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REG#34/D'AMICO.1/GF NO. 92-01-34053

849-01-2053

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REAL PROPERTY RECORDS

GENERAL WARRANTY DEED WITH VENDOR'S LIEN

THE STATE OF TEXAS

COUNTY OF MONTGOMERY

I
I
I
KNOW ALL MEN BY THESE PRESENTS:

THAT, Bill D'Amico, Trustee (hereinafter called "Grantor"), for and in consideration of the sum of ten and no/100 dollars (\$10.00) cash and other good and valuable consideration in hand paid by Mary Hamilton Niven (hereinafter called "Grantee"), whose address for mailing purposes is hereinafter set forth, the receipt and sufficiency of which are hereby acknowledged and confessed, and the further consideration of the execution and delivery by Grantee of a promissory note of even date herewith payable to Grantor in the original principal amount of \$50,000.00 (the "Note") 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 Grantee herein to John G. Cannon, Trustee; has granted, sold and conveyed, and by these presents does grant, sell and convey, unto Grantee all that certain lot, tract or parcel of land, together with all improvements thereon, described as follows:

Lots Five (5) and Six (6), Block One (1) of TRES, a subdivision of 63.611 acres of land in the Elijah Collard Survey, A-7, Montgomery County, Texas, a plat of which was recorded in Plat Cabinet G, as Sheet 39A of the Map Records of Montgomery County, Texas.

This conveyance is made and accepted expressly subject to all applicable zoning laws, regulations, and ordinances of municipal and/or governmental authorities and is further made subject to all restrictions, covenants, conditions, agreements, assessments, maintenance charges, leases, easements, and previously conveyed or reserved mineral and royalty interests, if any, relating to the hereinabove described property, but only to the extent they are still in effect and shown of record in the hereinabove mentioned County and State and those attached hereto as Exhibit "A".

To have and to hold the above described property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, Grantee's heirs, legal and personal representatives and assigns forever; and Grantor does hereby bind Grantor, Grantor's heirs, legal representatives, successors and assigns, to warrant and forever defend, all and singular the said property unto Grantee, Grantee's heirs, legal and personal representatives and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

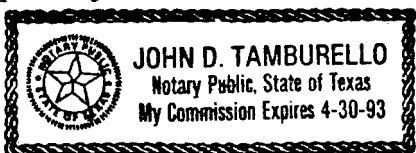
But it is expressly agreed and stipulated that the Vendor's Lien is retained against the above described property, premises and improvements, until the above described Note, and all interest thereon, is fully paid according to its face and tenor, effect and reading, when this deed shall become absolute.

Executed to be effective as of the 15TH day of JANUARY, 1993.

Bill D'Amico Trustee
Bill D'Amico, Trustee

THE STATE OF TEXAS |
COUNTY OF HARRIS |

This instrument was acknowledged before me on the 15 day of JANUARY, 1993, by Bill D'Amico, Trustee, in the capacity therein stated.



[Signature]
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Grantee's Address:

Mary Hamilton Niven
#13 Woods Estates
Conroe, Texas 77304

PLEASE RETURN TO:
REGENCY TITLE COMPANY
2200 Post Oak Blvd. #100
Houston, Texas 77056
GF No. 92-01-34053 JDT/mm

DECLARATION OF RESTRICTIONS

849-01-2055

RESTRICTIONS ON BLOCKS #1 AND #2, CONTAINING 18 LOTS, AND RESERVE 'A' IN A SUBDIVISION OF 63.611 ACRES OF LAND IN THE ELIJAH COLLARD SURVEY, A-7, MONTGOMERY COUNTY, TEXAS.

