

## **Mesa Verde 1 Restrictions**

Volume 121, Page 306, Deed Records of Kerr County, Texas; Volume 608, Page 208 and Volume 1462, Page 584, Real Property 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**

- Building Set Back Lines as per the Restrictions recorded in Volume 121, Page 306, Deed Records of Kerr County, Texas.
- Easement dated April 7, 1966 to L.C.R.A., recorded in Volume 4, Page 309, Easement 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)

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 25th day of June, A.D. 1965.

Seal

Lavern D. Harris  
Notary Public, KERR County, Texas  
My Commission Expires June 1st, 1967

Filed for record June 25, 1965 at 4:30 o'clock P. M.  
Recorded June 28, 1965 at 12:40 o'clock P. M. (ms)  
Volume 121, page 304  
EMMIE M. MUENKER, County Clerk

By Mary Ellen Smith Deputy

1211306

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# RESTRICTIONS OF MESA VERDE ADDITION

THE STATE OF TEXAS I  
COUNTY OF KERR I

KNOW ALL MEN BY THESE PRESENTS:

THAT we, LYLE MCGUFFIN and wife, COLLEEN MCGUFFIN of Kerr County, Texas, hereinafter called GRANTORS, do hereby place the following restrictions, reservations, covenants and conditions on the lots, tracts and parcels of land in Mesa Verde, an addition in Kerr County, Texas, as shown by plat of said subdivision duly recorded.

The following protective covenants shall enure to the benefit of any and all owner or owners of the real estate described herein:

1. No lot, tract or parcel of land shall be used except for residential purposes. No structure shall be erected, altered, placed or permitted to remain on any residential building plot other than one detached single family dwelling not to exceed two stories in height, at least 51% of which shall be masonry construction, brick, stone or cinder blocks, and a private garage for not more than three cars, and other outbuildings incidental to residential use of the plot. The minimum ground floor heated area of the main structure, exclusive of one story open porches and garages shall be 1000 square feet.

2. No buildings shall be placed on any residential building plot nearer than 20 feet to the front line or nearer than 20 feet from any side line.

3. No noxious or offensive trade or activity shall be carried on upon any lot or shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

4. No trailer, basement, tent, shack, garage, barn or other outbuildings erected on the tract shall at any time be used as a residence, temporary or permanent, nor shall any structure of a temporary character be used as a residence. The erection and use of outside toilets are strictly prohibited.

5. None of said property shall be used for the keeping of livestock or poultry, except, that the owner of such property may keep his personal riding horse, or horses, two sheep, six goats and not more than eighteen chickens for domestic use and only if such property has been properly fenced.

6. Not more than one residence or dwelling shall be built on any one lot or site within 50 years from the date hereof without Grantors consent first had thereto.

7. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. A.. incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

8. Easements affecting all lots in the addition are reserved as shown on the plat for utility installation and maintenance.

9. These covenants are to run with the land and shall be binding on all parties and all

persons claiming under them until July 1, 1980, at which time the said covenants shall be automatically extended for successive periods of ten years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change the said covenants in whole or in part.

10. If the parties hereto, or any of them or their heirs or assigns shall violate or attempt to violate any of the covenants herein it shall be lawful for any other person or persons owning real property situated in said development or subdivision to prosecute any proceedings at law or equity against the person or persons violating or attempting to violate any such covenant and either prevent him or them from so doing or to recover damages or other dues for such violation.

11. Invalidation of any of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

EXECUTED this the 24th day of June, 1965.

/s/ Lyle McGuffin  
/t/ Lyle McGuffin

/s/ Colleen McGuffin  
/t/ Colleen McGuffin

THE STATE OF TEXAS )  
COUNTY OF KERR )

BEFORE ME, the undersigned authority, on this day personally appeared LYLE McGUFFIN and wife, COLLEEN McGUFFIN, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed. And the said COLLEEN McGUFFIN, wife of the said LYLE McGUFFIN, having been examined by me privily and apart from her husband and having the same fully explained to her, she, the said COLLEEN McGUFFIN 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 24th day of June, 1965.

