

2000-0147

IN THE STATE OF TEXAS

:

COUNTY OF WHARTON

:

214618

OFFICIAL RECORDS

VOL 412 PAGE 927

**WARRANTY DEED WITH VENDOR'S LIEN**

**Date:** The 22 day of May, 2001.

**Grantor:** JEFFREY CHARLES HLAVINKA AND SYLINDA LYNN HLAVINKA HOWARD, CO-TRUSTEES OF THE HLAVINKA FAMILY TRUST; AND, KAYE BROWDER SYPTAK, INDIVIDUALLY.

**Grantor's Mailing Address:** P. O. Box 503, East Bernard, Wharton County, Texas 77435.

**Grantee:** AMY HLAVINKA.

**Grantee's Mailing Address:** 5611 Hwy. 60, East Bernard, Wharton County, Texas 77435.

**Consideration:** TEN AND NO/100'S DOLLARS (\$10.00) CASH CONSIDERATION to GRANTOR paid by GRANTEE, the receipt and sufficiency of which are hereby acknowledged, and the further consideration of a sum paid to GRANTOR by MITCHELL MORTGAGE COMPANY, L.L.C., hereinafter called BENEFICIARY, at the special instance and request of GRANTEE, the receipt and sufficiency of which sum, being in the amount of \$15,300.00, is hereby acknowledged and confessed; and, as evidence of such advancement, GRANTEE has executed GRANTEE'S note of the approximate date herewith for such amount payable to the order of BENEFICIARY, said note payable as provided therein and bearing interest at the rate specified therein; and, the payment of said note is secured by vendor's lien reserved herein and is additionally secured by a deed of trust of even date with said note, executed by GRANTEE to DALE H. ANDREAS, TRUSTEE, reference to which deed of trust is hereby made for all purposes, and, in consideration of the payment by BENEFICIARY of the sum specified in said deed of trust, GRANTOR hereby transfers, sets over, assigns, and conveys unto BENEFICIARY and its assigns a vendor's lien and superior title retained and reserved herein against the property and premises conveyed herein in the same manner and to the same extent as if said note had been executed in GRANTOR'S favor and assigned by GRANTOR to BENEFICIARY without recourse.

**Property:** Tract Twelve (12), Deerfield Estates, a Subdivision in the J. W. Moore 3/4 League, Abstract No. 44, Wharton County, Texas, as shown by Plat thereof recorded in Slide 2011 of the Wharton County Plat Cabinet Records.

**Reservations from and Exceptions to Conveyance and Warranty:**

1. 20 ft. wide drainage easement along Northwest line and 25 ft. wide easement for drainage ditch along Southeast line of subject property as shown by Plat of said Subdivision of record in the Office of the County Clerk of Wharton County, Texas.
2. ½ mineral interest, the royalties, bonuses, rentals and all other rights in connection with said mineral rights, as conveyed in perpetuity in deed dated November 22, 1946, executed by Woodrow W. Britt to A. A. Marik, et al, recorded in Volume 191, Page 104 of the Wharton County Deed Records.
3. ½ mineral interest, the royalties, bonuses, rentals and all other rights in connection with said mineral rights, as reserved in perpetuity in deed dated April 23, 1997, executed by Isabel Hlavinka Robertson, et al to Hlavinka Farms, L.L.C., recorded in Volume 249, Page 667 of the Official Records of Wharton County, Texas.
4. Terms, conditions and stipulations of oil, gas and mineral lease dated April 29, 1996, from Joe W. Hlavinka, et al to Griffith Land Services, Inc., recorded in Volume 205, Page 478 of the Official Records of Wharton County, Texas.
5. Land Use Restrictions as set out in Exhibit "A" attached hereto.
6. This conveyance is additionally subject to all restrictions and regulations of any political subdivision having authority as well as easements of record and those which are apparent. It is additionally subject to all matters pertinent and which are of record in Wharton County, Texas.

Grantor, for the consideration 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, executors, 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.

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

WITNESS OUR HANDS, this the 22 day of May, 2001.

THE HLAVINKA FAMILY TRUST:

By: [Signature]  
JEFFREY CHARLES HLAVINKA, Co-Trustee

By: [Signature]  
SYLINDA LYNN HLAVINKA HOWARD,  
Co-Trustee

[Signature]  
KAYE BROWDER SYPTAK, Individually

IN THE STATE OF TEXAS :

COUNTY OF WHARTON :

This instrument was acknowledged before me on this the 22 day of May, 2001, by JEFFREY CHARLES HLAVINKA, CO-TRUSTEE, HLAVINKA FAMILY TRUST.



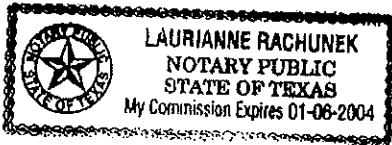
[Signature]  
Notary Public, State of Texas

IN THE STATE OF TEXAS :

VOL 412 PAGE 930

COUNTY OF WHARTON :

This instrument was acknowledged before me on this the 22 day of May, 2001, by SYLINDA LYNN HLAVINKA HOWARD, CO-TRUSTEE, HLAVINKA FAMILY TRUST.



*Laurianne Rachunek*  
Notary Public, State of Texas

IN THE STATE OF TEXAS :

COUNTY OF WHARTON :

This instrument was acknowledged before me on this the 22 day of May, 2001, by KAYE BROWDER SYPTAK.



*Laurianne Rachunek*  
Notary Public, State of Texas

H489warr

LAND USE RESTRICTIONS

VOL 412 PAGE 931

1. All tracts or lots hereof shall be used for residential purposes only and shall be confined to single family dwellings. Subdivision of any tract is prohibited without the written consent of Grantors.
2. The principal dwelling house may not be within 100 ft. of the front boundary line and must have a minimum of 1200 sq. ft. of living area. No non-permanent structures may be built or placed on the premises nor will single-wide or double-wide mobile homes be permitted on this tract.
3. All appurtenant buildings such as garages, utility houses, or other required out-buildings shall be of solid construction and in harmony with the principal dwelling house.
4. No junk vehicles or junk farm equipment shall be allowed to remain on any portion of this tract. The said tract shall not be used or maintained as a dumping ground for rubbish, trash, or other waste.
5. All livestock, swine, and poultry shall be kept in a fenced enclosure. Commercial production of livestock, swine, or poultry shall not be permitted on this tract. No livestock feed lots shall be allowed on this tract.

EXHIBIT "A"

FILED FOR RECORD  
at 4 o'clock P M

MAY 23 2001

SANDRA K. SANDERS  
COUNTY CLERK, WHARTON CO. TEXAS  
By Sandra K. Sanders

STATE OF TEXAS COUNTY OF WHARTON  
I hereby certify that this instrument was filed on the  
date and time stamped hereon by me and was duly  
recorded in the volume and page of the named records  
of Wharton County, Texas as stamped hereon by me on

MAY 24 2001



Sandra K. Sanders  
COUNTY CLERK, Wharton County, Texas  
BY Sandra K. Sanders Deputy

MID-COAST TITLE CO., INC.  
111 N. Fulton  
Wharton, Texas 77488