(A) NO TRACT SHALL BE USED EXCEPT FOR RESIDENTIAL PURPOSES; PROVIDED THAT ANY TRACT MAY BE USED FOR THE ERECTION AND OPERATION OF A SALES OFFICE, CONSTRUCTION OFFICE, OR MODEL HOME. THE TERM "RESIDENTIAL PURPOSES" AS USED HEREIN SHALL BE HELD AND CONSTRUED TO EXCLUDE HOSPITALS, CLINICS, DUPLEX HOUSES, APARTMENT HOUSES, BOARDING HOUSES, HOTELS AND TO EXCLUDE COMMERCIAL AND PROFESSIONAL USES, WHETHER FROM HOMES, RESIDENCES OR OTHERWISE, AND ALL SUCH USES, OF SAID PROPERTY ARE HEREBY EXPRESSLY PROHIBITED. NO BUILDING SHALL BE ERECTED, ALTERED, PLACED OR PERMITTED TO REMAIN ON ANY TRACT OTHER THAN ONE DETACHED SINGLE FAMILY DWELLING NOT TO EXCEED (3) STORIES IN HEIGHT, TOGETHER WITH A PRIVATE GARAGE OR CARPORT FOR NOT MORE THAN THREE (3) CARS AND SERVANT'S TYPE QUARTERS, WHICH MAY BE OCCUPIED BY AN INTEGRAL PART OF THE FAMILY OCCUPYING THE MAIN RESIDENCE OF THE BUILDING SITE, OR BY SERVANTS EMPLOYED ON THE PREMISES; AND (2) A TOOL SHED OR WORK SHOP AND/OR STABLES OR BARN, ATTACHED OR UNATTACHED TO THE RESIDENCE BUILDING.

(B) NO IMPROVEMENTS OF ANY NATURE SHALL BE ERECTED, PLACED OR ALTERED ON ANY BUILDING PLOT ON THIS TRACT UNTIL THE PLANS, SPECIFICATIONS AND PLOT PLANS SHOWING THE LOCATION OF SUCH IMPROVEMENTS, HAVE BEEN APPROVED IN WRITING AS TO CONFORMITY AND HARMONY OF EXTERNAL DESIGN WITH EXISTING STRUCTURES ON THIS TRACT AND AS TO LOCATION WITH RESPECT TO TOPOGRAPHY AND FINISHED GROUND ELEVATION BY THE ARCHITECTURAL CONTROL COMMITTEE, ORIGINALLY CONSISTING OF BILL D'AMICO AND AGNES D'AMICO, THAT MAY BE EXPANDED TO INCLUDE UP TO THREE ADDITIONAL PROPERTY OWNERS, WHEN 3/4THS. OF THE PROPERTY IS SOLD. ANY STRUCTURE AND MEMBERSHIP CHANGE IN THE ARCHITECTURAL CONTROL COMMITTEE SHALL NOT BE EFFECTIVE UNTIL REDUCED TO WRITING AND RECORDED IN THE REAL PROPERTY RECORDS OF MONTGOMERY COUNTY, TEXAS.

IN THE EVENT OF DEATH OR RESIGNATION OF ANY MEMBER OF THE ARCHITECTURAL CONTROL COMMITTEE, THE REMAINING MEMBER SHALL HAVE FULL AUTHORITY TO DESIGNATE A SUCCESSOR.

IN THE EVENT THE ARCHITECTURAL CONTROL COMMITTEE FAILS TO APPROVE OR DISAPPROVE WITHIN THIRTY DAYS AFTER THE RECEIPT OF THE REQUIRED PLANS AND SPECIFICATIONS, APPROVAL WILL NOT BE REQUIRED AND THE RELATED COVENANTS SET OUT HEREIN SHALL BE DEEMED AS SATISFIED.

(C) EXCEPT AS MAY BE AUTHORIZED IN WRITING BY THE ARCHITECTURAL CONTROL COMMITTEE, NO PORTION OF ANY BUILDING SHALL BE LOCATED NEARER THAN THE BUILDING LINE ESTABLISHED FOR EACH LOT INCLUDED IN THESE RESTRICTIONS, AS SHOWN OF THE ATTACHED EXHIBIT ' ', THAT RUNS ADJACENT TO AND FOLLOWS THE ROAD EASEMENT FOR 'LAKE CONROE DRIVE' OR NEARER TO SAID LOTS SIDES AND REAR LINES THAN 35'.

(D) NO NOXIOUS OR OFFENSIVE TRADE OR ACTIVITY OR LOUD NOISES (INCLUDING LOUD RADIO, T.V., STEREO FIXED OR MOBIL) SHALL BE CARRIED ON UPON THIS TRACT NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.