Seal

Margaret H. Watson  
Notary Public in and for Kerr County, Texas

Filed for record June 25, 1965 at 4:50 o'clock P. M.  
Recorded June 28, 1965 at 1:50 o'clock P. M. (ms)  
Volume 121, page 306  
EMMIE M. MUENKER, County Clerk

By Mary Ellen Smith Deputy

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## WARRANTY DEED

THE STATE OF TEXAS )  
COUNTY OF KERR )

~~KNOW ALL MEN BY THESE PRESENTS:~~

~~That I, Lydia Franklin, formerly Lydia Blake, joined by my husband, Marvin A. Franklin, of the County of Kerr, State of Texas for and in consideration of the sum of Ten and No/100 DOLLARS and other valuable considerations, to us in hand paid by John Stanley and wife, Mabel Stanley, the receipt of which is hereby acknowledged, have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey unto the said John Stanley and wife, Mabel Stanley, of the County of Dade, State of Florida all that certain tract or parcel of land, lying and being situated in the City of Kerrville, Kerr County, Texas, described as follows, to-wit:~~

A part of Block No. 63, J. A. Tivy's Addition to the City of Kerrville, Texas, according to the map and plat of said addition recorded in Vol."PP" pages 1 to 7 inclusive, of the Deed Records of Kerr County, Texas. Being the Southeast 97-1/2 feet of that certain tract conveyed

F 6065

AMENDMENT TO RESTRICTIONS OF MESA VERDE ADDITION

THE STATE OF TEXAS     §  
                             §  
COUNTY OF KERR       §

WHEREAS, on the 24th day of June, 1965, LYLE McGUFFIN and wife, COLLEEN McGUFFIN caused to be filed of record restrictions of the Mesa Verde Addition being recorded in Volume 121, Pages 306-307, Deed Records of Kerr County, Texas, to which reference is here made for all purposes.

WHEREAS, protective covenant number 9 permits a majority of the owners of lots to change the covenants in whole or in part.

WHEREAS, HELEN B. SHEEHAN is the owner of the following described property:

Tract No. 13, part of Tract No. 14, and part of Tract No. 15, Mesa Verde Unit Two, a subdivision of record in Volume 3, Page 19, Plat Records of Kerr County, Texas, more fully described in Exhibit "A" attached hereto and made a part hereof for all purposes.

WHEREAS, PAUL K. DUTCHER and wife, MARTHA K. DUTCHER, have offered to purchase the property owned by HELEN B. SHEEHAN provided the property can be used for commercial purposes, specifically for "Bed and Breakfast" patrons.

WHEREAS, a majority of the owners of lots in the subdivision, as indicated by their signatures below, agree to changing the protective covenant number 1 to permit commercial activity limited to a "Bed and Breakfast" operation.

NOW, THEREFORE, the undersigned being a majority of owners of lots located in Mesa Verde Addition, Units No. 1 and No. 2, Kerr County, Texas, hereby consent to changing protective covenant number 1 to read as follows:

1. No lot, tract or parcel of land shall be used except for residential purposes or commercially providing room and board for "Bed and Breakfast" patrons. No structure shall be erected, altered, placed or permitted to remain on any residential building plot other than one detached single family dwelling not to exceed two stories in height, at least 51% of which shall be masonry construction, brick, stone or cinder blocks, and a private garage

for not more than three cars, and other outbuilding incidental to residential use of the plot. The minimum ground floor heated area of the main structure, exclusive of one story open porches and garages shall be 1000 square feet.

All other restrictions, reservations, covenants and conditions of the Restrictions of Mesa Verde Addition, as recorded in Volume 121, Page 306, Deed Records, Kerr County, Texas, remain in full force and effect.

Helen B. Sheehan  
HELEN B. SHEEHAN

Claude D. Swearingen  
CLAUDE D. SWEARINGEN

Edith R. Swearingen  
EDITH R. SWEARINGEN

Russell B. Park  
RUSSELL B. PARK

Frances S. Park  
FRANCES S. PARK

Quentin B. Justice  
QUENTIN B. JUSTICE

Eugenia M. Justice  
EUGENIA M. JUSTICE

JOHN R. GAINES, JR.

GAIL M. GAINES.

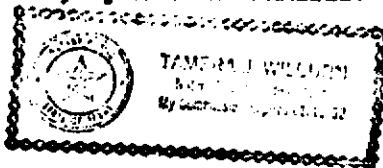
RECORDERS NOTE  
AT TIME OF RECORDATION INSTRUMENT FOUND  
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PAPER, ILLEGIBILITY, CARBON OR PHOTO COPY, ETC.

