south corner of said Burney Oaks Subdivision and the east corner of the herein described tract;

THENCE, along a fenceline which forms a southeast boundary of said 485.60 acre tract and the southeast boundary of the herein described tract, S.44°51'W., 1061.12 feet to a 1/2" iron stake

and S.44°43'W., 559.68 feet to a "60-penny" common nail set in the northeast right-of-way line of State Highway No. 173 to mark the south corner of said 485.60 acre tract and the herein described tract;

THENCE, along a fenceline or abutting the northeast right-of-way line of State Highway No. 173, which forms the southwest boundary of the herein described tract the following four (4) calls, each point being marked with a "60-penny" common nail: N.48°11'W., 230.65 feet, N.35°12'W., 389.59 feet, N.23°59'W., 334.79 feet, and N.19°49'W., 209.67 feet to the PLACE OF BEGINNING, containing 39.54 acres of land within these metes and bounds.

Surveyed on the ground by Michael L. Hedges, Registered Professional Engineer No. 40914, on the 5th day of June, A.D., 1979.

This conveyance is made and accepted subject to Restrictions and Covenants attached hereto as Exhibit "A" and incorporated herein for all purposes.

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, his 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 Grantee, his 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.

For and in consideration of the advancement and payment in cash by the CHAS. SCHREINER BANK to the Grantors herein of that portion of the purchase price of the herein described property, as is evidenced by the hereinabove described \$59,500.00 note, a first and superior Vendor's Lien, together with the Superior Title to said property, is retained herein for the benefit of said CHAS. SCHREINER BANK, and the same are hereby

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transferred and assigned to said CHAS. SCHREINER BANK, and it
or its successors shall have the right to release said prior
and superior Vendor's Lien upon the payment of said \$59,500.00
note, but shall not have the right to release the subordinate
and inferior liens herein retained and created securing the
\$17,000.00 note, and Grantors expressly agree that the liens
securing the said \$17,000.00 note shall be and remain subordinate
and inferior to the liens securing the said \$59,500.00 note
regardless of how often or in what manner said \$59,500.00
note, or any part thereof, together with the liens securing
the same, may be renewed, extended, changed or altered.

EXECUTED this 26th day of June, A.D., 1979.

FILED FOR RECORD
at 4:05 o'clock P.M.
JUN 28 1979
EMMIE M. MUENKER
Clerk County Court, Kerr County, Texas
By Lisa Hudson Deputy

Grady Tuck, Jr.
GRADY TUCK, JR.
Michael L. Hedges
MICHAEL L. HEDGES
Reginald A. Tuck
REGINALD A. TUCK

THE STATE OF TEXAS §
COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day
personally appeared GRADY TUCK, JR., 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 on this
the 26th day of June, A.D., 1979.

My Commission Expires:

August 16, 1980

Ella Turner
NOTARY PUBLIC in and for
Kerr County, Texas

Ella Turner
Notary Public, Kerr County, Texas
Printed Name of Notary
My Commission Expires 8-16-1980

THE STATE OF TEXAS

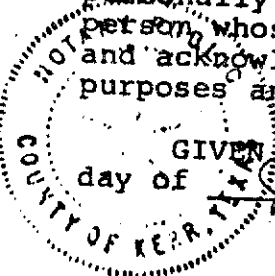
VOL 222 PAGE 617

COUNTY OF KERR

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BEFORE ME, the undersigned authority, on this day personally appeared MICHAEL L. HEDGES, 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 on this the 26th day of June, A.D., 1979.



Ella Turner
NOTARY PUBLIC in and for Kerr
County, Texas
Ella Turner
Notary Public, Kerr County, Texas
~~My Commission Expires 8-16-1980~~

My Commission Expires:

August 16, 1980

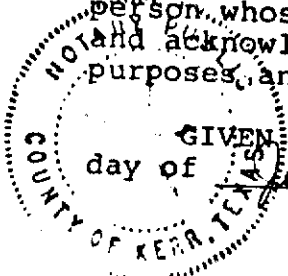
THE STATE OF TEXAS

COUNTY OF KERR

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BEFORE ME, the undersigned authority, on this day personally appeared REGINALD A. TUCK, 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 on this the 26th day of June, A.D., 1979.



