

**Warranty Deed with Vendor's Lien**

2673

**Date:** April 6, 2022

**Grantor:** John Matthew Rode, individually, a married man, conveying separate property that is no part of his homestead, and as independent executor of the estate of Norman L. Rode, deceased, and Peyton Craig, a single person

**Grantee:** Robert Hardy, an unmarried man

**Grantee's Mailing Address:**

Robert Hardy  
2401 Linda Lane  
Brenham, Texas 77833

**Consideration:**

Cash and a note of even date executed by Grantee and payable to the order of HOME POINT FINANCIAL CORPORATION, and each successor in ownership of the indebte in the principal amount of THREE HUNDRED NINETY-NINE THOUSAND AND NO/100 DOLLARS (\$399,000.00). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of HOME POINT FINANCIAL CORPORATION, and each successor in ownership of the indebtedness secured by the insured mortgage, except a successor who is an obligor under the provisions of Section 12(c) of the Conditions, and by a first-lien deed of trust of even date from Grantee to BLACK, MANN & GRAHAM, LLP, trustee.

**Property (including any improvements):**

All that tract or parcel of land containing 13.149 acres, more or less, situated in Washington County, Texas, being out of the I. Jameison Survey, Abstract No. 67, being a portion of a called 6.050 acre tract described in deed May 20, 1997, from Jim Riley and Betty Riley to Norman L. Rode and Linda K. Rode, recorded in Volume 863, Page 662 of the Official Records of Washington County, Texas, being all or a portion of a called 10.000 acre tract described in deed dated September 06, 2000, from Jim Riley and Betty Riley to Norman L. Rode and Linda K. Rode, recorded in Volume 968, Page 004 of the Official Records of Washington County, Texas, and being a portion of Tract 4 and Tract 5 of the Pecan Acres Subdivision (plat recorded in Plat Cabinet File No. 360A of the Plat Records of Washington County, Texas. Said 13.149 acre tract being more particularly described in Exhibit "A", attached hereto.

**Reservations from Conveyance:**

For Grantor and Grantor's heirs, successors, and assigns forever, for the purpose of an easement to provide free and uninterrupted ingress and egress to the 2.904 acre residue of Grantor's

Property, to and from Linda Lane, in common with Grantee and Grantee's heirs, successors, and assigns, a reservation of an easement over, on, and across the following tracts:

**0.037 acres Access Easement**

An access easement containing 0.037 acres, more or less, situated in Washington County, Texas, being out of the I. Jameison Survey, Abstract No. 67, lying over and across a portion of a called 6.050 acre tract described in deed dated May 20, 1997, from Jim Riley and Betty Riley to Norman L. Rode and Linda K. Rode, recorded in Volume 863, Page 662 of the Official Records of Washington County, Texas. Said access easement being more particularly described in Exhibit "B", attached hereto.

Existing Access Easement as shown on survey dated February 16, 2022, prepared by Michael J. Blakey, R.P.L.S. No. 5935

**Pecan Acres Subdivision Plat Easements**

The non-exclusive easements as mentioned in deeds dated May 20, 1997, from Jim Riley and Betty Riley to Norman L. Rode and Linda K. Rode recorded in Volume 863, Page 662 of the Official Records of Washington County, Texas, and deed dated September 06, 2000, from Jim Riley and Betty Riley to Norman L. Rode and Linda K. Rode, recorded in Volume 968, Page 004 of the Official Records of Washington County, Texas.

For Grantor and Grantor's heirs, successors, and assigns forever, a reservation of all oil, gas, and other minerals in and under and that may be produced from the Property. If the mineral estate is subject to existing production or an existing lease, this reservation includes the production, the lease, and all benefits from it.

Grantor waives and conveys to Grantee the right of ingress and egress to and from the surface of the Property relating to the portion of the mineral estate owned by Grantor.

Nothing herein, however, restricts or prohibits the pooling or unitization of the portion of the mineral estate owned by Grantor with land other than the Property; or the exploration or production of the oil, gas, and other minerals by means of wells that are drilled or mines that open on land other than the Property but enter or bottom under the Property, provided that these operations in no manner interfere with the surface or subsurface support of any improvements constructed or to be constructed on the Property.

**Exceptions to Conveyance and Warranty:**

Liens described as part of the Consideration and any other liens described in this deed as being either assumed by Grantee or subject to which title is taken by Grantee; validly existing restrictive covenants common to the platted subdivision in which the Property is located; standby fees, taxes, and assessments by any taxing authority for the year 2022 and subsequent years, and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership; validly existing utility easements created by the dedication deed or plat of the subdivision in which the Property is located;



Covenants, conditions, restrictions, reservations, easements and building lines applicable to Pecan Acres Subdivision, as shown on plat recorded in Plat Cabinet File No. 360A, Plat Records of Washington County, Texas, but deleting any restrictions based on race, color, religion, national origin, sex, familial status or handicap.