*Mary K. Frazell*  
MARY K. FRAZELL

THE STATE OF TEXAS §

COUNTY OF KERR §

This instrument was acknowledged before me on the 11 day of Sept. 1991, by MARY K. FRAZELL.



*Tamera Willis*, Beaver Co.  
Notary Public, State of Texas

After Recording Return To:

Paul K. Dutcher  
P.O. Box 526  
Center Point TX 78010

✓ FIDELITY ABSTRACT AND TITLE CO.  
Ph 896-4311 Kerrville, Texas

RECORDED IN

FILE DATE: Sept 16 1991FILE TIME: 4:15 o'clock P MVOL. 608 PAGE 208

RECORDING DATE

SEP 16 1991



PATRICIA DYE  
COUNTY CLERK, KERR COUNTY  
BY *Lillian Bruce*  
Deputy

Any provisions herein which restrict the sale, rental or use of the described real property because of color or race is invalid and unenforceable under Federal Law. THE STATE OF TEXAS )  
COUNTY OF KERR )

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped herein by me and was duly RECORDED in the Official Public records of Real Property of Kerr County, Texas on

SEP 16 1991



*Patricia Dye*  
COUNTY CLERK, KERR COUNTY, TEXAS

FILED FOR RECORD

4:15 o'clock P.M.

SEP 16 1991

PATRICIA DYE

County Clerk, Kerr County, Texas  
BY *Lillian Bruce* Deputy

THE STATE OF TEXAS §

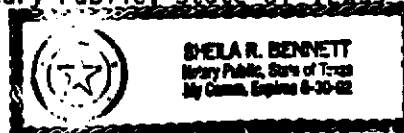
COUNTY OF KERR §

This instrument was acknowledged before me on the 16<sup>th</sup> day of September, 1991, by HELEN B. SHEEHAN.

*Sheila R. Bennett*  
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF KERR §

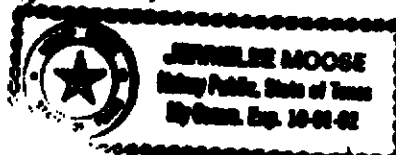


This instrument was acknowledged before me on the 11<sup>th</sup> day of September, 1991, by CLAUDE D. SWEARINGEN.

*Jernielee Moose*  
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF KERR §

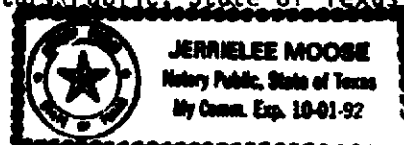


This instrument was acknowledged before me on the 11<sup>th</sup> day of September, 1991, by EDITH G. SWEARINGEN.

*Jernielee Moose*  
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF KERR §

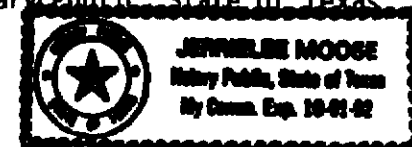


This instrument was acknowledged before me on the 12<sup>th</sup> day of September, 1991, by RUSSELL B. PARK.

*Jernielee Moose*  
Notary Public, State of Texas

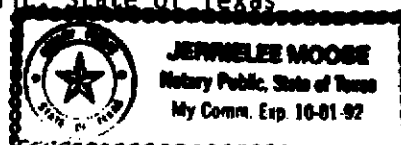
THE STATE OF TEXAS §

COUNTY OF KERR §



This instrument was acknowledged before me on the 12<sup>th</sup> day of September, 1991, by FRANCES S. PARK.

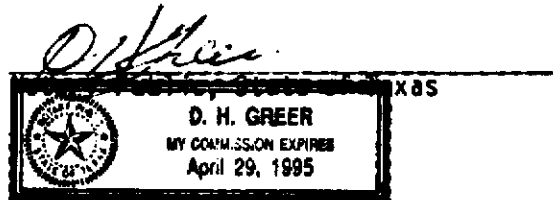
*Jernielee Moose*  
Notary Public, State of Texas



THE STATE OF TEXAS §

COUNTY OF KERR §

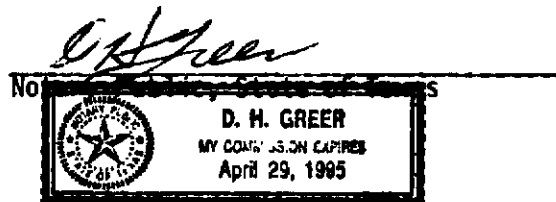
This instrument was acknowledged before me on the 11<sup>th</sup> day of September, 1991, by QUENTIN B. JUSTICE.