(E) NO TRAILER, BASEMENT, TENT, SHACK, GARAGE, BARN, STABLE OR OUT-BUILDING ERECTED ON THIS TRACT OR ANY MOBILE UNIT INCLUDING VANS AND MOTORHOMES SHALL AT ANY TIME BE USED AS A RESIDENCE TEMPORARILY OR PERMANENTLY, NOR WILL ANY STRUCTURE OF A TEMPORARY CHARACTER BE USED AS A RESIDENCE.

(F) NO RESIDENTIAL STRUCTURE ERECTED UPON THIS TRACT SHALL HAVE LESS THAN ONE AND ONE-HALF ACRES DEDICATED FOR AND USED AS THE RESIDENTIAL HOMESITE, AND SUCH RESIDENCE SHALL CONSIST OF NOT MORE THAN ONE-FAMILY DWELLING ESTABLISHMENT. NO BUILDING ON THIS TRACT SHALL BE ERECTED UPON ANY BUILDING SITE, NOR ANY BUILDING ALTERED, PLACED OR PERMITTED TO REMAIN ON SUCH SITE OTHER THAN ONE DETACHED ONE-FAMILY DWELLING, TOGETHER WITH HOUSING SPACE FOR USUAL FAMILY REQUIREMENTS, SUCH AS GARAGE, HOUSEHOLD LAUNDRY, STORAGE, OR SERVANTS QUARTERS. THE COVERED PART OF THE DWELLING PROPER, EXCLUSIVE OF GARAGE, SHALL CONTAIN NOT LESS THAN EIGHTEEN HUNDRED (1800) SQUARE FEET ON ONE-STORY DWELLINGS, AND SHALL CONTAIN NOT LESS THAN TWO THOUSAND, FOUR HUNDRED (2,400) SQUARE FEET ON TWO STORY DWELLINGS. SAID SQUARE FOOT AREAS SHALL BE MEASURED EXCLUSIVE OF OPEN PORCHES, GARAGES AND SERVANT'S QUARTERS. GARAGES MAY BE BUILT ATTACHED TO OR SEPARATE.

ALL REAKOUTS, ADDITIONS AND CHANGES WERE PRESENT AT THE TIME THE INSTRUMENT WAS FILED AND RECORDED.

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EX 'A'

EXHIBIT 'E'

mhm

BD
11-3-92

ALL BUILDINGS SHALL HAVE EITHER CONCRETE SLABS OR SOLID BEAM FOUNDATIONS AND NO CONCRETE BLOCK OR BRICK PIER FOUNDATIONS SHALL BE USED WITH VOID SPACES BETWEEN PIERS ALONG THE FRONT SIDES OF BUILDING UNITS. ALL BUILDINGS SHALL BE CONSTRUCTED WITH BRICK OR STONE OR A COMBINATION OF THE TWO COVERING AT LEAST SIXTY (60%) PERCENT OF THE OUTSIDE WALL AREA, EXCEPT THAT AT THE SOLE OPTION OF THE ARCHITECTURAL CONTROL COMMITTEE, AN EXCEPTION MAY BE MADE THAT WOULD BE IN KEEPING WITH THE OVERALL INTENTIONS OF THESE RESTRICTIONS. NO BUILDING SHALL BE ERECTED OFF OF THE PREMISES AND MOVED FROM OTHER PREMISES ONTO SUBJECT AND ALL BUILDING OR UNITS SHALL BE CONSTRUCTED ON SAID PREMISES. IN THE EVENT OF A MULTI-STORY DWELLING UNIT, THE GROUND FLOOR AREA, EXCLUSIVE OF OPEN PORCHES AND GARAGES, SHALL NOT BE LESS THAN FIFTEEN HUNDRED (1,500) NET SQUARE FEET.

NO GARAGE OR CARPORT SHALL FACE AND OPEN TO "LAKE CONROE DRIVE" AT LESS THAN A NINETY DEGREE ANGLE EXCEPT THAT AT THE SOLE OPTION OF THE ARCHITECTURAL CONTROL COMMITTEE.

