

THE STATE OF TEXAS, }
COUNTY OF HAMILTON..... }

Know All Men By These Presents:

24

That I, K.A. Sparks, not joined herein by my wife for the reason that the property hereby conveyed consists of no part of my homestead,

of the County of Hamilton, State of Texas for and in consideration of the sum of Ten and no/100 (\$10.00)-----

-----DOLLARS,
and other good and valuable consideration

to me paid, and secured to be paid, by Robert W. Gardner, et ux, as follows:
Mary Katherine Gardner,

A. The sum of \$10.00, cash, the receipt of which is hereby acknowledged and confessed;

B. The sum of Ten Thousand Five Hundred and no/100 (\$10,500.00) Dollars, cash to me in hand paid by the Hamilton National Bank, Hamilton, Texas, the receipt of which is hereby acknowledged and confessed, which said last mentioned sum has been advanced at the special instance and request of Robert W. Gardner, et ux, Mary Katherine Gardner, Grantees, as evidence of which Grantees have executed and delivered their one (1) certain Promissory Note, of even date herewith, in the original principal sum of \$10,500.00, bearing interest and being due and payable as set out in Vendor's Lien Note of even date herewith; the payment of said Note is secured by the Vendor's Lien herein and, additionally, by Deed of Trust of even date herewith from the makers thereof to Robert W. Witzsche, Trustee;

have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey unto the said

Robert W. Gardner, et ux, Mary Katherine Gardner,
P. O. Box 868, Hamilton, Texas 76531

of the County of Hamilton, State of Texas all that certain

All that certain lot, tract or parcel of land, situated in Hamilton County, Texas, and being 6.787 acres of land out of the D. Partin 200 acre Survey, and, additionally, an Easement of 1.597 acres of land out of the William G. Wilson et al Surveys, and being the same property described in Field Notes recorded in Volume 6, Page 495, Hamilton County Field Note Records, which property and Easement is more particularly described by metes and bounds in Field Notes attached hereto, made a part hereof, and labeled "Attachment A".

This conveyance is subject to restrictions as set out in RESTRICTIONS, attached hereto, made a part hereof, and labeled "Attachment B".

This conveyance is subject to the following set out exceptions:

- A. Easement. J. C. Latham to the Upper Leon River Municipal Water District. Volume 169, Page 321, Hamilton County Deed Records. 6-24-64. Covering this and other property.
- B. Declaration of Covenants, Conditions and Restrictions. Seth Williams, Jr. to the Public. 227/393. 11-1-74.
- C. Easements and rights-of-way, not of record but apparent upon the ground.

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 Robert W. Gardner, et ux, Mary Katherine Gardner, their

heirs and assigns forever; and I do hereby bind myself, my heirs, executors and administrators, to Warrant and Forever Defend all and singular the said premises unto the said Robert W. Gardner, et ux, Mary Katherine Gardner, 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 is retained against the above described property, premises and improvements, until the above described note and all interest thereon are fully paid according to its face and tenor, effect and reading, when this deed shall become absolute.

Witness my hand at Hamilton, Texas this 4th day of January, A.D. 1984.

Witnesses at Request of Grantor:

K. A. SPARKS

ACKNOWLEDGMENT

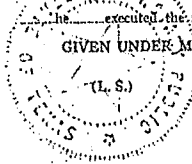
THE STATE OF TEXAS, }
COUNTY OF HAMILTON

BEFORE ME, the undersigned authority,

In and for said County, Texas, on this day personally appeared K. A. Sparks,

known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 4th day of January, A.D. 1984.



PHILLIP CAMPBELL, Notary Public
Hamilton County, Texas

Phillip Campbell
Notary Public, in and for the State of Texas

My Commission Expires 31 July 1984

ATTACHMENT A

All that certain 6.787 acres out of the D. Partin 200 acre Survey, Hamilton County, Texas, and being part of a certain 75.81 acre tract described in Deed dated July 16, 1976, from Seth Williams, Jr., to K. A. Sparks, recorded in Volume 234, Page 506, Deed Records of Hamilton County, Texas, and the 6.787 acres being described as follows:

BEGINNING at an iron rod set in fence, on North side of a landing strip, within said 75.81 acre tract, being S. 19° 07' W. 1764.1 feet and N. 84° 24' E. 621.5 feet from the NWC of the 75.81 acres, and from same point the NWC of the D. Partin Survey bears S. 84° 24' W. 1501.7 feet; N. 19° 07' E. 1545.8 feet; and N. 71° W. 40.0 feet, for the SWC of this tract; THENCE N. 05° 36' W. 300.9 feet to an iron rod set at centerline, and end, of a 40 foot roadway easement, for a corner of this tract;
 THENCE N. 10° 14' 39" W. with center of said roadway, 161.70 feet to an iron rod for a corner of this tract;
 THENCE with center of roadway, along a curve to the right having a radius of 115.02 feet and central angle of 62° 38' 52", an arc distance of 125.76 feet (long chord bears N. 21° 04' 54" E. 119.59 feet, to an iron rod for a corner of this tract;
 THENCE N. 52° 27' 54" E. with center of roadway, 109.86 feet to an iron rod set for a corner of this tract;
 THENCE with center of roadway, along a curve to the left, having a radius of 73.91 feet and central angle of 56° 50' 38", an arc distance of 73.33 feet (long chord bears N. 24° 02' 38" E. 70.36 feet) to an iron rod for a corner of this tract;
 THENCE N. 04° 22' 37" W. with center of roadway, 33.31 feet to an iron rod set in West side of another 40 foot roadway, for the Northerly corner of this tract;
 THENCE with West side of roadway, along a curve to the left, having a radius of 256.35 feet and central angle of 23° 06' 36", an arc distance of 103.40 feet (long chord bears S. 39° 26' 11" E. 102.70 feet) to an iron rod for a corner of this tract;
 THENCE S. 50° 57' 36" E. with West side of road, 117.26 feet to an iron rod for a corner of this tract;
 THENCE S. 51° 32' 37" E. with West side of road, 256.00 feet to an iron rod for a corner of this tract;
 THENCE with West side of roadway, along a curve to the right, having a radius of 125.07 feet and central angle of 38° 02' 00", an arc distance of 83.02 feet (long chord bears S. 32° 31' 37" E. 81.51 feet) to an iron rod for a corner of this tract;
 THENCE S. 13° 30' 37" E. with West side of roadway, at 248.71 feet, pass SWC of roadway, at end of roadway, and at a total distance of 305.95 feet, an iron rod set for the SEC of this tract;
 THENCE S. 84° 24' W. at 530.6 feet, the NEC of landing strip, at a total distance of 621.5 feet, the place of Beginning, containing 6.787 acres.