THE STATE OF TEXAS §

COUNTY OF KERR §

This instrument was acknowledged before me on the 11<sup>th</sup> day of September, 1991, by EUGENIA M. JUSTICE.



THE STATE OF TEXAS §

COUNTY OF KERR §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 1991, by JOHN R. GAINES, JR.

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

THE STATE OF TEXAS §

COUNTY OF KERR §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 1991, by GAIL M. GAINES.

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

TRACT NO. ONE:

All that certain tract or parcel of land, lying and being situated in the County of Kerr, State of Texas, and being all of Tract No. 13, consisting of 5.35 acres of land in Mesa Verde Subdivision No. 2 to the County of Kerr, State of Texas, according to the plat thereof recorded in Volume 3, Page 19, Plat Records of Kerr County, Texas, to which instrument and its record reference is here made for all purposes.

TRACT NO. TWO:

All that certain tract or parcel of land, lying and being situated in the County of Kerr, State of Texas, comprising 6.86 acres, being part of Tract 14 and part of Tract 15 of Mesa Verde Unit Two, a subdivision dated September 15, 1967, of record in Volume 3, Page 19, of the Plat Records of Kerr County, Texas, being 6.47 acres out of Original Survey No. 49, W. L. Halley Abstract No. 179, and being 0.39 acre out of Original Survey No. 48, J. W. Lann, Abstract No. 224, and subject tract being more particularly described by metes and bounds, as follows, to-wit:

BEGINNING at an iron stake in the SW line of Mesa Verde Drive, the North corner of said Tract 14 of Mesa Verde Unit Two and the East corner of Tract 13 of said Mesa Verde Unit Two for the North corner of this tract:

THENCE, with the NW line of said Tract 14, S. 71° 55' W. 619.3 feet to an iron stake the West corner of said Tract 14;

THENCE, with the SW line of said Tract 14, S. 3° 00' E. 111.3 feet and S. 17° 03' E. 304.8 feet to an iron stake the South corner of said Tract 14 and the West corner of aforesaid Tract 15;

THENCE, with fence, N. 74° 40' E. 737.4 feet to a fence corner post in the SW line of said Mesa Verde Drive for the East corner of this tract;

THENCE, with the SW line of said Mesa Verde Drive, N. 29° 00' W. 95.8 feet and N. 19° 34' W. 111.1 feet to an iron stake the East corner of a 0.6 acre well tract;

THENCE, S. 70° 26' W. 50 feet to an iron stake the South corner of said Well Tract;

THENCE, N. 19° 34' W. 50 feet to an iron stake the West corner of said Well Tract;

THENCE, N. 70° 26' E. 50 feet to an iron stake in the NW line of said Mesa Verde Drive for the North corner of said Well Tract;

THENCE, with the SW line of said Mesa Verde Drive, N. 19° 34' W. 39.8 feet, N. 30° 30' W. 67.6 feet, and N. 45° 30' W. 97.7 feet to the PLACE OF BEGINNING.

Tract One and Tract Two surveyed on the ground and field notes written by Charles B. Domingues, Registered Public Surveyor No. 1713, May 31, 1973.

Tract One and Tract Two being the same and identical property conveyed from Russell Barfield Park and wife, Frances S. Park, to Carl T. Pfeufer and Helen B. Messmann, by Deed dated January 5,

1976, recorded in Volume 184, Page 574, Deed Records of Kerr County, Texas, to which instrument and its record reference is here made for all purposes.

This conveyance of Tract One and Tract Two is made and accepted SUBJECT TO the following:

- (1) Restrictions of record in Volume 121, Page 306, and modified in Volume 159, Page 126, Deed Records of Kerr County, Texas.
- (2) One-third (1/3) interest to well site, reserved by Russell B. Park, et ux, in Deed dated June 15, 1973, recorded in Volume 164, Page 675, Deed Records of Kerr County, Texas.
- (3) One-third (1/3) interest to a well site reserved by Curtis N. Spearman, in Deed dated January 5, 1976, recorded in Volume 184, Page 578, Deed Records of Kerr County, Texas.
- (4) Easement to L.C.R.A., dated February 9, 1970, recorded in Volume 6, Page 31, Easement Records of Kerr County, Texas.
- (5) Easements as per Plat, recorded in Volume 3, Page 19, Plat Records of Kerr County, Texas.
- (6) Any visible and/or apparent roadways or easements over or across the subject property.

