

7514996

VOL

899 PAGE 535

DEED

WARRANTY DEED
WITH VENDOR'S LIENS

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

X
X

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, B.G. D'AMICO and wife, AGNES CECILIA D'AMICO, of the County of Montgomery, State of Texas, (hereinafter called "GRANTORS"), the said AGNES CECILIA D'AMICO being the same person whose name as a grantee was shown through a scrivener's error to be AGNES CECELIA D'AMICO in a certain deed recorded in Volume 780, Page 639, Montgomery County Deed Records, for in consideration of the sum TEN DOLLARS (\$10.00) and other good and valuable considerations cash in hand paid by TIMOTHY R. EBY and wife, JUDITH E. EBY (hereinafter called "GRANTEES"), as follows: (1) Cash in hand paid in the sum of TEN AND NO/100 DOLLARS (\$10.00), the receipt and sufficiency of which is hereby acknowledged and confessed, and (2) the further consideration of the sum of ELEVEN THOUSAND SIX HUNDRED FIFTY TWO AND NO/100 DOLLARS (\$11,652.00) cash paid by TEXAS SAVINGS & LOAN ASSOCIATION OF MONTGOMERY COUNTY at the special instance and request of the Grantees herein, the receipt and sufficiency of which is hereby acknowledged and confessed, and as evidence of said advancement the said Grantees herein have executed their note of even date herewith for said amount payable to the order of said TEXAS SAVINGS & LOAN ASSOCIATION OF MONTGOMERY COUNTY, said note bearing interest at the rate therein provided, principal and interest being due and payable as therein provided, which note is secured by the vendor's lien herein reserved and is additionally secured by a Deed of Trust of even date herewith executed by the Grantees herein to Gerald J. Creighton, Jr., TRUSTEE, reference to which is here made for all purposes, both

of said liens being upon and covering the property described in Exhibit "A" attached hereto, and in consideration of the payment of the sum above mentioned by TEXAS SAVINGS & LOAN ASSOCIATION OF MONTGOMERY COUNTY, Grantors hereby transfer, set over, assign and convey unto the said TEXAS SAVINGS & LOAN ASSOCIATION OF MONTGOMERY COUNTY and assigns the vendor's lien and superior title herein retained and reserved against the property and premises herein conveyed that is described in Exhibit "A" attached hereto, in the same manner and to the same extent as if said note had been executed in Grantors' favor and by said Grantors assigned to TEXAS SAVINGS & LOAN ASSOCIATION OF MONTGOMERY COUNTY without recourse, and (3) the further consideration of the execution and delivery to Grantors by Grantees of Grantees' Promissory Note of even date herewith in the original principal sum of TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00), bearing interest at the rate therein specified, principal and interest being due and payable as therein provided, which note is secured by a secondary, junior and inferior vendor's lien herein retained, and additionally secured by a secondary, junior and inferior Deed of Trust of even date herewith executed by the Grantees herein to STEPHEN R. KIRKLIN, TRUSTEE, reference to which is here made for all purposes, said liens securing said TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00) note being second, junior and inferior to the liens hereinabove described in favor of TEXAS SAVINGS & LOAN ASSOCIATION OF MONTGOMERY COUNTY, securing the above described Promissory Note in the original principal sum of ELEVEN THOUSAND SIX HUNDRED FIFTY TWO AND NO/100 DOLLARS (\$11,652.00) note, as to the property described in Exhibit "A" attached hereto, but are first, prior, paramount and superior liens as to the property described in Exhibit "B" attached hereto, have GRANTED, SOLD and CONVEYED, and by these presents do GRANT, SELL and CONVEY, unto the said Grantees herein of the County of Montgomery, State of Texas, all that certain lots, tracts or parcels of land, together with all improvements thereon, lying and

being situated in the County of Montgomery, State of Texas, more particularly described as follows, to wit:

