

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

**WARRANTY DEED WITH VENDOR'S LIEN**

STATE OF TEXAS                   §  
  §     KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF HAYS                §

THAT THE UNDERSIGNED, CARTER LT 17, LLC, a Texas limited liability company ("Grantor", whether one or more), for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration to the undersigned in hand paid by the Grantee herein named, the receipt of which is hereby acknowledged, and the further consideration of the execution and delivery by ACOSTA HOLDING COMPANY, INC., a Texas corporation ("Grantee", whether one or more), of that one certain promissory note (the "Note") of even date herewith in the principal sum of \$455,000.00, payable to the order of SAGE CAPITAL BANK, N.A. ("Lender"), as therein specified, providing for acceleration of maturity and for attorney's fees, the payment of the Note is secured by the vendor's lien herein retained, and is additionally secured by a deed of trust of even date herewith to J. M. RANKIN, III, TRUSTEE, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto Grantee the real property (the "Property") described as follows, to-wit:

17.07 acres of land, more or less, out of the P.A. SMITH SURVEY in Hays County, Texas, being a portion of that certain 100.02 acre tract of land conveyed to H.C. Carter in a deed as recorded in Volume 1048, Page 673, Official Public Records of Hays County, Texas, said 17.07 acre tract being more particularly described by metes and bounds in Exhibit "A" attached hereto.

This conveyance is made subject to all and singular the restrictions, easements, conditions, reservations, exceptions and covenants, if any, applicable to and enforceable against the Property as shown by the records of Hays 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 Grantee, Grantee's heirs, executors, successors and assigns forever; and Grantor does hereby bind Grantor, Grantor's heirs, executors, successors and assigns to WARRANT AND FOREVER DEFEND all and singular the said premises unto Grantee, Grantee's heirs, executors, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

But it is expressly agreed that the Vendor's Lien, as well as Superior Title in and to the Property, is retained against the Property, premises and improvements until the Note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute.

Comdor 17-1352-D

THAT Lender, at the instance and request of Grantee, having advanced and paid in cash to Grantor herein that portion of the purchase price of the Property as is evidenced by the Note, the Vendor's Lien, together with the Superior Title to the Property, is retained herein for the benefit of Lender and the same are hereby TRANSFERRED AND ASSIGNED to Lender, its successors and assigns.

Current ad valorem taxes on the Property having been prorated, the payment thereof is assumed by Grantee.

EFFECTIVE as of the 9th day of November, 2017.

GRANTOR:

CARTER LT 17, LLC,  
a Texas limited liability company

By: *Lynda Colby Carter*  
Name: Lynda Colby Carter  
Title: Manager

Address of Grantee:

9860 FM 967  
Buda, TX 78610

STATE OF TEXAS                   §  
  §  
COUNTY OF Travis           §

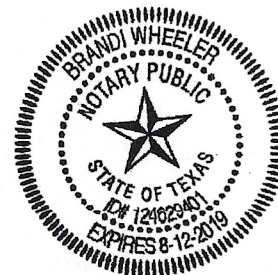
This instrument was acknowledged before me this 08 day of Nov., 2017 by Lynda Colby Carter, Manager of CARTER LT 17, LLC, a Texas limited liability company, on behalf of said limited liability company.

*Brandi Wheeler*  
Notary Public, State of Texas

AFTER RECORDING, RETURN TO:

CORRIDOR TITLE, LLC

17-1352-D



STATE OF TEXAS  
COUNTY OF HAYS

17.07 ACRES  
PHILIP A. SMITH LEAGUE SURVEY NO. 26, A-415

FIELDNOTE DESCRIPTION

DESCRIPTION OF 17.07 ACRES OF LAND IN THE PHILIP A. SMITH LEAGUE SURVEY NO. 26, A-415, IN HAYS COUNTY, TEXAS, BEING ALL OF THAT CALLED 17.185 ACRE TRACT OF LAND DESCRIBED IN THE SPECIAL WARRANTY DEED FROM H.C. CARTER, JR., D/B/A/ CARTER INVESTMENTS, TO CARTER LT 17, LLC, OF RECORD IN DOCUMENT NUMBER 2016-16008041, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS, (OPRHCT); SAID 17.07 ACRE TRACT OF LAND, AS SHOWN ON STAUDT SURVEYING, INC'S LAND TITLE SURVEY 17071-01R3.dwg, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Bearing Basis: Grid Bearings of the Texas Coordinate System of 1983, Texas South Central Zone (4204), US Survey Feet, Reference Frame: NAD\_83 (2011) (Epoch:2010.0000); Combined Scale Factor: 0.99992347; Mapping Angle: 0° 27' 00" Distances cited herein are surface.