(G) ALL ROADS AND DRIVEWAYS OFF "LAKE CONROE DRIVE" ARE TO BE CRUSHED LIMESTONE OR BETTER GRADE ROCK, TO ALL BUILDINGS.

(H) NO HOUSING FOR GARAGE, SERVANT'S QUARTERS, OR OTHER SERVICE FUNCTION OF THE DWELLING ESTABLISHMENT SHALL BE ERECTED OR PLACED UPON ANY BUILDING SITE UNTIL CONSTRUCTION OF THE DWELLING PROPER HAS BEEN STARTED AND IS ACTUALLY UNDERWAY. ALL RESIDENCES MUST BE COMPLETED WITHIN ONE YEAR OF STARTING DATE, AND BUILDERS MUST BE OF GOOD STANDING IN THEIR PROFESSION, MUST BE KNOWN TO DO QUALITY WORK AND BE APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE. IF NEEDED, OWNERS ARE TO ALLOW A FIVE FOOT EASEMENT ON SIDE LINES OF SUBJECT HOMESITE FOR UNDERGROUND UTILITIES.

(I) AT ALL TIMES THOSE AREAS OF "LAKE CONROE DRIVE" EASEMENT RIGHT-OF-WAY AND UTILITY EASEMENTS SHALL BE MAINTAINED FROM ENCUMBRANCES BY PERSONAL OR PRIVATE PROPERTY OR PARKING OF PASSENGER VEHICLES AND SERVICE VEHICLES RELATING TO SUBJECT HOMESITE DURING AND AFTER CONSTRUCTION OF ANY IMPROVEMENTS ON THIS TRACT. NO CAMPERS, BOATS, TRAILERS, MOTOR HOMES, RECREATIONAL VEHICLES OF ANY TYPE OR NON-RUNNING VEHICLES ARE TO BE PARKED OR STORED WITHIN VIEW OF "LAKE CONROE DRIVE", NOR IN THE FRONT OF ANY RESIDENCE.

(J) NO ANIMALS, LIVESTOCK, HORSES* OR POULTRY OF ANY KIND SHALL BE RAISED, BRED OR KEPT ON THE PROPERTY EXCEPT THAT DOGS, CATS OR OTHER COMMON HOUSEHOLD PETS MAY BE KEPT PROVIDED THAT THEY ARE NOT KEPT, BRED OR MAINTAINED FOR COMMERCIAL PURPOSES. COMMON HOUSEHOLD PETS MUST BE KEPT ON THE TRACT OR ON A LEASH AT ALL TIMES.*(HORSES AND SCHOOL SPONSORED OR 4H CLUB PROJECTS MAY BE ALLOWED, PROVIDED THERE IS NOT MORE THAN AN AGGREGATE TOTAL OF ONE PER FIRST 1.5 ACRES AND ONE PER EACH ADDITIONAL ONE HALF ACRE (NET AREA OF FENCED PASTURE AFTER DEDUCTING FOR RELATIVE SUPPORT STRUCTURES - IE: BARN, STABLES ETC) THEREAFTER AND PROVIDING PASTURES, PADDOCKS, BARNS, PENS, STABLES, AND ALL IMPROVEMENTS FOR KEEPING ANIMALS, BE APPROVED IN WRITING BY THE ARCHITECTURAL CONTROL COMMITTEE).

(K) NO SPIRITUOUS, VINOUS OR MALT LIQUORS, ILLEGAL OR PRESCRIPTION DRUGS OR MEDICATED BITTERS, CAPABLE OR PRODUCING INTOXICATION OR ADDICTION, SHALL EVER BE SOLD OR OFFERED FOR SALE ON ANY RESIDENTIAL TRACT NOR SHALL SAID PREMISES OR ANY PART THEREOF BE USED FOR VIOLATION OF THE LAWS OF THE STATE OF TEXAS, OR OF THE UNITED STATES, OR OF POLICE, HEALTH, SANITARY, BUILDING OR FIRE CODE, REGULATION, SAN JACINTO RIVER AUTHORITY OR CONROE E.T.J. RULES OR REGULATIONS, OR INSTRUCTION RELATING TO OR AFFECTING THE USE, OCCUPANCY OR POSSESSION OF ANY TRACT.