There is, additionally, conveyed to Grantees the following described easement:

All that certain 1.597 acre roadway, situated in the Wm. G. Wilson Survey and the D. Partin Survey, Hamilton County, Texas, and being part of a certain 75.81 acre tract, described in Deed dated July 16, 1976, from Seth Williams, Jr., to K. A. Sparks, recorded in Volume 234, Page 506, Deed Records of Hamilton County, Texas, and said roadway being described by centerline, as follows:

BEGINNING at an iron rod set in the South right of way of State Highway No. 22, and North line of the Sparks, 75.81 acre tract, being N. 79° 23' E. 180.0 feet from NWC of said 75.81 acres, and from which point the NWC of the D. Partin Survey and SWC of the Wm. G. Wilson Survey bears S. 79° 23' W. 1001.6 feet; S. 49° 07' W. 172.1 feet; S. 19° 07' W. 30 feet and N. 71° W. 40 feet, for the Northerly end of centerline this roadway;
 THENCE along roadway centerline, as follows:
 S. 10° 36' 36" E. 295.55 feet; along a curve to the right, having a radius of 490.75 feet and central angle of 36° 05' 00", an arc distance of 309.06 feet (long chord bears S. 07° 25' 54" W. 303.98 feet); S. 25° 28' 24" W. 108.70 feet; along a curve to the left, having a radius of 182.98 feet and central angle of 30° 34' 00", an arc distance of 97.62 feet (long chord bears S. 10° 11' 24" W. 96.46 feet); S. 05° 05' 36" E. 20.90 feet; along a curve to the left, having a radius of 236.35 feet and central angle of 45° 52' 00", an arc distance of 189.20 feet (long chord bears S. 28° 01' 36" E. 184.19 feet); S. 50° 57' 36" E. 117.3 feet; S. 51° 32' 37" E. 255.90 feet; along a curve to the right, having a radius of 145 feet and central angle of 38° 02' 00", an arc distance of 96.30 feet (long chord bears S. 32° 31' 36" E. 94.54 feet); and S. 13° 30' 37" E. 248.71 feet to an iron rod set at centerline of the Southerly end of this roadway, containing 1.597 acres, of which approximately 0.660 acres is in the Wm. G. Wilson Survey, and 0.937 acres is in the D. Partin Survey.

ATTACHMENT B
RESTRICTIONS

- (A) Each residence constructed or to be constructed shall have a minimum square footage of the living area of not less than 1500 square feet.
- (B) Each residence constructed or to be constructed shall contain at least two complete bathrooms.
- (C) Each residence constructed or to be constructed shall have a minimum of a two car carport or garage attached.
- (D) All septic tank systems constructed or to be constructed shall be a minimum of seven hundred fifty (750) gallon storage capacity; contain a separate grease trap of 25 gallon minimum capacity and a minimum of 150 linear feet of drain field imbedded in gravel.
- (E) The property shall not at any time be used for storage of building materials or other items, except in the event that actual construction has commenced or is continuing upon the property.
- (F) Any construction of residence or other buildings upon the property must be completed within 6 months after commencement of such construction.
- (G) No bottled gas or butane tanks shall be maintained upon the surface of the property and any such tank must be buried in the ground a minimum of 15 feet inside the property line of the owner.
- (H) Any water well or pump system placed upon the property shall be placed a minimum of 15 feet inside the owner's property line and any such well or pump shall have constructed over it a pump house of the same material of that used in the residence.
- (I) The property shall be maintained by the owner, whether before or after construction of any residence thereon, in a neat and orderly manner.
- (J) All residential construction upon the property shall contain a minimum of 30% masonry in the exterior wall areas. In the construction of any such residence upon such property, all exterior walls, ceilings and floors must be insulated with a minimum of 2-1/2 inches of insulation. This restriction shall not apply to floors of concrete slab construction.

(K)All residences and other outbuildings or structures which are constructed or to be constructed upon said property shall be built-up or contain a minimum of 235 pound composition, cedar shake or clay tile roof.

FILED FOR RECORD January 6, 1984 at 9:40 AM VIRGINIA LOVELL, CO. CLERK
RECORDED January 9, 1984 at 10:10 AM HAMILTON COUNTY, TEXAS

