

93023798W

VOL. 2552 PAGE 0266

SPECIAL WARRANTY DEED

30877

THE STATE OF TEXAS
COUNTY OF WILLIAMSON

§
§
§

THAT FIRST GIBRALTAR BANK, FSB, a federally chartered savings bank with offices in the County of Harris and State of Texas ("Grantor"), as transferee of certain assets, including the hereinafter described property, from the FSLIC as receiver for KILLEEN SAVINGS ASSOCIATION, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged has GRANTED, SOLD, AND CONVEYED, and by these presents does hereby GRANT, SELL, AND CONVEY unto OAK BLUFF ESTATES, PHASE 2 SUBDIVISION, COMMUNITY IMPROVEMENT ASSOCIATION herein called Grantee, the following described real property (the "Property"):

14.238 acres out of the Robert McNutt League Survey, Abstract 422, of Williamson County, Texas, as more fully described in Exhibit "A" attached hereto.

This conveyance and the warranty made herein are made and accepted subject to:

- (1) All easements, rights-of-way and prescriptive rights whether of record or not, pertaining to any portion(s) of the herein described Property;
- (2) All valid oil, gas and mineral rights, interests or leases, royalty reservations, mineral interests and transfers of interest of any character, in the oil, gas or minerals of record pertaining to any portion(s) of the herein described Property;
- (3) All restrictive covenants, terms, conditions, contracts, provisions, zoning ordinances, maps or plats and other items of record pertaining to any portion(s) of the herein described Property, but only to the extent that same are still in effect;
- (4) All presently recorded instruments (other than liens and conveyances by, through or under the Grantor) that affect the Property and any portion(s) thereof;
- (5) Ad valorem taxes and assessments as well as municipal utility district, public utility district or other taxing authority's taxes, fees (including standby fees and the lien securing same) and maintenance assessments or charges, if any, for the current year and subsequent years, the payment of which Grantee assumes; and subsequent assessments for this and prior years due to change(s) in land usage, ownership, or both;
- (6) Any right(s) to reimbursement from any municipal utility district, public utility district or other governmental authority for improvements to the Property heretofore performed or paid for by Grantor or any of Grantor's predecessors in interest.

TO HAVE AND TO HOLD the above described Property together with all

and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, its successors and assigns and Grantor does hereby bind itself, its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property (subject to the reservations, restrictions and limitations expressed herein) unto the said Grantee, and its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under the Grantor, but not otherwise.

RESTRICTION ON USE. The herein described Property is being conveyed subject to the restriction that such Property shall be used for recreational purposes only (eg. as a park) and that such Property shall be made available for the use and enjoyment of all of the homeowners of Oak Bluff Estates Phase 2. This restriction shall run with the land and shall not be considered to be limited to the herein named Grantee. Any violation of this restriction shall be actionable and either Grantor, Grantor's successors or any homeowner(s) of Oak Bluff Estates Phase 2 shall have standing to file suit to prevent and/or seek damages by reason of any violation(s) of this restriction. In the event that any such action becomes necessary, the party seeking enforcement of this restriction shall be entitled to recover its attorneys fees and costs from the party violating this restriction.

WITHOUT LIMITING THE FOREGOING WARRANTY OF TITLE, GRANTOR MAKES NO WARRANTIES OR REPRESENTATIONS, ORAL OR WRITTEN, EXPRESS OR IMPLIED, CONCERNING THE CONDITION OR VALUE OF THE PROPERTY, OR THE IMPROVEMENTS LOCATED THEREON (IF ANY), INCLUDING, BUT NOT LIMITED TO, ANY WARRANTY OF HABITABILITY, MERCHANTABILITY OR FITNESS FOR ANY PURPOSE. SELLER HEREBY FURTHER SPECIFICALLY DISCLAIMS ANY EXPRESS OR IMPLIED WARRANTY, GUARANTY OR REPRESENTATION, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, OR CONCERNING THE NATURE AND CONDITION OF THE WATER, SOIL AND GEOLOGY AT THE PREMISES AND THE EXISTENCE OF ANY ENVIRONMENTAL HAZARDS, SUBSTANCES OR CONDITIONS THEREON (INCLUDING THE PRESENCE OF ASBESTOS). GRANTEE HAS CAREFULLY INSPECTED THE PROPERTY, AND BY THE ACCEPTANCE

OF THIS DEED, ACCEPTS THE PROPERTY "AS IS" AND "WHERE IS" IN ITS PRESENT CONDITION.

All taxes assessed against the herein described Property for the year 1994 have been prorated between the parties, and Grantee hereby assumes and agrees to pay such taxes in full.

Executed this 13th day of May, 1994.

