

WARRANTY DEED WITH VENDOR'S LIEN

6136

Date: SEPTEMBER 17, 2002

Grantor: B. J. FISCHER and wife, DIANE L. FISCHER

Grantor's Mailing Address (including county):

501 FM 2679, Brenham, Washington County, Texas 77833

Grantee: BEVERLY K. BARKER

Grantee's Mailing Address (including County):

406 FM 2679, Brenham, Washington County, Texas 77833

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 \$113,000.00 and is executed by Grantee, payable to the order of WELLS FARGO HOME MORTGAGE, INC. The note is secured by a vendor's lien retained in this deed and by a deed of trust of even date, from Grantee to ALLAN B. POLUNSKY, Trustee.

WELLS FARGO HOME MORTGAGE, INC., 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 and are transferred to WELLS FARGO HOME MORTGAGE, INC. without recourse on Grantor.

Property (including any improvements):

TRACT ONE:

All that certain 5.00 acre tract or parcel of land, lying and being situated in Washington County, Texas, part of the E. Allcorn Survey, A-2, being part of the same land described as 140.915 acres in a deed from Louis Look, et ux to Marjorie Fischer dated July 23, 1969, recorded in Volume 294, Page 391, Deed Records of Washington County, Texas, more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes pertinent.

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G.F.# WA-02-256

TRACT TWO:

All that certain 1.00 acre tract or parcel of land in Washington County, Texas, out of and a part of the E. Allcorn League, A-2 and the land described herein being a part of the tract described in deed from Louis Look, et ux to Marjorie Fischer, dated July 23, 1969, recorded in Volume 294, Page 391, Deed Records of Washington County, Texas, more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes pertinent.

Reservations From and Exceptions to Conveyance and Warranty:

This conveyance is made by Grantor and accepted by Grantee subject to the following exception(s) from conveyance and warranty, but only to the extent the same are valid and subsisting and relate to the property:

1. Such presently valid and subsisting easements, if any, to which the above property is subject, as may be actually located upon the ground, which are not of record.
2. Any portion of the property herein described, if any, which falls within the boundaries of any road or roadway.
3. Easement and Right of Way dated April 25, 1929, executed by Louis Look, et ux to Texas Power & Light Company, recorded in Volume 96, Page 93, Deed Records of Washington County, Texas, together with all rights incident thereto.
4. Oil, Gas and Mineral Lease dated March 27, 1939, executed by Betty Meyer, et al to Robert Given, recorded in Volume 120, Page 584, Deed Records of Washington County, Texas, together with all rights incident thereto.
5. Oil, Gas and Mineral Lease dated February 2, 1943, executed by Henry Stegmann, et al to J.L. Menry, Jr., recorded in Volume 133, Page 121, Deed Records of Washington County, Texas, together with all rights incident thereto.
6. Oil, Gas and Mineral Lease dated May 26, 1947, executed by Louis Look, et al to Sinclair Prairie Oil Company, recorded in Volume 155, Page 173, Deed Records of Washington County, Texas, together with all rights incident thereto.
7. Oil, Gas and Mineral Lease dated February 5, 1958, executed by O.W. Stegmann, et ux to T. S. Mabry, recorded in Volume 212, Page 531, Deed Records of Washington County, Texas, together with all rights incident thereto.

