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RETURN TO
STEWART TITLE CO.
940 13TH STREET STE. #201
WEMPSTEAD, TEXAS 77487

VOL 0774 PG 830

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GENERAL WARRANTY DEED WITH VENDOR'S LIEN

GRANTOR	GRANTEE
RALSTON INVESTMENTS TWO, L.P. P. O. Box 304 Waller, Texas 77484 Waller County, Texas	AMERIMARK HOMES, L.L.C. 5010 Steffani Lane Houston, Texas 77041 Harris County, Texas

STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS, THAT:

COUNTY OF WALLER §

RALSTON INVESTMENTS TWO, L.P., of the County and State aforesaid, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to me paid, and secured to be paid, by AMERIMARK HOMES, L.L.C., as follows:

1. \$10.00 cash, and other good and valuable consideration to me paid in hand, the receipt of which is hereby acknowledged; and further,

2. The execution and delivery of one Vendor's Lien Note of even date herewith in the principal sum of ONE HUNDRED EIGHTY-FIVE THOUSAND EIGHT HUNDRED FIFTY AND NO/100 DOLLARS (\$185,850.00), with interest as therein provided, executed by AMERIMARK HOMES, L.L.C., payable to the order of RALSTON INVESTMENTS TWO, L.P.; until said note, both principal and interest, shall have been paid off and satisfied; said note containing the usual accelerating maturity and attorney's fee clauses and all provisions of said note are made a part hereof as though written herein in full; and being further secured by a Deed of Trust of even date herewith executed by AMERIMARK HOMES, L.L.C. to ALBERT M. McCAIG, JR., Trustee, for the use and benefit of RALSTON INVESTMENTS TWO, L.P.;

has GRANTED, SOLD and CONVEYED and by these presents does GRANT, SELL AND CONVEY unto the said AMERIMARK HOMES, L.L.C., of the County and State aforesaid, the following described land or parcel of land situated in Waller County, Texas, and more particularly described as follows, to-wit:

92. 2070 acres of land in the Justo Liendo Survey, Abstract No. 41, Waller County, Texas, a part of that certain real estate described in instrument recorded in Volume 632, Page 714, Official Real Property Records of Waller County, Texas; and, more accurately described in Exhibit "A", which is attached hereto and incorporated herein.

RESERVATIONS AND EXCEPTIONS

It is expressly stipulated and agreed that all of the oil, gas and other minerals that Grantor now owns in, on, under and that may be produced from the lands above described, including all reversionary rights, interest and estates that Grantor now owns in and to said oil, gas and other minerals, without rights of ingress and egress, however, for the purposes of finding, saving, trading, storing, and removing any and all such oil, gas, and other minerals, is hereby excepted from this contract and reserved unto Grantor, its successors and assigns. It is further agreed and understood that Grantor, its successors and assigns, shall be entitled to receive all bonuses, delay rentals, royalties, production payments, overriding royalties and other benefits, except payments for damages to the surface of the property, to accrue and become payable to the owners of the mineral estates under the terms of any oil, gas and mineral lease. It is further agreed and understood that Grantor, its successors and assigns, does, and from and hereafter shall, waive and relinquish the surface rights and control of the herein described property, and Grantee, its successors and assigns, from hereafter shall have the exclusive rights and control of the surface of the herein described property, to the extent same are under the control of Grantor.

This conveyance is made and accepted subject to the following conditions and restrictions:

- a. It is expressly stipulated and agreed that no manufactured home, industrialized housing, mobile home, modular home or other type of off-site constructed housing, defined as such under the Texas Manufactured Housing Standards Act, shall be placed on the property or any part thereof, for use as a residential structure. This provision does not prohibit the maintaining of a recreational vehicle, camper or motor home on the property which is used for off-site recreational purposes.
- b. All tracts shall be used for single-family residential purposes or light commercial purposes only.
- c. The minimum square footage for a single-family residence shall be 1,200 square feet of air conditioned living area.
- d. The term "single-family residential" used herein shall be held and construed to exclude hospitals, industrial usages, apartment houses, duplex houses and multi-family houses of any kind, and any such usage of the tracts in said Property is hereby expressly prohibited. The term "light commercial" as used herein shall be held and construed to exclude manufacturing plants of any kind, chemical or fertilizer plants or sales of chemicals or any business having to do with

industrial chemicals, kennels, rendering facilities of any kind, oil or gas extraction facilities or the equipment yards of same, stock yards, storage yards for equipment or junk or any other storage facility involved with scrap or waste of any kind, yards for the storage of tractors and/or trailers as a business, businesses that sell gasoline or alcoholic beverages, any other commercial purposes which causes pollution or seepage, whether visible or not, and could be deemed a health hazard or visually obnoxious to the neighborhood and any such usage of the subject property is expressly prohibited.

e. The covenants, conditions, and restrictions of this Declaration shall be effective for a term of 20 years from the date this Declaration is recorded.

There is further excepted from this conveyance, and the same made subject to, all valid and existing restrictions, covenants, conditions, reservations, and easements of record in the Office of the County Clerk of Waller County, Texas, affecting the property, and all valid and subsisting easements for electric lines, highways or roadways, gas lines and pipe lines or for rights-of-way of every kind, nature and description, to the extent the same are of record in the Office of the County Clerk of Waller County, Texas.

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 AMERIMARK HOMES, L.L.C., its successors and assigns forever; and Grantor does hereby bind itself, its successors and assigns, to Warrant and Forever Defend, all and singular, the said premises unto the said AMERIMARK HOMES, L.L.C., its successors 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.

EXECUTED by WAYNE RALSTON, Manager of RALSTON INVESTMENTS, L.C., general partner of RALSTON INVESTMENTS TWO, L.P. this 10th day April, 2003.