**BEGINNING** in the interior of said 400 acre tract, at a ½-inch iron rod found along the east line of Lot 23, The North Forty Addition Section Two, a subdivision of record in Cabinet 2, Slide 17-18, Plat Records, Hays County, Texas (PRHCT), formerly the southwest corner of Lot 2E, Block C, Poundhouse Hills Section Two, a subdivision of record in Cabinet 15, Slides 204-206, PRHCT, currently the southwest corner of Lot 3, Replat of Lot 2E, Block C, Poundhouse Hills Section 2, a subdivision of record in Document Number 17007517, PRHCT, and being the northwest corner herein; and from which point, an iron rod with yellow plastic cap marked "STAUDT SURVEYING" found for a southwest corner of former Lot 2E and currently Lot 3 bears N 02° 00' 51"W, 60.38 feet;

**THENCE** N 85° 14' 37" E, with the south line of said Replat, and the north line of said 17.185 acre tract, 946.83 feet to a ¾-inch iron pipe found for the northeast corner herein, being the northwest corner of that called 200.4 acre tract of land affirmed in the Affidavit of Possession, by William R. Scott, of record in Document Number 17038460; and from which point, a ¾-inch iron pipe found for angle point of said Lot 2E and said 200.4 acre tract, bears N 82° 54' 35" E, 344.37 feet;

**THENCE** with the east line of said 17.185 acre tract, being the called west line of said 200.4 acre tract, generally along a wire fence, the following three (3) courses and distances:

- 1) S 00° 32' 15" W, 182.25 feet to a ¾-inch iron pipe found for angle point,
- 2) S 02° 19' 43" E, 179.37 feet to a ¾-inch iron pipe found for angle point, and
- 3) S 01° 58' 49" E, 585.49 feet to a 5/8-inch iron rod found for the southeast corner herein, being the northeast corner of that called 3.03 acre tract described in the Gift Warranty Deed from Marjorie Virginia Hammack Owens, to The City of Dripping Springs, of record in Volume 730, Page 152, Real Property Records, Hays County, Texas (RPRHCT);

**THENCE** S 89° 42' 24" W, leaving the west line of said 200.4 acre tract, along a wire fence with the south line of said 17.185 acre tract and the north line of said 3.03 acre tract, 446.20 feet to a 5/8-inch iron rod found for the northwest corner of same, being the southwest corner herein, and being on the east line of that called 1.72 acre 60-foot wide Roadway described in the Special Warranty Deed to the City of Dripping Springs, of record in Volume 968, Page 267, OPRHCT;

**THENCE** with the east and north line of said Roadway, for the southwest line of said 17.185 acre tract, and generally along a wire fence, the following three (3) courses and distances:

- 1) N 01° 27' 49" W, 138.33 feet to a ½-inch iron rod found for a point of curvature; and from which point, a ½-inch iron rod found for a northeast corner of that called 10.36 acre tract described in said Volume 730, Page 152, DRHCT bears S 88° 23' 55" W, 59.83 feet,
- 2) With the arc of a curve to the left, 141.54 feet through a central angle of 88° 52' 33", having a radius of 91.25 feet, and a chord which bears N 45° 51' 07" W, 127.77 feet to a ¾-inch iron pipe found for point of tangency; and from which point a ¾-inch iron pipe found for a northeast corner of said 10.36 acre tract bears S 00° 24' 11" W, 59.29 feet; also from which point a ½-inch iron rod found bears S 06° 31' 52" w, 60.09 feet, and

**EXHIBIT A**

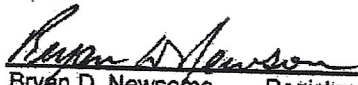
- 3) S 89° 43' 05" W, 405.07 feet to a ½-inch iron rod found for the southwest corner herein; and from which point, a ½-inch iron rod found for the northwest corner of said 10.36 acre tract, being the southerly west terminus of said Roadway bears S 00° 41' 10" E, 59.87 feet;

**THENCE** along the east line of said The North Forty Addition, Section Two, and the west line of said 17.185 acre tract, and generally along a wooden privacy fence and the remains of a wire fence, the following seven (7) courses and distances:

- 1) N 01° 37' 10" W, 49.24 feet to a ½-inch iron rod found,
- 2) N 02° 35' 57" W, at 29.74 feet passing a ½-inch iron rod found and continuing for a total distance of 79.41 feet to a ¾-inch iron pipe found,
- 3) N 01° 47' 25" W, 80.68 feet to a ½-inch iron rod found,
- 4) N 01° 55' 00" W, 80.14 feet to a ½-inch iron rod found,
- 5) N 02° 20' 59" W, 79.86 feet to a ½-inch iron rod found,
- 6) N 01° 35' 30" W, 80.45 feet to a calculated angle point, and
- 7) N 02° 06' 29" W, 195.74 feet to the **POINT OF BEGINNING** and containing 17.07 acres of land, more or less, within these metes and bounds

Surveyed by: Staudt Surveying, Inc.  
P.O. Box 1273  
16746 Fitzhugh Road, Ste. 103  
Dripping Springs, Texas 78620  
512-858-2236  
Firm Registration No.: 10091700



 03 November, 2017 Date  
Bryan D. Newsome Registered Professional Land Surveyor No. 5657  
This description revised 12 October, 2017 to correct a grantor reference and north adjoiner.  
This description revised 02 November, 2017 to reference east adjoiner Affidavit of Possession.