SEE EXHIBITS "A" AND "B" ATTACHED HERETO
AND MADE A PART HERETO FOR ALL PURPOSES

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

(1) Mineral reservation as set forth in Deed from Mayme D. Ross, Individually and as Independent Executrix of the Estate of M.J. Ross, Deceased, said Deed being dated July 21, 1972, and recorded in Volume 780, Page 639, of the Montgomery County Deed Records, wherein Grantor reserved unto herself, her heirs and assigns all of the oil, gas and other minerals owned by Grantor therein, in, on, or under, or which may be produced from the property therein described and conveyed, including the right and power at any and all times to grant oil, gas and mineral leases and to enter into development contracts with respect thereto and to receive her proportionate share of all bonuses, rentals, and royalties for said minerals, and to mine and produce the same; with Grantor to have no right to use the surface of the land therein described and conveyed for any purpose whatsoever including ingress or egress in the production of said minerals; with Grantor to have the right to develop and produce said minerals by operations from the surface of adjacent lands by directional drilling or any other means, and with Grantor to have the right to pool or combine said minerals for development and production with the minerals in adjoining or adjacent lands by the agreement of Grantor, her heirs and assigns, reference hereby being made to the aforementioned instrument for all purposes.

(2) Flowage easement and waiver of damages contained in instrument from M.J. Ross and wife, Mary L. Ross, to San Jacinto River Authority, recorded in Volume 701, Page 815 of the Deed Records of Montgomery County, Texas.

(3) Rules and regulations of the Texas Water Quality Control Board applicable to the property herein conveyed.

(4) Declaration of covenants, conditions, restrictions and easements applicable to the land herein conveyed as set forth in Declaration of even date herewith executed by Grantors, said instrument being incorporated herein by reference and made a part hereof for all purposes, said Declaration providing, among other particulars, for a thirty (30) foot wide private roadway and utilities across the westerly portion of the property described in Exhibit "A" attached hereto, a ten (10) foot wide utilities easement across the easterly side of said tract, and a ten (10) foot wide private roadway easement across the westerly portion of the property described in parcel II of Exhibit "B" attached hereto.

(5) This conveyance is made subject to the following matters, to the extent same are in effect at this time: Any and all restrictions, covenants, conditions, easements and reservations, if any, relating to the herein above described and conveyed property, but only to the extent they are in effect, shown of record in the Office of the County Clerk of Montgomery County, Texas, and to all zoning laws, and regulations of municipal and/or other governmental authorities, if any, but only to the extent that they still are in effect relating to the hereinabove described and conveyed property.

Texas for the current year have been prorated as of the date hereof and Grantees assume and agree to pay the same.

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 the GRANTORS do hereby bind themselves, their 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 and stipulated that the Vendor's Lien and Superior Title is retained against the above described property, premises and improvements, until the above described notes, and all interest thereon are fully paid according to their face and tenor, effect and reading, when this Deed shall become absolute.

Executed this 9TH day of July A. D. 1975.

ACCEPTED BY GRANTEEES:

B. G. D'Amico
B. G. D'AMICO

Timothy R. Eby
TIMOTHY R. EBY

Judith E. Eby
JUDITH E. EBY

Agnes Cecilia D'Amico
AGNES CECILIA D'AMICO

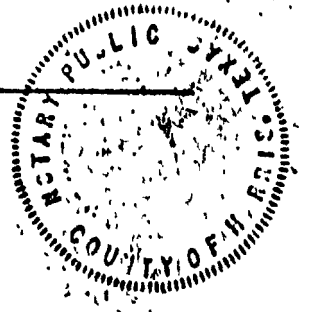
STATE OF TEXAS §

COUNTY OF HARRIS §

Before me, the undersigned authority, on this day personally appeared B. G. D'AMICO and wife AGNES CECILIA D'AMICO, 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.

Given under my hand and seal of office this 9TH day of JULY, A. D. 1975.

John D. Smith
Notary Public in and for
Harris County, Texas



F I E L D N O T E S

BEING 0.3995 acres of land in the E. Collard Survey, A-7, Montgomery County, Texas, and being a part of a 5.935 acre tract recorded in Vol. 238, Pg. 6-10 of the County Deed of Trust Records, said 0.3995 acres being described as follows:

BEGINNING at an iron rod set for corner in the east line of above mentioned 5.935 acre tract, said rod being S. $13^{\circ}21'10''$ W., 126.34 feet from its N.E. Corner;

THENCE S. $13^{\circ}21'10''$ W. continuing along the east line of 5.935 acres for a distance of 105.00 feet to an iron rod set for corner;

THENCE N. $83^{\circ}44'50''$ W. for a distance of 233.91 feet to an iron rod set for corner;

THENCE N. $12^{\circ}36'10''$ E. for a distance 45.00 feet to an iron rod set for corner;