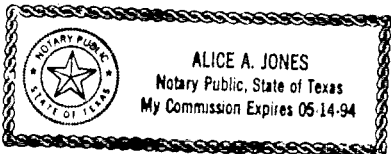
FIRST GIBRALTAR BANK, FSB

By: [Signature]
Name: James D. Hurst
Title: Senior Vice President

(ACKNOWLEDGEMENT)

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 13th day of May 1994, by James D. Hurst, Senior Vice President of FIRST GIBRALTAR BANK, FSB, in such capacity and on behalf of said bank.



[Signature]
Notary Public, State of Texas
My Commission Expires: 5-14-94

MAILING ADDRESS OF GRANTEE:

R S A / Fidler

LAND SURVEYORS

FEBRUARY 25, 1986

TOM A. FIDLER
R.P.S. 3940

SURVEYS
BOUNDARY
TOPOGRAPHIC
SUBDIVISIONS
PIPELINES
COMMERCIAL
RESIDENTIAL

FIELD NOTES FOR A 14.238 ACRE TRACT OF LAND
ROBERT MCHUTT SURVEY, WILLIAMSON COUNTY, TEXAS

All that certain lot, tract or parcel of land being situated in the Robert McNutt Survey, Williamson County, Texas and being all of a called 14.5 acre tract, and all of a 0.03 acre tract, and all of a 0.01 acre tract and being recorded in Vol. 1048, Page 165, Deed Records of Williamson County, Texas and being more particularly described as follows:

BEGINNING at a fence corner post for this SW corner, same being on the North ROW of County Road #123;

THENCE N 03 deg. 31' 09" E, a distance of 264.98 feet to the centerline of Brushy Creek for this NW corner;

THENCE along the meanders of the centerline of said Brushy Creek;

N 86 deg. 06' 19" E, a distance of 267.45 feet;

N 70 deg. 27' 57" E, a distance of 124.55 feet;

N 73 deg. 52' 54" E, a distance of 358.27 feet;

N 84 deg. 20' 36" E, a distance of 159.43 feet;

S 87 deg. 07' 33" E, a distance of 330.41 feet;

S 76 deg. 16' 34" E, a distance of 170.49 feet;

S 56 deg. 49' 07" E, a distance of 126.29 feet;

S 54 deg. 42' 36" E, a distance of 168.86 feet;

S 89 deg. 33' 47" E, a distance of 146.09 feet to a point in the centerline of said creek for this

NE corner;

THENCE S 10 deg. 32' 04" E, a distance of 54.44 feet to a 1/2" iron rod for this SE corner, same being on the North ROW of the said County Road #123;

THENCE along said North ROW;

S 78 deg. 10' 50" W, a distance of 546.23 feet;

S 80 deg. 47' 10" W, a distance of 130.59 feet;

S 84 deg. 00' 09" W, a distance of 182.38 feet;

S 86 deg. 51' 25" W, a distance of 638.53 feet;

S 85 deg. 58' 39" W, a distance of 335.42 feet;

S 88 deg. 01' 53" W, a distance of 153.67 feet to the Place of BEGINNING of the herein described

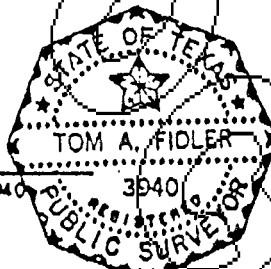
tract and containing 14.238 acres of land.

In my professional opinion the above field note description represents the results of a survey made on the ground.

Witness my hand and seal this the 25th day of February 1986.

Tom A. Fidler

TOM A. FIDLER, REGISTERED PUBLIC SURVEYOR, NO. 3940



RECORDERS MEMORANDUM
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PO BOX 808
911 N.W. LOOP 281, SUITE 103
LONGVIEW TEXAS 75608
(214) 758-0347