(L) NO SIGNS CONSISTING OF ADVERTISING DISPLAY OR DEVICES OF ANY KIND SHALL BE IN PUBLIC VIEW, EXCEPT FOR BUILDER'S SIGNS DURING THE CONSTRUCTION AND SALES PERIOD ONLY, OR TO ADVERTISE A HOUSE FOR SALE, IN WHICH LATTER CASE ONE INSTALLATION ON THE BUILDING SITE OF NOT MORE THAN FIVE (5) SQUARE FEET OF SIGN SPACE SHALL BE ALLOWED.

(M) NO OIL DRILLING, OIL DEVELOPMENT OPERATIONS, OIL REFINING, QUARRYING OR MINING OPERATIONS OF ANY KIND SHALL BE PERMITTED, NOR SHALL OIL WELLS, TANKS, TUNNELS, MINERAL EXCAVATIONS OR SHAFTS BE PERMITTED. NO DERRICK OR OTHER STRUCTURE DESIGNED FOR USE IN BORING FOR OIL OR NATURAL GAS SHALL BE ERECTED, MAINTAINED OR PERMITTED.

(N) NO PORTION OF ANY TRACT SHALL BE USED, OR MAINTAINED AS A CAMPING GROUND OR FOR THE DUMPING OF RUBBISH, TRASH, GARBAGE OR

ALL CLARIFICATIONS, ADDITIONS AND CHANGES WERE PRESENT AT THE TIME THE INSTRUMENT WAS FILED AND RECORDED.

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~~LAKE CONROE~~

BW
11-3-92
MHN

OTHER WASTES; RUBBISH, TRASH, GARBAGE OR OTHER WASTES SHALL NOT BE KEPT EXCEPT IN SANITARY CONTAINERS FOR FREQUENT REMOVAL BY THE OWNER. ALL INCINERATORS OR OTHER EQUIPMENT FOR THE STORAGE OR DISPOSAL OF SUCH MATERIAL SHALL BE KEPT IN A CLEAN AND SANITARY CONDITION. IN NO CASE SHALL ANY OF THE ABOVE BE LOCATED WITHIN FIFTY (50) FEET OF ANY PROPERTY LINE, NOR VISABLE FROM "LAKE CONROE DRIVE".

(O) NO FENCE, WALL, HEDGE NOR ANY PERGOLA OR OTHER ATTACHED STRUCTURE OR TREE, MAY BE PLANTED NOR CONSTRUCTED BETWEEN ANY IMPROVEMENT (SEE (B) AND THE CLOSEST UTILITY OR ROAD EASEMENT FOR "LAKE CONROE DRIVE", NOR ANY ITEM SO PLACED ANYWHERE THAT WOULD BE THE SOLE CAUSE OF OBSCURING OR BLOCKING THE VIEW OF LAKE CONROE FROM ANY PORTION OF THE 48.152 ACRE OVERALL TRACT.

ALL FENCES, MAIL BOXES AND ANY OTHER OBJECT CONSTRUCTED OR PLACED ALONG THE "LAKE CONROE DRIVE" ROAD EASEMENT, WITHIN THE SPACE BETWEEN SAID EASEMENT AND THE RECORDED BUILDING SET BACK LINE, SHALL REQUIRE THE PERMISSION AND WRITTEN APPROVAL OF THE ARCHITECTURAL CONTROL COMMITTEE PRIOR TO CONSTRUCTION. IT IS THE INTENT THAT THESE "FRONT" FENCES BE CONSTRUCTED OUT OF BRICK, WOOD OR WROUGHT IRON ONLY, AS IN CONTRAST FOR EXAMPLE TO ALL TYPES OF WIRE FENCES, WHEN SAME ARE IN CLOSE VIEW OF "LAKE CONROE DRIVE".

IN NO CASE SHALL OUTSIDE CLOTHES LINES BE MAINTAINED WITHIN SIGHT OF "LAKE CONROE DRIVE".