8. Royalty Deed dated December 20, 1950, executed by Otto W. Stegmann, et ux to C. P. Coleman, recorded in Volume 173, Page 130, Deed Records of Washington County, Texas, together with all rights incident thereto.
9. Oil, Gas and Mineral Lease dated March 21, 1939, executed by Louis Look, et ux to C. D. Speed, Jr., recorded in Volume 120, Page 406, Deed Records of Washington County, Texas, together with all rights incident thereto.
10. Oil, Gas and Mineral Lease dated April 5, 1949, executed by Louis Look to Lonnie Wiese, recorded in Volume 156, Page 406, Deed Records of Washington County, Texas, together with all rights incident thereto.
11. Oil, Gas and Mineral Lease dated April 8, 1949, executed by Louis Look to E.M. Cline, recorded in Volume 163, Page 92, Deed Records of Washington County, Texas, together with all rights incident thereto.
12. Oil, Gas and Mineral Lease dated November 3, 1951, executed by Louis Look, et ux to Frank A. Karnaky, recorded in Volume 182, Page 144, Deed Records of Washington County, Texas, together with all rights incident thereto.
13. Oil, Gas and Mineral Lease dated March 27, 1984, executed by Marjorie Look Fischer to General Production, recorded in Volume 469, Page 530, Official Records of Washington County, Texas, together with all rights incident thereto.
14. Oil and Gas Lease dated December 17, 1991, executed by Marjorie Fischer to Hunt Oil Company, recorded in Volume 664, Page 75, Official Records of Washington County, Texas, together with all rights incident thereto.
15. Oil and Gas Lease dated December 17, 1991, executed by Douglas Wayne Fischer to Hunt Oil Company, recorded in Volume 664, Page 57, Official Records of Washington County, Texas, together with all rights incident thereto.
16. Memorandum of Oil, Gas and Mineral Lease dated July 24, 2001, executed by Billy Joe Fischer, B.J. Fischer, and Diane L. Fischer to RME Petroleum Co., recorded in Volume 1005, Page 300, Official Records of Washington County, Texas, together with all rights incident thereto.
17. Right of Way Easement dated June 13, 2000, executed by B.J. Fischer and Diane L. Fischer to Central Washington County Water Supply, recorded in Volume 965, Page 514, Official Records of Washington County, Texas, together with all rights incident thereto.

18. Any claim, right, or assertion of ownership, including, but not limited to rights of ingress and egress, in and to the overhead electric lines as shown on survey plat dated September 12, 2002, prepared by Darrell D. Rau, R.P.L.S. No. 4173.

This conveyance is made by Grantor and accepted by Grantee subject to the following reservation(s) from conveyance and warranty:

SAVE AND EXCEPT Grantor reserves and retains for Grantor, Grantor's heirs, successors and assigns all of Grantor's interest in all oil, gas and other minerals that are in and under the property and that may be produced from it, subject to the restrictions as set forth herein; provided however, this reservation of Grantor shall not include any rights of ingress or egress, nor any right of use of the surface whatsoever, for the purposes of mining, drilling, exploring, operating or developing said lands for oil, gas or other minerals or removing the same therefrom; and Grantor, by execution hereof, permanently waives and surrenders any right to use of the surface of the herein described property unto Grantees, their heirs and assigns. Nothing herein shall restrict or prohibit the pooling or unitization of the Property with other land or the exploration or production of the oil, gas and other minerals by means of activity on land other than the Property but which enter or bottom under the Property. If the interest reserved herein is subject to a validly existing oil, gas and mineral lease, Grantor also reserves and shall be entitled to receive the royalties and other benefits that are associated with the interest herein and payable under the lease.

RESTRICTIVE COVENANTS

The property is conveyed to Grantee with the following land use restrictions which shall be covenants which are to run with the land and shall be binding upon each and all the owners thereof, their heirs, successors and assigns for a period of fifty years from the date hereof:

1. There may be no more than one residence upon the Property.
2. The use of the Property may not include raising of hogs or cattle feed lots; commercial turkey or chicken farming; junk car lots; mechanic shops or oil well service businesses.
3. No outhouses or open sewage shall be allowed upon the Property.
4. The Property can not be used for parking junk cars or trucks.
5. If firearms are used, they may not be shot toward or into any adjacent property.

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, executor, 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.

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

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

ACCEPTED BY GRANTEE:

EXECUTED BY GRANTOR:

Beverly K. Barker
BEVERLY K. BARKER

B. J. Fischer
B. J. FISCHER

Diane L. Fischer
DIANE L. FISCHER

ACKNOWLEDGMENT

STATE OF TEXAS §
COUNTY OF WASHINGTON §

This instrument was acknowledged before me on the 17th day of September, 2002, by B.J. FISCHER and DIANE L. FISCHER.



Frances Dana
NOTARY PUBLIC, STATE OF TEXAS

ACKNOWLEDGMENT

STATE OF TEXAS §
COUNTY OF WASHINGTON §

This instrument was acknowledged before me on the 17th day of September, 2002, by BEVERLY K. BARKER.