Ella Turner
NOTARY PUBLIC in and for Kerr
County, Texas
Ella Turner
Notary Public, Kerr County, Texas
~~My Commission Expires 8-16-1980~~
Printed Name of Notary

My Commission Expires:

August 16, 1980

EXHIBIT "A"

1. Non-Commercial Use. No part of said land shall be used for any commercial purposes, except that nothing herein shall be construed to prevent the owner from rendering professional services of a purely personal nature as long as such services do not attribute to the property or any part thereof any appearance of a commercial use.
2. Subdividing. No portion of said land may be subdivided into lots or parcels of less than one-half (1/2) acre of land. Any roads built in conjunction with subdivision of said land shall be paved and equal to or superior to roads in Oak Forest South Subdivision.
3. Construction of Buildings and Other Structures. All buildings and structures in each portion of said land shall be of new construction. No unpainted sheet metal or Fiberglass structures shall be placed on any portion of said property for use as an accessory building. No tent, housetrailer, a temporary structure of any character may be constructed, maintained, or permitted to remain on any portion of said land.
4. Size of Building and Structures. In no event shall any structure used as a primary residential structure be constructed on the said land having a living area of less than one thousand two hundred (1200) square feet, exclusive of porches, garages or other appendages.
5. Animals. Horses and cattle may be kept and maintained on said land in numbers not to exceed two (2) animal units per five (5) acres. No swine or any commercial livestock operation shall be permitted.
6. Sanitation and Sewage. No outside toilets will be permitted and no installation of any kind for disposal of sewage shall be allowed which would result in raw, treated or untreated sewage or septic tank drainage or into the surface or water bodies of said land. All septic tanks shall be in compliance with all applicable governmental regulations.
7. Covenants Running With the Land. These restrictions and covenants are hereby declared to be covenants running with the land for a period of thirty (30) years.

793700

VCL 222 PAGE 619

w/o $\frac{1}{2}$
($\frac{1}{2}$ to Chas. Sch. Bank)

Grady Luck, Jr., et al

to

Guy W. Dean, Jr., Trustee

FILED FOR RECORD

at 4:05 o'clock P.M.

JUN 28 1979

EMMIE M. MUENKER

Clerk County Court, Kerr County, Texas

By Leis Hudson Deputy

Return To:

Guy W. Dean Jr.

5180 Bandera Highway
Kerrville, Texas 78024

Filed by:-

KERR COUNTY ABSTRACT CO., INC.

Filed for record June 28, 1979 at 4:05 o'clock P.M.
Recorded July 3, 1979
EMMIE M. MUENKER, Clerk

By Betty J. Sevey Deputy

801602

QUAIL RUN ESTATES

THE STATE OF TEXAS

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COUNTY KERR

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KNOW ALL MEN BY THESE PRESENTS

WHEREAS, Declarant is the owner of certain real property described in Deed from GRADY TUCK, JR., MICHAEL L. HEDGES, and REGINALD A. TUCK to GUY W. DEAN, JR., Trustee, and appearing of record in Volume 222 at Page 613 of the Kerr County Deed Records, which property has been subdivided into various parcels as shown by Plat of Quail Run Estates, dated March 5, 1980, and appearing of record in Volume 4, at Page 204 of the Kerr County Plat Records, reference to which is hereby made for all purposes; and

WHEREAS, it is deemed to be to the best interest of Declarant and of the persons who may purchase lots described in and covered by said plat that there be established and maintained a uniform plan for the improvement and maintenance of lots in the subdivision;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that Declarant hereby declares that the property described in the Plat of Quail Run Estates, shall be held, transferred, sold and conveyed, improved, and occupied subject to the covenants, conditions, restrictions, and easements as hereinafter set forth, which shall run with the property and be binding on all parties having any interest therein.

ARTICLE I.

DEFINITIONS

Section 1: "Declarant" shall mean and refer to GUY W. DEAN, JR., Trustee.

Section 2: "Declaration" shall mean and refer to this Declaration of Covenants, Conditions and Restrictions.

Section 3: "Lot" shall mean and refer to those tracts of land shown on the Plat of said Quail Run Estates.

Section 4: "Owner" shall mean (a) the person or persons holding a fee simple title interest in a lot; or (b) the purchasers under an installment sales contract from an owner.

