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Warranty Deed with Vendor's Lien

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBERS OR YOUR DRIVER'S LICENSE NUMBER.

Date: MAY 16, 2007

Grantor: **PAUL A. PORCARO and spouse,
MELISSA M. PORCARO**

Grantor's Mailing Address: 3321 Mount Adams View Dr.
West Richland, WA 99353

Grantee: **ANDREW J. DOWNING and DIANE DOWNING**

Grantee's Mailing Address: 11807 Lakegrove Ct
Temball, TX 77377

Consideration: **TEN AND NO/100 DOLLARS and other good and valuable consideration and the further consideration of a note of even date that is in the principal amount of THIRTY THOUSAND EIGHT HUNDRED EIGHTY-THREE AND 00/100 DOLLARS (\$30,883.00) and is executed by Grantee, payable to the order of BANK OF AMERICA, N.A. The note is secured by a vendor's lien retained in favor of BANK OF AMERICA, N.A., in this deed and by deed of trust of even date, from Grantee to PRLAP, INC., Trustee.**

BANK OF AMERICA, N.A., at Grantee's request, having paid in cash to Grantor that portion of the purchase price of the property that is evidenced by the note described, the vendor's lien and superior title to the property are retained for the benefit of BANK OF AMERICA, N.A., and are transferred to BANK OF AMERICA, N.A., c/o Texas Main Office, 901 Main St., 67th Floor, Dallas, Texas 75202 without recourse on Grantor.

Property (including any improvements):

Lots Ten (10) and Eleven (11), in Block Two (2), of TRES, a subdivision in Montgomery County, Texas, according to the map or plat thereof recorded in Cabinet G, Sheet 39A of the Map Records of Montgomery County, Texas. SAVE AND EXCEPT that certain 0.941 acre tract out of Lot Ten (10) conveyed by deed filed under County Clerk's File No. 2000-019653 of the Real Property Records of Montgomery County, Texas, and being more particularly described by metes and bounds in Exhibit "A", attached hereto and incorporated herein, for all intents and purposes

Reservations from Conveyance:

None

Exceptions to Conveyance and Warranty:

Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for 2007, which Grantee assumes and agrees to pay.

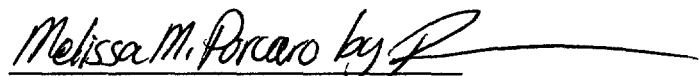
Grantor, for the consideration, receipt of which is acknowledged, and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

The vendor's lien against and superior title to the property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute.

When the context requires, singular nouns and pronouns include the plural.

Executed on the date as set out in the acknowledgment, but made EFFECTIVE as of the date first above written.

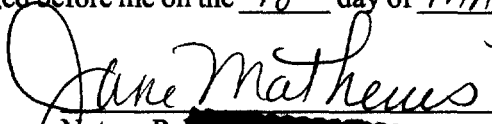

PAUL A. PORCARO

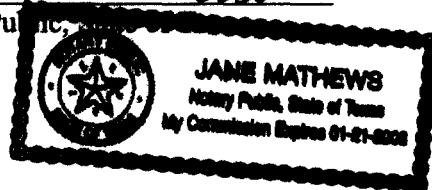

MELISSA M. PORCARO

THE STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on the 18 day of MAY, 2007,
by PAUL A. PORCARO.

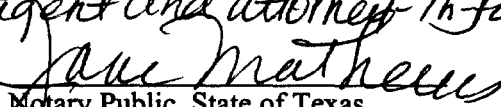

Notary Public, State of Texas



THE STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on the 18 day of MAY, 2007,
by MELISSA M. PORCARO by her agent and attorney in fact,
Paul A. Porcaro


Notary Public, State of Texas



AFTER RECORDING, RETURN TO:

Andrew Downing
11807 Lakegrove Ct.
Tomball, TX 77377

EXHIBIT "A"

A TRACT OF LAND CONTAINING 3.1824 ACRE TRACT (138,625 SQUARE FEET) BEING LOTS 10 AND 11, BLOCK 2 OF TRES, A SUBDIVISION IN MONTGOMERY COUNTY, TEXAS, ACCORDING TO THE MAP OF PLAT THEREOF RECORDED IN CABINET G, SHEET 39A OF THE MAP RECORDS OF MONTGOMERY COUNTY, TEXAS, BEING OUT OF A CERTAIN CALLED OF 63.611 ACRES OF LAND IN THE ELIJAH COLLARD SURVEY, ABSTRACT NO. 7, MONTGOMERY COUNTY, TEXAS, SAVE AND EXCEPT A CERTAIN CALLED 0.941 ACRE TRACT OUT OF LOT 10 RECORDED IN MONTGOMERY COUNTY CLERK'S FILE NUMBERS (M.C.C.F. NOS.) 2002-096684 AND 2004-085946. SAID 3.1824 ACRE TRACT BEING THE SAME TRACT RECORDED IN M.C.C.F. NO. 2004-085946 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

(BEARING ARE BASED IN CABINET G, SHEET 39A M.C.M.R.)

BEGINNING at an iron rod found in the south right-of-way (R.O.W.) line of Lake Conroe Drive (60 feet R.O.W.) marking the northwest corner of said Lot 11 and the herein described tract and the northeast corner of Lot 12, in said Block 2;

THENCE N 81° 52' 10" E, along with the south R.O.W. line of said Lake Conroe Drive and the north line of said Lots 10, 11 and the herein described tract, at 213.00 feet pass an iron rod found marking the northeast corner of said Lot 11 and the northerly northwest corner of said Lot 10 and continuing for a total distance of 314.50 feet to an iron rod found at the beginning of the tangent curve to the left for corner;

THENCE in a Northeasterly direction, along with the south R.O.W. line of said Lake Conroe Drive and the north line of said Lot 10 and the herein described tract, along with the arc of said curve to the left having a radius of 6207.46 feet, an arc length of 172.10 feet, a central angle of 01° 35' 19" and a chord bearing and distance of N 81° 04' 31" E-172.09 feet to an iron rod set for the northeast (easterly) corner of said Lot 10 and the herein described tract, said corner also being the northerly northwest corner of Lot 9, in said Block 2;

THENCE S 27° 45' 45" W, along the common line of said Lots 9, 10 and the herein described tract, a distance of 465.40 feet to an iron rod set at an angle point for corner;

THENCE S 63° 23' 27" W, along the common line of said Lots 9, 10 and the herein described tract, a distance of 225.34 feet to a point in a creek for the southwesterly corner of the herein described tract and the southeasterly corner of aforesaid 0.941 acre save and except tract;

THENCE N 08° 07' 50" W, across said Lot 10 and being the easterly line of said 0.941 acre save and except tract, at 131.23 feet pass an iron rod found in the westerly north line of said Lot 10 marking the northeast corner of said 0.941 acre save and except tract and the common rear corner of said Lots 11 and 12, and continuing along the common line of said Lots 11, 12 and the herein described tract for a total distance of 446.06 feet to the POINT OF BEGINNING containing 3.1824 acres of land.



EDILBERTO V. BARRIENTOS
Professional Land Surveyor, No. 5364
May 03, 2007
Job No. 07-05345

355-11-2921

FILED FOR RECORD

07 MAY 30 PH 2:47

Mark Turnbull
COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY

I hereby certify 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 at
Montgomery County, Texas.

MAY 30 2007



Mark Turnbull

County Clerk
Montgomery County, Texas

RECORDER'S MEMORANDUM

At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All black-outs, additions and changes were present at the time the instrument was filed and recorded.