BRANCH OFFICES:
331 ROSEMONT
SULPHUR SPRINGS
TEXAS 75482
(214) 888-8641

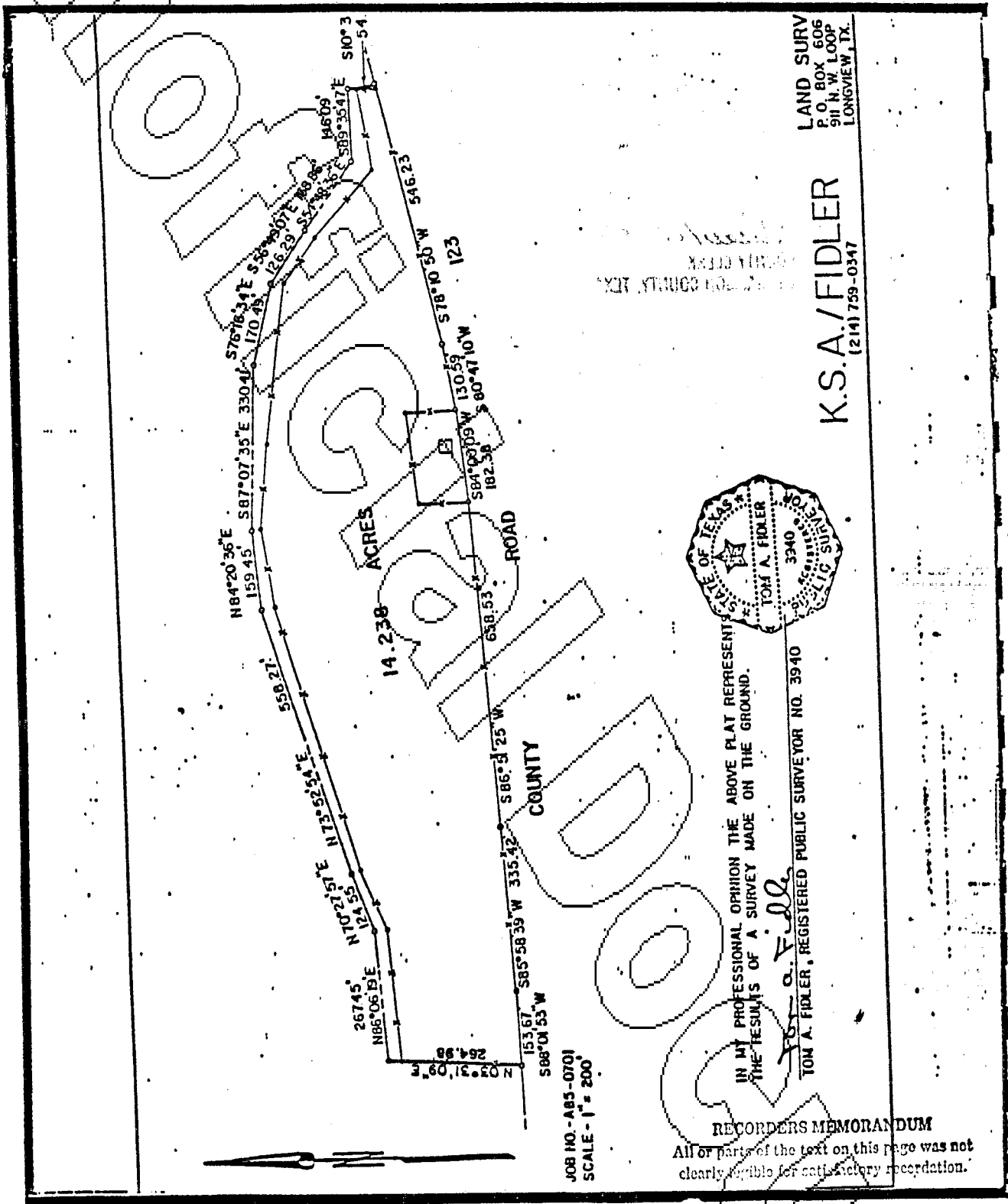
3020 KNIGHT ST., SUITE 140
SHREVEPORT, LOUISIANA 71108
(318) 688-3088

13748 RESEARCH BLVD.
BLOOMINGDALE, TEXAS 75750
(817) 536-1141

3438 DILLON RD
DALLAS, TEXAS 75228
(214) 329-8553

RECORDED

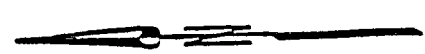
Exhibit A-1



14.238 ACRES

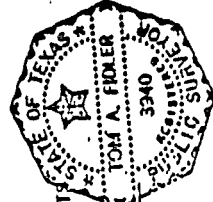
ROAD

COUNTY



JOB NO. - A85-0701
 SCALE - 1" = 200'

RECORDERS MEMORANDUM
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 clearly legible for satisfactory recordation.



IN MY PROFESSIONAL OPINION THE ABOVE PLAT REPRESENTS
 THE RESULTS OF A SURVEY MADE ON THE GROUND.

Tom A. Fidler
 TOM A. FIDLER, REGISTERED PUBLIC SURVEYOR NO. 3940

LAND SURVY
 P. O. BOX 606
 911 N. W. LOOP
 LONGVIEW, TX.

K.S.A./FIDLER
 (214) 759-0347

RECORDED FOR COUNTY, TEXAS
 COUNTY CLERK

STATE OF TEXAS COUNTY OF WILLIAMSON
I hereby certify that this instrument was FILED
on the date and at the time stamped hereon
by me and was duly RECORDED in the Volume
and Page of the named RECORDS of Williamson
County Texas as stamped hereon by me. on



JUN 20 1994

Glenn Foyzell
COUNTY CLERK
WILLIAMSON COUNTY, TEXAS

30877
FILED FOR RECORD
WILLIAMSON COUNTY, TX.

1994 JUN 20 PM 12:48

Glenn Foyzell
COUNTY CLERK

30877-17-00
33
Georgetown Title Company, Inc.