RALSTON INVESTMENTS TWO, L.P.

Wayne Ralston
WAYNE RALSTON, Manager of RALSTON INVESTMENTS, L.C., general partner of RALSTON INVESTMENTS TWO, L.P.

STATE OF TEXAS §
COUNTY OF WALLER §

This instrument was acknowledged before me by WAYNE RALSTON on the 10th day of April, 2003, in the capacity as above stated.



Chmington
Notary Public, State of Texas

PREPARED IN THE LAW OFFICE OF

Albert M. McCaig, Jr.
1210 Saunders, P.O. Box 760
Waller, Texas 77484
Office: 936/372-9101 FAX: 936/372-5581

EXHIBIT "A"

Fieldnotes for a 92.2070 acre tract of land out of the Justo Liendo Survey, Abstract No. 41, in Waller County, Texas, being out of and a part of that certain 113.2476 acre tract of land conveyed to Collier Ralston Investments, LLC as described in deed recorded in Volume 632, Page 714 of the Deed Records of Waller County, said 92.2070 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/4 inch steel rod found in the East line of F.M. Highway No. 362, based on a 100.00 foot right-of-way, marking the Southwest corner of the said 113.2476 acre tract and the herein described tract, said point also being the Northwest corner of that certain 170.06 acre tract of land conveyed to Marilyn Snyder Harlan as described in deed recorded in Volume 519, Page 542 of the said Deed Records;

Thence, North 02°39'35" East, 800.50 feet with the East line of said F.M. Highway No. 362 and with the West line of the said 113.2476 acre tract and generally along a barbed wire fence line to a 3/4 inch steel rod set in said fence at the beginning of a called 5' curve to the right;

Thence, continuing in a Northeasterly direction with the east line of said F.M. Highway No. 362 and with the said called 5' curve to the right and generally along the said barbed wire fence line the following bearings and distances:

- North 05°49'05" East, 104.95 feet to a set 1/4 inch steel rod;
- North 10°50'27" East, 95.81 feet to a set 1/4 inch steel rod;
- North 15°51'31" East, 95.94 feet to a set 1/4 inch steel rod;
- North 21°02'44" East, 96.01 feet to a set 1/4 inch steel rod;
- North 25°42'42" East, 93.39 feet to a set 1/4 inch steel rod;
- North 30°31'32" East, 92.65 feet to a set 1/4 inch steel rod;
- North 35°03'58" East, 99.30 feet to a set 1/4 inch steel rod;
- North 40°46'56" East, 104.12 feet to a found 1/4 inch steel rod; and
- North 45°36'30" East, 72.17 feet to a found 1/4 inch steel rod at the end of said curve;

Thence, continuing with the Southeasterly line of said F.M. Highway No. 362 and the Northwesterly line of the said 113.2476 acre tract and generally along the said barbed wire fence line North 47°20'47" East 1501.35 feet to a 5/8 inch steel rod set at a fence corner for the most Northerly Northeast corner of the herein described tract, said point also being the Northwest corner of that certain 21.000 acre tract of land conveyed to Derwood O. Ralston and Sue Ralston as described in deed recorded in Volume 645, Page 775 of the said Deed Records;

Thence, South 07°19'29" East, 1400.26 feet with the West line of the said 21.000 acre tract and generally along a barbed wire fence line to a fence corner post found marking the Southwest corner of the said 21.000 acre tract and an inside ell corner of the herein described tract

Thence, North 82°40'31" East, 573.67 feet with the South line of the said 21.000 acre tract to a 1/4 inch steel rod found in the East line of the said 113.2476 acre tract marking the most Southerly Northeast corner of the herein described tract, said point also being in the centerline of an abandoned roadway, said point also being the Southeast corner of the said 21.000 acre tract, said point also being the Southwest corner of a 14.00 acre tract presently owned by said Derwood O. Ralston, said point also being the Northwest corner of that certain 95.5 acre tract of land conveyed to S. Keith Thomas, et ux as described in deed recorded in Volume 716, Page 256 of the said Deed Records;

Thence, South 07°19'29" East, 1221.68 feet (called South 09°58'54" East, 1221.70 feet in 95.5 acre deed) with the East line of the said 113.2476 acre tract and the West line of the said 95.5 acre tract to a 1/4" steel rod set at an angle point,

Thence, continuing with the East line of the said 113.2476 acre tract and the West line of the said 95.5 acre tract, South 02°38'35" East, 154.85 feet (called 154.80 feet in vesting deed and South 00°00'11" West, 154.71 feet in 95.5 acre deed) to a 1 inch steel pipe found marking the Southeast corner of the said 113.2476 acre tract and the herein described tract, said point also being the Northwest corner of that certain 50.229 acre tract of land conveyed to Joe Ethridge and Wanda Ethridge as described in deed recorded in Volume 655, Page 451 of the said Deed Records, said point also being the Northeast corner of the aforesaid Harlan 170.06 acre tract;

Thence, North 87°21'37" West, 2393.56 feet (called 2393.15 feet in vesting deed and 2394.33 feet in 170.06 acre deed) with the South line of the said 113.2476 acre tract and the North line of the said 170.06 acre tract to the PLACE OF BEGINNING and containing 92.2070 acres of land, more or less.

This description is based on the land title survey and plat (Job No. 03-14535) made under the direction of John G. Thomas, Registered Professional Land Surveyor, on April 7, 2003.

John G. Thomas
John G. Thomas, R.P.L.S. No. 1494



Filed for Record Apr. 11 A.D., 2003 at 1:25 o'clock P. M.

RECORDED Apr. 21 A.D., 2003 at 3:00 o'clock P. M.

CHERYL PETERS, County Clerk, Waller County, Texas

By *Stephanie Rompino* Deputy