(P) NO SINGLE FAMILY DWELLING SHALL BE OCCUPIED FOR RESIDENCE PURPOSES UNLESS THE EXTERIOR AND INTERIOR OF SUCH DWELLING IS ENTIRELY FINISHED TO THE EXTENT REQUIRED BY THE ARCHITECTURAL CONTROL COMMITTEE, WHOSE APPROVAL IN WRITING IS REQUIRED BEFORE ANY RESIDENCE WHICH IS NOT ENTIRELY COMPLETED SHALL BE OCCUPIED.

(Q) FIREARMS DISCHARGE ARE EXPRESSLY PROHIBITED.

(R) NO SIGHT-LINE LIMITATIONS MAY BE CREATED BY NEW PLANTS OR FENCES OR OTHER NEW OBSTRUCTIONS WHICH OBSTRUCT SIGHT LINES AT ELEVATIONS BETWEEN TWO AND SIX FEET ABOVE THE ROADWAYS, WITHIN THE TRIANGULAR AREA FORMED BY ANY ROADWAY AND POINTS TWENTY FIVE FEET FROM THE INTERSECTION. NO TREE SHOULD REMAIN WITHIN SUCH DISTANCES, UNLESS THE FOLIAGE LINE IS MAINTAINED AT SUFFICIENT HEIGHT TO PREVENT OBSTRUCTION OF SIGHT LINES.

(S) THE ARCHITECTURAL CONTROL COMMITTEE AND ASSIGNS SHALL HAVE THE RIGHT TO ENFORCE, BY ANY PROCEEDING AT LAW OR IN EQUITY, ALL COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS AND RESERVATIONS NOW OR HEREAFTER IMPOSED BY THE PROVISIONS OF THIS DECLARATION. FAILURE TO ENFORCE ANY COVENANT OR RESTRICTION HEREIN CONTAINED SHALL IN NO EVENT BE DEEMED A WAIVER OF THE RIGHT TO DO SO.

(T) INVALIDATION OF ANY ONE OF THESE COVENANTS OR RESTRICTIONS BY JUDGEMENT OR COURT ORDER SHALL IN NO WAY AFFECT ANY OTHER PROVISIONS SHALL REMAIN IN FULL FORCE AND EFFECT.

(U) THE COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS OF THIS DECLARATION SHALL RUN WITH AND BIND THE PROPERTY AND SHALL INURE TO THE BENEFIT OF AND BE ENFORCEABLE BY ANY PROPERTY OWNER WITHIN THE SAID 48.152 ACRES CONTAINING EIGHTEEN LOTS AND RESERVE "A", AND UNLESS AMENDED AS PROVIDED HEREIN, SHALL BE EFFECTIVE FOR A TERM OF TWENTY YEARS FROM THE DATE THIS DECLARATION IS RECORDED, AFTER WHICH TIME SAID COVENANTS, CONDITIONS AND RESTRICTIONS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN YEARS. THE COVENANTS, CONDITIONS, AND RESTRICTIONS OF THE DECLARATION MAY BE AMENDED BY AN INSTRUMENT EXECUTED BY A MAJORITY VOTE OF THE ARCHITECTURAL CONTROL COMMITTEE OF THE 48.152 ACRE TRACT. NO AMENDMENT SHALL BE EFFECTIVE UNTIL RECORDED IN THE DEED RECORDS OF MONTGOMERY COUNTY, TEXAS.

(V) OWNERS OF EACH AND ALL LOTS AND RESERVE "A", AGREE THAT SHOULD THE SELLER DECIDE OR BE REQUIRED TO FILE A SUBDIVISION REVISION PLAT FOR THE ADJACENT RESERVE "B" AND "C", THEY WILL JOIN IN THE EXECUTION OF SAID PLAT.

STATE OF TEXAS
COUNTY OF MONTGOMERY

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 Montgomery County, Texas.

FILED FOR RECORD

93 JAN 21 PM 4:16

JAN 21 1993

#3



Roy Harris
COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

ROY HARRIS
COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

B. D.
11-3-92
mhr

ORIGINAL PRINT INCOMPLETE

ALL COPIES OF THIS INSTRUMENT MUST BE FILED IN THE PUBLIC RECORDS OF MONTGOMERY COUNTY, TEXAS. THE INSTRUMENT SET OUT HEREIN IS THE ORIGINAL AND THE COPIES ARE FOR INFORMATION ONLY.