Frances Dana
NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS

EXHIBIT "A"

COUNTY OF WASHINGTON

Legal Description
5.999 Acres

BEING a tract or parcel containing 5.999 acres of land situated in the Elliot Allcorn Survey, Abstract No. 2, Washington County, Texas and being that same land described as Tract One of 5.00 acres and Tract Two of 1.00 acre in Deed dated May 17, 2000 from Douglas Wayne Fischer to B.J. Fischer, et ux, recorded in Volume 959, Page 535, Washington County Official Records Said 5.999 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a found 1/2" iron rod located on the Northeast right of way line of F.M. Highway 2679, being the West corner of the original 5.000 acre tract, the South corner of Lot 4 of the Western Oaks Place Subdivision, File No. 290B, Washington County Plat Records and the West corner of the herein described 5.999 acre tract;

THENCE along the Southeast line of said Lot 4, N 44° 09' 00" E (Basis of Bearing - Record Deed Call) a distance of 499.99 feet to a found 1/2" iron rod, being the East corner of Lot 3 of this same subdivision, also being an angle point of Lot 4 and the North corner of the herein described tract;

THENCE along the Southwest line of Lots 3, 2 and 1, Western Oaks Place Subdivision, S 45° 08' 41" E a distance 582.53 feet to a 1/2" iron rod found on the Northwest line of the James Jeffries 7.733 acre tract, Volume 887, Page 927, Washington County Official Records for the South corner of Lot 1, also being the East corner of the herein described tract;

THENCE along a portion of the Northwest line of the Jeffries 7.733 acre tract, S 44° 03' 33" W a distance of 354.98 feet to a 1/2" iron rod found for corner, being on the Northeast line of the Morris Clark 1.000 acre tract, Volume 762, Page 94, Washington County Official Records and being the West corner of the Jeffries tract, also being an exterior ell corner of the herein described tract;

THENCE along the Northeast line of the Clark 1.000 acre tract and the Northeast line of the Ronnie Kelm 1.000 acre tract, Volume 448, Page 739, Washington County Deed Records, N 45° 47' 53" W a distance of 293.87 feet to a 1/2" iron rod found for the North corner of the Ronnie Kelm tract and for an interior ell corner of the herein described tract;

THENCE continuing along the Northwest line of the Kelm 1.000 acre tract, S 44° 11' 00" W a distance of 224.94 feet to a 3/8" iron rod found on the Northeast right of way line of F.M. Highway 2679 for the West corner of said Kelm tract and being an exterior angle corner of the herein described tract;

THENCE along the Northeast line of F.M. Highway 2679, N 29° 07' 39" W a distance of 301.81 feet to the POINT OF BEGINNING, containing 5.999 acres of land.

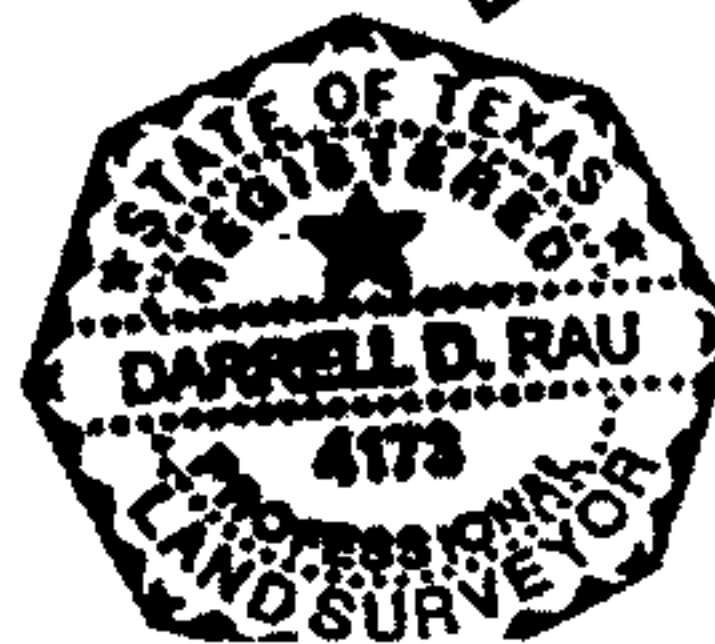
Notes:

(1) A survey plat to accompany this description.

Darrell D. Rau

Darrell D. Rau
Registered Professional Land Surveyor
Registration No. 4173

Date: September 12, 2002



STATE OF TEXAS
COUNTY OF WASHINGTON

I hereby certify that this instrument was FILED on the date and at the time affixed hereon by me and was duly RECORDED in the volume and page of the OFFICIAL RECORDS of Washington County, Texas, as stamped hereon by me on

FILED FOR RECORD
WASHINGTON COUNTY

02 SEP 18 PM 1:44

BETH A. ROTHERMEL
WASHINGTON CO. CLERK



SEP 19 2002
Beth A. Rothermel
Beth Rothermel, County Clerk
Washington County, Texas