ARTICLE II

RESTRICTIONS

In order to carry out a general plan of development of Quail Run Estates, a subdivision of Kerr County, Texas, and in order to promote the construction of desirable residences, insure harmony in the character of such buildings in connection therewith, maintain the suitability of said Quail Run Estates, for private residential purposes, to carry out a general plan for the protection, benefit, use, recreation and convenience of each and every owner or purchaser of a part of the land therein, and to enhance the value of said land located in said Quail Run Estates, all sales of lots shall be subject to the restrictions and conditions upon the premises as follows, to-wit:

FIRST: Non-Commercial Use. No part of said land shall be used for any commercial purposes, except that nothing herein shall be construed to prevent the owner from rendering professional services of a purely personal nature as long as such services do not attribute to the property or any part thereof any appearance of a commercial use.

SECOND: Subdividing. No portion of said land may be subdivided into lots or parcels of less than one-half (1/2) acre of land. Any roads built in conjunction with subdivision of said land shall be paved and equal to or superior to roads in Quail Run Estates Subdivision.

THIRD: Construction of Buildings and Other Structures. All buildings and structures in each portion of said land shall be of new construction. No unpainted sheet metal or Fiberglass structures shall be placed on any portion of said property for use as an accessory building. No tent, housetrailer or temporary structure of any character may be constructed, maintained, or permitted to remain on any portion of said land.

FOURTH: Size of Building and Structures. In no event shall

any structure used as a primary residential structure be constructed on the said land having a living area of less than one thousand two hundred (1200) square feet, exclusive of porches, garages or other appendages.

FIFTH: Animals. Horses and cattle may be kept and maintained on said land in numbers not to exceed two (2) animal units per five (5) acres. No swine or any commercial livestock operation shall be permitted.

SIXTH: Sanitation and Sewage. No outside toilets will be permitted and no installation of any kind for disposal of sewage shall be allowed which would result in raw, treated or untreated sewage or septic tank drainage or into the surface or water bodies of said land. All septic tanks shall be in compliance with all applicable governmental regulations.

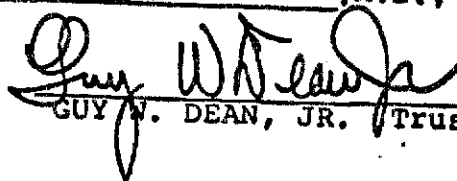
SEVENTH: Covenants Running With the Land. These restrictions and covenants are hereby declared to be covenants running with the land for a period of thirty (30) years.

ARTICLE III

GENERAL PROVISIONS

Section 1: Enforcement. Declarants, their heirs or assigns, or any owner shall have the rights to enforce this Declaration by any proceeding at law or in equity.

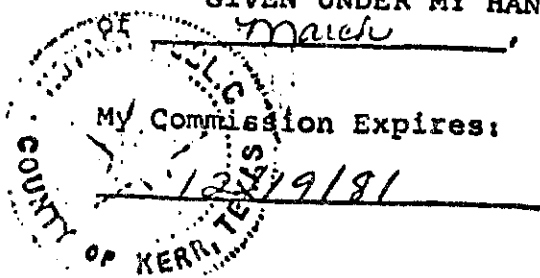
IN WITNESS WHEREOF, this Declaration has been executed on this the 19th day of March, A.D., 1980.

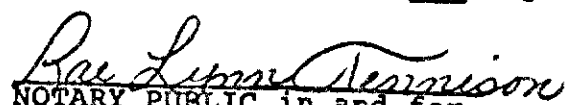

GUY W. DEAN, JR. Trustee

THE STATE OF TEXAS ()
 ()
COUNTY OF KERR ()

BEFORE ME, the undersigned authority, on this day personally appeared GUY W. DEAN, JR., Trustee, 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 and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 19th day of March, A.D., 1980.




NOTARY PUBLIC in and for
Kerr County, Texas
Rae Lynn Tennison

Re 801602

VOL 232 PAGE 789

Declaration of Covenants,
Conditions, and Restrictions

Quail Run Estates
to

The Public

Filed by Return to:
Lordon S. Morris
1704 Sidney Baker St.
Kerrville, Texas 78028

Filed 19 Day of March A. D. 1980 at
EMMIE M. MUENKER 10:10 A.M.
Clerk County Court, Kerr County, Texas
By Jane Wolfgram Deputy

Filed for record March 19, 1980 at 10:10 o'clock A.M.
Recorded March 25, 1980
EMMIE M. MUENKER, Clerk

By Winnie J. Wambui Deputy