TRACT NO. THREE:

All that certain tract or parcel of land, lying and being situated in the County of Kerr, State of Texas, comprising 0.06 acre out of Mesa Verde Unit Two, a subdivision dated September 15, 1967, recorded in Volume 3, Page 19, Plat Records of Kerr County, Texas, and being out of Survey No. 49, W. L. Hailey, Abstract No. 179, and being out of Tract No. 14, of said Mesa Verde Unit Two, and subject tract being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at an iron stake in the SW line of Mesa Verde Drive, the East corner of this tract, located 47.6 feet N. 19° 34' W. from the East corner of said Tract 14 of Mesa Verde Unit Two;

THENCE, S. 70° 26' W. 50 feet to an iron stake the South corner of this tract;

THENCE, N. 19° 34' W. 50 feet to an iron stake the West corner of this tract;

THENCE, N. 70° 26' E. 50 feet to an iron stake in the SW line of said Mesa Verde Drive the North corner of this tract;

THENCE, with the SW line of said Mesa Verde Drive, S. 19° 34' E. 50.0 feet to the PLACE OF BEGINNING, and being the same and identical property described in that certain Deed dated June 15, 1973, from Russell B. Park and wife, Frances S. Park, to Curtis N. Spearman, a single man, of record in Volume 164, Page 675, Deed Records of Kerr County, Texas; and being the same and identical property conveyed from Curtis N. Spearman, a single man, to Carl T. Pfeuffer and Helen B. Messmann, by Deed dated January 5, 1976, recorded in Volume 184, Page 578, Deed Records of Kerr County, Texas, to which instruments and their records reference is here made for all purposes.

Fields notes for Tract Three prepared after an actual survey on the ground May 30, 1973, by Charles B. Dominguez, Registered Public Surveyor No. 1713.

08832

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**AMENDMENT TO RESTRICTIONS OF MESA VERDE ADDITION**

STATE OF TEXAS                   §  
  §  
COUNTY OF KERR               §

Whereas on the 24<sup>th</sup> day of June 1965, Lyle McGuffin and wife, Colleen McGuffin caused to be filed of record restrictions of the Mesa Verde Addition being recorded in Volume 121, Pages 306-307, Deed Records of Kerr county, Texas, to which reference is hereby made for all purposes.

Whereas, protective covenant number 9 permits a majority of the owners of lots to change the covenants in whole or in part

Whereas, Paul K. Dutcher and wife, Martha K. Dutcher are the owners of the following described property:

Tract No. 13, part of Tract No. 14, and part of Tract No. 15, Mesa Verde Unit Two, a subdivision of record in Volume 3, Page 19, Plat Records of Kerr County, Texas, more fully described in Exhibit "A" attached hereto and made a part hereof for all purposes.

Whereas, CBO Health Corporation, has offered to purchase the property owned by Paul K. Dutcher and wife, Martha K. Dutcher provided the property can be used for commercial purposes, specifically for a substance abuse treatment facility

Whereas, a majority of the owners of lots in the subdivision as indicated by their signatures below, agree to changing the protective covenant number 1 to permit commercial activity limited to use as a substance abuse treatment facility

Now, Therefore, the undersigned being a majority of owners of lots located in Mesa Verde Addition, Units No. 1 and No. 2, Kerr County, Texas, hereby consent to changing protective covenant number 1 to read as follows:

1. No lot, tract or parcel of land shall be used except for residential purposes or as a substance abuse treatment facility. No structure shall be erected, altered, placed or permitted to remain on any residential building plot other than one detached single family dwelling not to exceed two stories in height, a least 51% of which shall be masonry construction, brick, stone or cinder blocks, and a private garage for not more than three cars, and other outbuilding incidental to residential use of the plot. The minimum ground floor heated area of the main structure, exclusive of one story open porches and garages shall be 1000 square feet.

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All other restrictions, reservations, covenants and conditions of the Restrictions of Mesa Verde Addition, as recorded in Volume 121, Page 306, Deed Records, Kerr County, Texas, remain in full force and effect.

