

732-01-0057

GF# 9102004

17

WARRANTY DEED WITH VENDOR'S LIEN

9131359

REAL PROPERTY RECORDS

THE STATE OF TEXAS

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KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF MONTGOMERY

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THAT TIMOTHY R. EBY AND WIFE, JUDITH E. EBY, hereinafter called "Grantor" (whether one or more), for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to Grantor paid by JERRY GLENN DECKER AND WIFE, SHERRY JAN DECKER, hereinafter called "Grantee" (whether one or more), the receipt of which is hereby acknowledged and confessed, and the further consideration of the execution and delivery by Grantee of one certain Promissory Note in the principal sum of \$60,000.00, of even date herewith, payable to the order of MORTGAGE BROKERS INCORPORATED DBA M.B.I. MORTGAGE, hereinafter called "Mortgagee", bearing interest at the rate therein provided; said Note containing the usual reasonable attorney's fee clause and various acceleration of maturity clauses in case of default, and being secured by Vendor's Lien and superior title retained herein in favor of said Mortgagee, and being also secured by a Deed of Trust of even date herewith from Grantee to GREGORY L. GREGG, Trustee; and

WHEREAS, Mortgagee has, at the special instance and request of Grantee, paid to Grantor \$60,000.00 of the purchase price of the property hereinafter described, as evidenced by the above-described Note, said Vendor's Lien and Deed of Trust lien against said property securing the payment of said Note are hereby assigned, transferred and delivered to Mortgagee, Grantor hereby conveying to said Mortgagee the said superior title to said property, subrogating said Mortgagee to all the rights and remedies of Grantor in the premises by virtue of said liens; and

Grantor has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto said Grantee, the following described property, to-wit:

BEING 0.5346 ACRES OF LAND IN E. COLLARD SURVEY, ABSTRACT NUMBER 7, MONTGOMERY COUNTY, TEXAS AND BEING OUT OF 5.935 ACRE TRACT AS DESCRIBED IN DEED RECORDED IN VOLUME 238, PAGE 6 THROUGH 10 OF THE DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS SHOWN ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES.

TO HAVE AND TO HOLD the above-described premises, together with all and singular, the rights and appurtenances thereunto in anywise belonging unto said Grantee, his heirs and assigns, forever. And Grantor does hereby bind himself, his heirs, executors and administrators, to warrant and forever defend all and singular the said premises unto said Grantee, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Taxes for the current year have been prorated and their payment is assumed by Grantee.

This conveyance is made subject to any and all valid and subsisting restrictions, easements, rights of way, reservations, maintenance charges together with any lien securing said maintenance charges, zoning laws, ordinances of municipal and/or other governmental authorities, conditions and covenants, if any, applicable to and enforceable against the above-described property as shown by the records of the County Clerk of said County.

The use of any pronoun herein to refer to Grantor or Grantee shall be deemed a proper reference even though Grantor and/or Grantee may be an individual (either male or female), a corporation, a partnership or a group of two or more individuals, corporations and/or partnerships, and when this Deed is executed by or to a corporation, or trustee, the words "heirs, executors and administrators" or "heirs and assigns" shall, with respect to such corporation or trustee, be construed to mean "successors and assigns".

It is expressly agreed that the Vendor's Lien is retained in favor of the payee of said Note against the above-described property, premises and improvements, until said Note and all interest thereof shall have been fully paid according to the terms thereof, when This Deed shall become absolute.

EXECUTED this 8TH day of JULY, 1991.

Timothy R. Eby
TIMOTHY R. EBY

Judith E. Eby
JUDITH E. EBY

✓ Return to:
GRANTEE'S ADDRESS:
Jerry Glenn Decker
6 LAKE CONROE DRIVE
CONROE, TEXAS 77304

STATE OF Texas, COUNTY OF Hamilton, ss:

BEFORE ME, the undersigned authority, on this day personally appeared TIMOTHY R. EBY and JUDITH E. EBY, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he/she/they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 12 day of July, 19 91.



Sheila J. Lane
NOTARY PUBLIC IN AND FOR

BEING 0.5346 acres of land in E. Collard Survey, Abstract Number 7, Montgomery County, Texas and being out of a 5.935 acre tract as described in Deed recorded in Volume 238, Page 6 through 10 of the Deed Records and being that same 0.535 acre tract as described in Deed recorded in Volume 899, Page 530 Deed Records of Montgomery County, Texas, said tract being a 0.3995 acre tract, a 65.4 square foot tract, and a 0.134 acre tract, all described in Deed filed for record under Clerk's File Number 8837537 of the Real Property Records Montgomery County, Texas, said 0.5346 acre tract being more particularly described by metes and bounds as follows:

COMMENCING at a point for reference for the Northeast corner of the 5.935 acre tract;

THENCE South 13 degrees 21 minutes 10 seconds West, a distance of 126.34 feet along the Easterly line of the 5.935 acre tract to a 1/2 inch iron rod, found for the Northeast corner and POINT OF BEGINNING of the herein described tract;

THENCE South 13 degrees 21 minutes 10 seconds West, a distance of 105.00 feet to a 1/2 inch iron rod, found for the Southeast corner;

THENCE North 83 degrees 44 minutes 50 seconds West, a distance of 233.91 feet to a 1/2 inch iron rod, found for an angle point in the center of a roadway easement;

THENCE North 74 degrees 42 minutes 53 seconds West, a distance of 138.25 feet crossing a pond to a 5/8 inch iron rod, set in the centerline of a roadway easement and being the Southwest corner of the herein described tract;

THENCE North 44 degrees 51 minutes 40 seconds East, a distance of 56.77 feet along the center of a roadway easement to a 5/8 inch iron rod, set for the Northwest corner;

THENCE South 72 degrees 22 minutes 21 seconds East, a distance of 106.22 feet, crossing a pond to a 1/2 inch iron rod, found for an angle point in the center of a roadway easement;

THENCE North 82 degrees 26 minutes 27 seconds East, a distance of 249.11 feet back to the POINT OF BEGINNING and containing 0.5346 acres of land based on the survey and plat prepared by Glezman Surveying dated July 3, 1991.

FILED FOR RECORD

91 JUL 17 AM 9:44

Roy Harris

COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

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.

JUL 17 1991

EXHIBIT "A"



Roy Harris
COUNTY CLERK
MONTGOMERY COUNTY, TEXAS