No mobile homes or modular homes are permitted on the property.

Feedlot operations and dog kennel operations of any type whatsoever are strictly prohibited.

Easements and/or claims of easements, if any, which are not recorded in the public records of subject property's county.

All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed.

Rights of the public to area of property located within the public road/roadway.

Easement dated November 19, 1996, executed by Jim Riley to Bluebonnet Electric Cooperative, Inc., recorded in Volume 842, Page 408, of the Official Records of Washington County, Texas, together with all rights incident thereto.

Easement mentioned in deed dated November 20, 1996, executed by Jim Riley and wife, Betty Riley to Norman L. Rode and wife, Linda K. Rode, recorded in Volume 842, Page 529, of the Official Records of Washington County, Texas, together with all rights incident thereto.

Easement mentioned in deed dated May 20, 1997, executed by Jim Riley and Betty Riley to Norman L. Rode and Linda K. Rode, recorded in Volume 863, Page 662, of the Official Records of Washington County, Texas, together with all rights incident thereto.

Easement mentioned in deed dated September 06, 2000, executed by Jim Riley and Betty Riley to Norman L. Rode and Linda K. Rode, recorded in Volume 968, Page 004, of the Official Records of Washington County, Texas, together with all rights incident thereto.

Easement mentioned in deed dated September 07, 2000, executed by Norman L. Rode and Linda K. Rode to Todd D. Craig and Mindy Ann Craig, recorded in Volume 968, Page 017, of the Official Records of Washington County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.

Easement mentioned in deed dated April 02, 2004, executed by Todd Douglas Craig to Norman L. Rode and Linda Rode, recorded in Volume 1116, Page 724, of the Official Records of Washington County, Texas, together with all rights incident thereto.

Interest in all of the oil, gas and other minerals in and under the herein described property, including royalties, bonuses, rentals and all other rights reserved by Cecil Hammer and Florence Hammer, in instrument dated December 05, 1980 recorded in Volume 405, Page 307, of the Deed Records of Washington County, Texas, together with all rights, express or implied in and to the property herein described, arising out of or connected with said interest or reservation, reference to which instrument is here made for all purposes. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument.

Interest in all of the oil, gas and other minerals in and under the herein described property, including royalties, bonuses, rentals and all other rights reserved by Jim Riley and Betty Riley, in instrument dated November 20, 1996, recorded in Volume 842, Page 529, of the Official Records of Washington County, Texas, together with all rights, express or implied in and to the property herein described, arising out of or connected with said interest or reservation, reference to which instrument is here made for all purposes.

Interest in all of the oil, gas and other minerals in and under the herein described property, including royalties, bonuses, rentals and all other rights reserved by Jim Riley and Betty Riley, in instrument dated May 20, 1997, recorded in Volume 863, Page 662, of the Official Records of Washington County, Texas, together with all rights, express or implied in and to the property herein described, arising out of or connected with said interest or reservation, reference to which instrument is here made for all purposes.

Oil, Gas and Mineral Lease to Union Pacific Resources Company, dated November 02, 1993, recorded in Volume 719, Page 176, of the Official Records of Washington County, Texas, together with all terms, conditions and stipulations contained therein. Title to said Lease has not been investigated subsequent to the date thereof. This policy does not insure against loss sustained by the owner of the surface of said property through the exercise of the right of ingress and egress and/or any other right incident to the ownership of said mineral estate.

Oil, Gas and Mineral Lease to Union Pacific Resources Company, dated February 17, 1998, recorded in Volume 889, Page 373, of the Official Records of Washington County, Texas, together with all terms, conditions and stipulations contained therein.

Subject to the rights of others who use and share in common the non-exclusive easements as mentioned in deeds dated May 20, 1997, from Jim Riley and Betty Riley to Norman L. Rode and Linda K. Rode recorded in Volume 863, Page 662 of the Official Records of Washington County, Texas, and deed dated September 06, 2000, from Jim Riley and Betty Riley to Norman L. Rode and Linda K. Rode, recorded in Volume 968, Page 004 of the Official Records of Washington County, Texas.

Subject to all the terms, conditions and provisions of the Gift Deed from Jim Riley and Betty Riley to Norman L. Rode and Linda K. Rode, dated September 6, 2000, recorded in Volume 968, Page 1, Official Records of Washington County, Texas, together with all terms, conditions and stipulations contained therein.