THENCE N. $82^{\circ}26'25''$ E. for a distance of 231.41 feet to an iron rod set for corner, same being N.W. Corner of a 65.4 square foot parcel of land;

THENCE S. $13^{\circ}21'10''$ W. for a distance of 10.00 feet to an iron rod set for S.W. Corner of said parcel;

THENCE N. $82^{\circ}26'25''$ E. for a distance of 7.00 feet to an iron rod set for S.E. Corner of said 65.4 square foot parcel;

THENCE N. $13^{\circ}21'10''$ E. for a distance of 10.00 feet to an iron rod set for its N.E. Corner;

THENCE N. $82^{\circ}26'25''$ E. for a distance of 10.7 feet to the point of beginning and containing 0.3995 acres of land, which includes a 10 foot utilities easement along the east line of above described tract and a 30 foot wide Roadway Easement along the west line of same.

EXHIBIT "A"

PARCEL I:

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FIELD NOTE DESCRIPTION FOR 65.4 SQUARE FOOT PARCEL OF LAND OUT OF A 0.401 AC. TRACT IN THE E. COLLARD SURVEY, A-7, MONTGOMERY COUNTY, TEXAS, ALSO BEING A PART OF A 5.935 ACRE TRACT RECORDED IN VOL. 238, PG. 6-10 OF THE COUNTY DEED OF TRUST RECORDS, SAID 65.4 SQUARE FOOT PARCEL BEING DESCRIBED AS FOLLOWS:

COMMENCING at an iron rod at fence corner for N.E. Corner of above mentioned 5.935 acres of land;

THENCE S. 13°21'10" W. along the east line of same for a distance of 126.34 feet to an iron rod marking the N.E. Corner of said 0.401 acre tract;

THENCE S. 82°26'25" W. along the north line of same for a distance of 10.7 feet to an iron rod set for corner and BEGINNING POINT of herein described Parcel of land, said iron rod being in the west line of a 10 foot Utility easement on said 0.401 acres;

THENCE S. 82°26'25"W. continuing along the north line of 0.401 acre tract for a distance of 7.0 feet to an iron rod set for corner;

THENCE S. 13°21' 10" W. on a line parallel to the east line of said 0.401 acres for a distance of 10.0 feet to an iron rod set for corner;

THENCE N. 82°26' 25" E. on a line parallel to the north line of 0.401 acre tract for a distance of 7.0 feet to an iron rod set for corner in the west line of a 10 foot Utility easement on said 0.401 acres;

THENCE N. 13°21' 10" E. along the west line of said 10 foot Utility easement on a line parallel to the east line of said 0.401 acre tract for a distance of 10.0 feet to the point of beginning and containing 65.4 square feet of land.

PARCEL II:

Being 0.134 acres of land in the E. Collard Survey, A-7, Montgomery County, Texas, and being part of a 5.935 acre tract recorded in Vol. 238, Pages 6-10 of the County Deed of Trust Records, said 0.134 acres being described as follows:

COMMENCING at an iron rod set for corner in the east line of above mentioned 5.935 acre tract, said rod being S.13°21'10"W., 126.34 feet from its N.E. corner;

THENCE S. 13°21'10" W., continuing along the E. line of 5.935 acres for a distance of 105.00 feet to an iron rod set for corner;

THENCE N. 83°44'50" W., for a distance of 233.91 feet to an iron rod set for corner and the PLACE OF BEGINNING of the herein described tract;

THENCE N. 12°36'10" E., for a distance of 45.00 feet to an iron rod set for corner;

THENCE N. 72°22'20" W., for a distance of 108.21 feet to a point for corner in the center line of a roadway easement;

THENCE S. 44°51'40" W., along said center line for a distance of 56.77 feet to a point for corner;

THENCE S. 74°42'50" E., for a distance of 138.24 feet to a point for corner and the PLACE OF BEGINNING of the herein described tract and containing 0.134 acres of land, which includes a roadway easement along the westerly line of the above tract.

EXHIBIT "B"

Filed for Record at 2 o'clock P. M. July 24 1975 FOR HARRIS
Clerk County Court, Montgomery Co., Texas By *David R. Ludwig* Deputy

Returned To:
USLIFE Title Company of Houston
2328 Fannin St.
Houston, Texas 77002
GF 654077