*Edith R. Swearingen*  
Edith R. Swearingen

*Jonathan S. Park*  
Jonathan S. Park

*Paul K. Dutcher*  
Paul K. Dutcher

*Martha K. Dutcher*  
Martha K. Dutcher

*Rick Keene*  
Rick Keene

*Dawn Keene*  
Dawn Keene

STATE OF TEXAS §

COUNTY OF KERR §

This instrument was acknowledged before me on the 19<sup>th</sup> day of August, 2005, by Edith R. Swearingen.

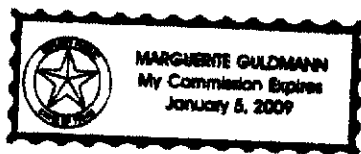
*Marguerite Guldman*  
Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF KERR §

This instrument was acknowledged before me on the 19<sup>th</sup> day of August, 2005, by Jonathan Park.

*Marguerite Guldman*  
Notary Public, State of Texas



*Marguerite Guldman*  
Notary Public, State of Texas

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STATE OF TEXAS §

COUNTY OF KERR §

This instrument was acknowledged before me on the 19<sup>th</sup> day of August, 2005, by Paul K. Dutcher



Marguerite Guldmann  
Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF KERR §

This instrument was acknowledged before me on the 19<sup>th</sup> day of August, 2005, by Paul K. Dutcher



Marguerite Guldmann  
Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF KERR §

This instrument was acknowledged before me on the 23<sup>rd</sup> day of August, 2005, by Rick Keene KEENE

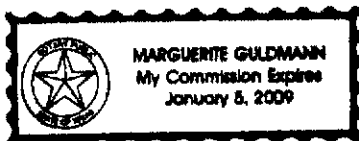


Marguerite Guldmann  
Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF KERR §

This instrument was acknowledged before me on the 23<sup>rd</sup> day of August, 2005, by Dawn Keene: KEENE OK



Marguerite Guldmann  
Notary Public, State of Texas

Filed by: Re Turner  
Stephen R. Turner  
815 Jefferson St, Suite 100  
Merrell, TX 75402

08/19/2005 13:55

838-257-1937

STEPHEN TURKETT ATTY

PAGE 02/03

EXHIBIT "A"TRACT NO. ONE:

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All that certain tract or parcel of land, lying and being situated in the County of Kerr, State of Texas, and being all of Tract No. 11, consisting of 4.15 acres of land in Mesa Verde Subdivision No. 2 to the County of Kerr, State of Texas, according to the plat thereof recorded in Volume 1, Page 19, Plat Records of Kerr County, Texas, to which instrument and its record reference is here made for all purposes.

TRACT NO. TWO:

All that certain tract or parcel of land, lying and being situated in the County of Kerr, State of Texas, comprising 6.86 acres, being part of Tract 14 and part of Tract 15 of Mesa Verde Unit Two, a subdivision dated September 18, 1967, of record in Volume 3, Page 19, of the Plat Records of Kerr County, Texas, being 5.47 acres out of Original Survey No. 49, W. L. Halley, Abstract No. 179, and being 0.39 acre out of Original Survey No. 48, J. W. Lann, Abstract No. 224, and subject tract being more particularly described by notes and bounds, as follows, to-wit:

BEGINNING at an iron stake in the SW line of Mesa Verde Drive, the North corner of said Tract 14 of Mesa Verde Unit Two and the East corner of Tract 13 of said Mesa Verde Unit Two for the North corner of this tract;

THENCE, with the NW line of said Tract 14, S. 71° 55' W. 519.3 feet to an iron stake the West corner of said Tract 14;

THENCE, with the SW line of said Tract 14, S. 3° 09' E. 111.1 feet and S. 17° 03' E. 304.8 feet to an iron stake the South corner of said Tract 14 and the West corner of aforesaid Tract 15;

THENCE, with fence, N. 74° 40' E. 137.4 feet to a fence corner post in the SW line of said Mesa Verde Drive for the East corner of this tract;

THENCE, with the SW line of said Mesa Verde Drive, N. 29° 00' W. 55.8 feet and N. 19° 34' W. 111.1 feet to an iron stake the East corner of a 0.6 acre well tract;

THENCE, S. 70° 26' W. 50 feet to an iron stake the South corner of said Well Tract;

THENCE, N. 19° 34' W. 50 feet to an iron stake the West corner of said Well Tract;

THENCE, N. 70° 26' E. 50 feet to an iron stake in the SW line of said Mesa Verde Drive for the North corner of said Well Tract;

THENCE, with the SW line of said Mesa Verde Drive, S. 19° 34' W. 39.8 feet, N. 20° 30' W. 67.6 feet, and N. 45° 30' W. 57.7 feet to the PLACE OF BEGINNING.