Subject to all the terms, conditions and provisions of the Warranty Deed from Jim Riley and Betty Riley to Washington County, Texas, dated November 20, 1996, recorded in Volume 844, Page 61, Official Records of Washington County, Texas, together with all rights incident thereto.

Subject to all the terms, conditions and provisions of the Gift Deed from Jim Riley and Betty Riley to Norman L. Rode and Linda K. Rode, dated September 6, 2000, recorded in Volume 968, Page 001, Official Records of Washington County, Texas, together with all rights incident thereto.

Subject to the portion of the property lying in the Special Flood Hazard Boundary as shown on survey dated February 16, 2022, prepared by Michael J. Blakey, R.P.L.S. No. 5935.


Overhead electric lines, power poles, guy wires, well house, wells and any easement rights appurtenant thereto as shown on survey dated February 16, 2022, prepared by Michael J. Blakey, R.P.L.S. No. 5935.

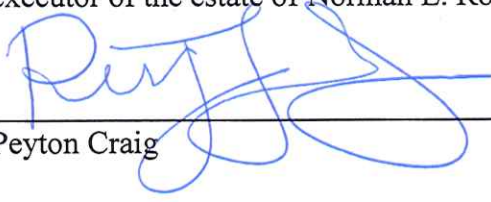
The vendor's lien against and superior title to the Property are retained until each note described is fully paid according to its terms, at which time this deed will become absolute.

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION.

HOME POINT FINANCIAL CORPORATION, and each successor in ownership of the indebtedness secured by the insured mortgage, except a successor who is an obligor under the provisions of Section 12(c) of the Conditions, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the note. The first and superior vendor's lien against and superior title to the Property are retained for the benefit of HOME POINT FINANCIAL CORPORATION, and each successor in ownership of the indebtedness secured by the insured mortgage, except a successor who is an obligor under the provisions of Section 12(c) of the Conditions and are transferred to HOME POINT FINANCIAL CORPORATION, and each successor in ownership of the indebtedness secured by the insured mortgage, except a successor who is an obligor under the provisions of Section 12(c) of the Conditions without recourse against Grantor.

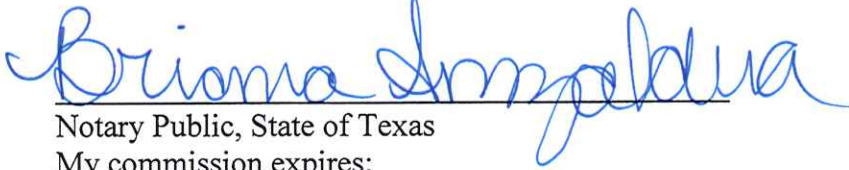
When the context requires, singular nouns and pronouns include the plural.

  
\_\_\_\_\_  
John Matthew Rode, individually and as Independent  
executor of the estate of Norman L. Rode, deceased

  
\_\_\_\_\_  
Peyton Craig

STATE OF TEXAS )  
COUNTY OF WASHINGTON )

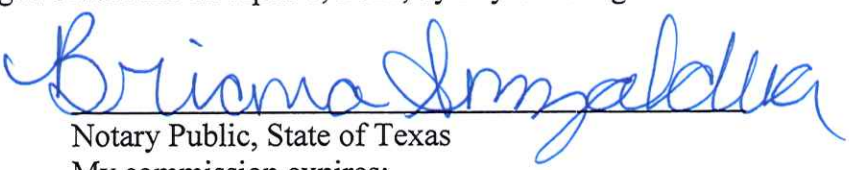
This instrument was acknowledged before me on April 6, 2022, by John Matthew Rode,  
individually and as independent executor of the estate of Norman L. Rode, deceased.

  
\_\_\_\_\_  
Notary Public, State of Texas  
My commission expires: \_\_\_\_\_



STATE OF TEXAS )  
COUNTY OF WASHINGTON )

This instrument was acknowledged before me on April 6, 2022, by Peyton Craig.

  
\_\_\_\_\_  
Notary Public, State of Texas  
My commission expires: \_\_\_\_\_

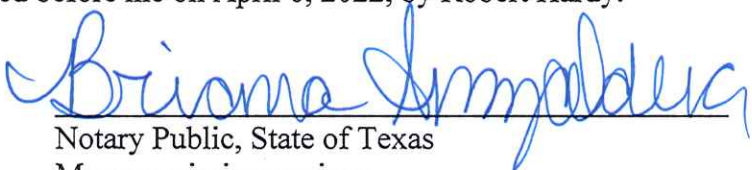


  
\_\_\_\_\_  
Robert Hardy

STATE OF TEXAS )  
COUNTY OF WASHINGTON )

This instrument was acknowledged before me on April 6, 2022, by Robert Hardy.



  
\_\_\_\_\_  
Notary Public, State of Texas  
My commission expires: \_\_\_\_\_

PREPARED IN THE OFFICE OF:

LACINA & KENJURA PC  
P.O. Box 557  
BRENHAM, TX 77834  
Tel: (979) 836-5288  
Fax: (979) 836-7738

AFTER RECORDING RETURN TO:

Brenham Abstract & Title Company  
205 N. Market St.  
Brenham, Texas 77833



**TRACT ONE:**

**THE ESTATE OF NORMAN L. RODE, DECEASED**  
**13.149 ACRE TRACT**

ALL THAT TRACT OR PARCEL OF LAND containing 13.149 acres, situated in Washington County, Texas, being out of the I. Jameison Survey, Abstract No. 67, being a portion of a called 6.050 acre tract described in that deed dated May 20, 1997, from Jim Riley, et ux to Norman L. Rode, et ux, recorded in Volume 863, Page 662 of the Official Records of Washington County, Texas, being all or a portion of a called 10.000 acre tract described in that deed dated September 6, 2000, recorded in Volume 968, Page 004 of the Official Records of Washington County, Texas, and being a portion of Tract 4 and Tract 5 of the Pecan Acres Subdivision (plat recorded in Plat Cabinet File No. 360A of the Plat Records of Washington County, Texas), said 13.149 acre tract being more particularly described as follows:

**BEGINNING** at a found ½ inch iron rod at fence corner, lying in the Southwest line of the Brenham Williamson Family, LP called 250.130 acre tract (Exhibit B, Volume 1197, Page 915, Official Records of Washington County, Texas), marking the Southeast corner of the Michael Scott Smith called 12.694 acre tract (Volume 1779, Page 352, Official Records of Washington County, Texas), marking a Northeast corner of the original called 10.000 acre tract, marking a Northeast corner of Tract 4 of said Pecan Acres Subdivision, and marking a Northeast corner of the herein described tract;

**THENCE** along a portion of the Southwest line of the Brenham Williamson Family, LP called 250.130 acre tract, with the Northeast line of the original called 10.000 acre tract, S 47deg 14min 47sec E, 175.72 ft., to a found ½ inch iron rod in fence line, marking the North corner of the Justo Lopez S. called 12.048 acre tract (Portion of Tract 4 of Pecan Acres Subdivision, Volume 983, Page 443, Official Records of Washington County, Texas), marking the East corner of the original called 10.000 acre tract, and marking an East corner of the herein described tract;

**THENCE** along the Northwest line of the Justo Lopez S. called 12.048 acre tract, S 48deg 15min 18sec W, 1186.16 ft., to a found ½ inch iron rod, lying in the Easterly line of the original called 6.050 acre tract (Tract 5 of Pecan Acres Subdivision), marking a Westerly corner of the Justo Lopez S. called 12.048 acre tract, marking the South corner of the original called 10.000 acre tract, and marking a re-entrant corner of the herein described tract;

**THENCE** with the common boundary between the Justo Lopez S. called 12.048 acre tract and Tract 5, the following calls: S 15deg 37min 15sec E, 40.81 ft., to a found ½ inch iron rod; S 07deg 03min 48sec E, 72.12 ft., to a point; S 05deg 06min 08sec W, 71.81 ft., to a found ½ inch iron rod; S 22deg 11min 34sec W, 71.45 ft., to a found ½ inch iron rod; S 28deg 52min 48sec W, 115.49 ft., to a found ½ inch iron rod; S 08deg 09min 01sec W, 59.96 ft., to a point; S 18deg 55min 41sec E, 58.16 ft., to a found ½ inch iron rod; and, S 31deg 02min 47sec E, 436.29 ft., to a found ½ inch iron rod in road, lying in the Northwest margin of Linda Lane (public right-of-way), marking a Southwest corner of the Justo Lopez S. called 12.048 acre tract, and marking a Southeast corner of said Tract 5 and the herein described tract;

**THENCE** along the Northwest margin of Linda Lane, S 58deg 53min 28sec W, 15.05 ft., to a found ½ inch iron rod in road, marking the Southmost corner of said Tract 5, marking an East corner of Tract 6 of Pecan Acres Subdivision, and marking the Southmost corner of the herein described tract;