Tract One and Tract Two surveyed on the ground and field notes written by Charles B. Domingues, Registered Public Surveyor No. 1713, May 31, 1973.

Tract One and Tract Two being the same and identical property conveyed from Russell Borfield Park and wife, Frances S. Park, to Carl T. Pfeuffer and Helen B. Messmann, by Deed dated January 5,

08/19/2005 13:55 830-257-1937

STEPHEN TURKETT ATTY

PAGE 03/03

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1976, recorded in Volume 164, Page 574, Deed Records of Kerr County, Texas, to which instrument and its record reference is here made for all purposes.

This conveyance of Tract One and Tract Two is made and accepted SUBJECT TO the following:

- (1) Restrictions of record in Volume 121, Page 306, and modified in Volume 159, Page 126, Deed Records of Kerr County, Texas.
- (2) One-third (1/3) interest to well site, reserved by Russell B. Park, et ux, in Deed dated June 15, 1973, recorded in Volume 164, Page 675, Deed Records of Kerr County, Texas.
- (3) One-third (1/3) interest to a well site reserved by Curtis N. Spearman, in Deed dated January 5, 1976, recorded in Volume 184, Page 578, Deed Records of Kerr County, Texas.
- (4) Easement to L.C.R.A., dated February 9, 1970, recorded in Volume 6, Page 31, Easement Records of Kerr County, Texas.
- (5) Easements as per Plat, recorded in Volume 3, Page 19, Plat Records of Kerr County, Texas.
- (6) Any visible and/or apparent roadways or easements over or across the subject property.

TRACT NO. THREE.

All that certain tract or parcel of land, lying and being situated in the County of Kerr, State of Texas, comprising 0.66 acre out of Mesa Verde Unit Two, a subdivision dated September 15, 1967, recorded in Volume 3, Page 19, Plat Records of Kerr County, Texas, and being out of Survey No. 49, W. L. Bailey, Abstract No. 179, and being out of Tract No. 14, of said Mesa Verde Unit Two, and subject tract being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at an iron stake in the SW line of Mesa Verde Drive, the East corner of this tract, located 47.6 feet N. 19° 34' W. from the East corner of said Tract 14 of Mesa Verde Unit Two;

THENCE, S. 70° 26' W. 50 feet to an iron stake the South corner of this tract;

THENCE, N. 19° 34' W. 58 feet to an iron stake the West corner of this tract;

THENCE, N. 70° 26' E. 50 feet to an iron stake in the SW line of said Mesa Verde Drive the North corner of this tract;

THENCE, with the SW line of said Mesa Verde Drive, S. 19° 34' W. 40.0 feet to the PLACE OF BEGINNING, and being the same and identical property described in that certain Deed dated June 15, 1973, from Russell B. Park and wife, Frances S. Park, to Curtis N. Spearman, a single man, of record in Volume 164, Page 675, Deed Records of Kerr County, Texas; and being the same and identical property conveyed from Curtis N. Spearman, a single man, to Carl T. Pfeuffer and Helen B. Messmann, by Deed dated January 5, 1976, recorded in Volume 184, Page 578, Deed Records of Kerr County, Texas, to which instruments and their records reference is here made for all purposes.

Field notes for Tract Three prepared after an actual survey on the ground May 30, 1973, by Charles E. Dominguez, Registered Public Surveyor No. 1713.

**FILED FOR RECORD**

at 1:55 o'clock P.M.

AUG 25 2005

JANNETT PIEPER

Clark County Court, Kerr County, Texas  
Deputy

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Provisions herein which restrict the sale, rental or use of the described property because of color or race is invalid and unenforceable under Federal Law. THE STATE OF TEXAS }  
COUNTY OF KERR }

I hereby certify that this instrument was FILED in the File Number Sequence on the date and at the time stamped herein by me and was duly RECORDED in the Official Public Records of Real Property of Kerr County, Texas on

AUG 26 2005



*Jannet Lipser*  
COUNTY CLERK, KERR COUNTY, TEXAS

RECORD *Real Property*  
VOL. 1462 PG. 584  
RECORDING DATE

AUG 26 2005



*Jannet Lipser*  
COUNTY CLERK, KERR COUNTY, TEXAS

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