W.O.#2022-3256  
February 16, 2022



**THE ESTATE OF NORMAN L. RODE, DECEASED**  
**13.149 ACRE TRACT (continued)**

THENCE departing Linda Lane, with the common boundary between Tract 6 of Pecan Acres Subdivision and the herein described tract, the following calls: N 31deg 02min 47sec W, 437.91 ft., to a point; N 18deg 54min 04sec W, 96.33 ft., to a point; N 07deg 08min 08sec E, 40.35 ft., to a found ½ inch iron rod; N 29deg 06min 33sec E, 118.61 ft., to found ½ inch iron rod; N 22deg 10min 00sec E, 65.22 ft., to a found ½ inch iron rod; N 05deg 16min 37sec E, 64.11 ft., to a found ½ inch iron rod; N 06deg 46min 48sec W, 66.62 ft., to a found ½ inch iron rod; N 15deg 55min 00sec W, 65.57 ft., to a found ½ inch iron rod; and, N 22deg 40min 33sec W, 316.93 ft., to a found ½ inch iron rod, marking the Northeast corner of said Tract 6, marking a re-entrant corner of Tract 5 (original called 6.050 acre tract), marking the Northwest corner of an existing access easement (Volume 863, Page 662, Official Records of Washington County, Texas), and marking the Southwest corner of a proposed 0.037 acre access easement, surveyed this date);

THENCE with a Westerly line of the herein described tract, N 28deg 15min 07sec W, at 53.27 ft. passing the Northwest corner of the proposed 0.037 acre access easement, and CONTINUING for a TOTAL DISTANCE of 467.77 ft., to a point in an existing 7 inch treated fence post, lying in the South line of the aforementioned Michael Scott Smith called 12.694 acre tract (Volume 1779, Page 352, Official Records of Washington County, Texas), lying in the North line of said Tract 5 (original called 6.050 acre tract), and marking the Northwest corner of the herein described tract (a found ½ inch iron rod bears S 80deg 39min 52sec W, 161.46 ft., from this point for reference);

THENCE along a portion of the South line of said Smith tract, with the North line of the herein described tract, N 80deg 39min 52sec E (record bearing for the North line of the original called 6.050 acre tract and the original called 10.000 acre tract, this line being the BASIS OF BEARING LINE for this survey), 1151.32 ft., to the PLACE OF BEGINNING and containing 13.149 acres of land.

W.O.#2022-3256  
February 16, 2022

EXHIBIT "B"

TRACT TWO:

PROPOSED 0.037 ACRE ACCESS EASEMENT

Being a description of an access easement containing 0.037 acres, situated in Washington County, Texas, being out of the I. Jameison Survey, Abstract No. 67, lying over and across a portion of a called 6.050 acre tract described in that deed dated May 20, 1997, from Jim Riley, et ux to Norman L. Rode, et ux, recorded in Volume 863, Page 662 of the Official Records of Washington County, Texas, said access easement being more particularly described as follows:

**BEGINNING** at a found 1/2 inch iron rod, marking the Northeast corner of Tract 6 of Pecan Acres Subdivision (plat recorded in Plat Cabinet File No. 360A, Plat Records of Washington County, Texas), marking a re-entrant corner of Tract 5 of said Pecan Acres Subdivision, marking re-entrant corner of the original called 6.050 acre tract, marking the Northwest corner of an existing access easement (mentioned in Volume 863, Page 662, Official Records of Washington County, Texas) (shown on recorded plat of Pecan Acres Subdivision), and marking the Southwest corner of the herein described access easement;

**THENCE** with the Westerly line of the herein described access easement, N 28deg 15min 07sec W, 53.27 ft., to a point, marking the Northwest corner of the herein described access easement;

**THENCE** with the Northwest line of the herein described access easement, N 61deg 44min 53sec E, 30.65 ft., to a point, marking the Northeast corner of the herein described access easement;

**THENCE** along the Easterly line of the herein described access easement, S 28deg 15min 07sec E, 53.63 ft., to a found 1/2 inch iron rod, marking a re-entrant corner of the original called 6.050 acre tract, marking a re-entrant corner of said Tract 5, marking the Northeast corner of the aforementioned existing access easement, and marking the Southeast corner of the herein described access easement;

**THENCE** along the Northwest line of said existing access easement, S 62deg 13min 48sec W, 30.65 ft., to the **PLACE OF BEGINNING** and containing 0.037 acres of land.

W.O.#2022-3256  
February 16, 2022

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



*Beth A. Rothermel*  
Beth Rothermel, County Clerk  
Washington County, Texas

APR 08 2022

*Beth A. Rothermel*  
WASHINGTON COUNTY CLERK

2022 APR -7 PM 1:22

FILED FOR RECORD  
WASHINGTON COUNTY TEXAS