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**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 TRANSFERS 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.**

**SPECIAL WARRANTY DEED**

THE STATE OF TEXAS     §  
  §  
COUNTY OF HAYS         §

KNOW ALL PERSONS BY THESE PRESENTS: THAT

JANSEN EQUIPMENT, INC., a Texas corporation (collectively, "*Grantor*"), for the and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration paid to it by CLAYTON PROPERTIES GROUP, INC., a Tennessee corporation doing business in Texas as BROHN HOMES ("*Grantee*"), whose mailing address is 6720 Vaught Ranch Road, Suite 200, Austin, Texas 78730, the receipt and sufficiency of which consideration is hereby acknowledged and confessed, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY, unto Grantee, as Grantee's sole and separate property, and subject to all of the reservations, exceptions and other matters set forth or referred to in this deed, the following described property:

- (1) That certain real property in Hays County, Texas, which is described on **Exhibit "A"** attached to and incorporated in this deed by reference, together with all oil, gas, and other minerals in or under the surface thereof, and all executory leasing rights with respect thereto (the "*Land*");
- (2) All of Grantor's right, title and interest in and to all utility lines, utility facilities, utility improvements, street and drainage improvements, and other improvements of any kind or nature located in, on, or under the Land (all of the foregoing being referred to in this deed collectively as the "*Improvements*"); and
- (3) All of Grantor's right, title and interest in and to all appurtenances benefiting or pertaining to the Land and/or the Improvements, including, without limitation, all of Grantor's right, title and interest in and to all streets, alleys, rights-of-way, or easements adjacent to or benefiting the Land, and all strips or pieces of land abutting, bounding, or adjacent to the Land (all of the foregoing being referred to in this deed collectively as the "*Appurtenances*").

The Land, Improvements and Appurtenances are collectively referred to in this deed as the "*Property*."

**TO HAVE AND TO HOLD** the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, and Grantee's successors or assigns, forever; and, subject to all of the matters set forth or referred to in this deed, Grantor does hereby bind itself and its successors to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by, through, or under Grantor, but not otherwise; provided, however that this conveyance is made by Grantor and accepted by Grantee subject to: (a) all of the title exceptions revealed in or by the recorded documents and other matters listed on **Exhibit "B"** attached to and incorporated in this deed by reference, to the extent the same are valid, subsisting, and affect the Property; and (b) all

standby fees, taxes and assessments by any taxing authority for the current and all subsequent years, and all liens securing the payment of any of the foregoing.

[SIGNATURE PAGE FOLLOWS]

Unofficial Copy

EXECUTED AND DELIVERED the 12 day of June, 2020.

JANSEN EQUIPMENT, INC.,  
a Texas corporation

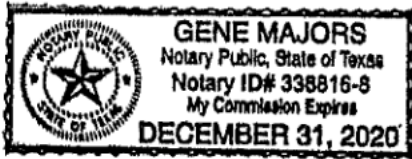
By: James P. Jansen  
James P. Jansen, President

THE STATE OF TEXAS            §  
COUNTY OF HAYS           §

This instrument was acknowledged before me this 12 day of June, 2020 by James P. Jansen, President of Jansen Equipment, Inc., a Texas corporation, on behalf of said corporation.

(SEAL)

Gene Majors  
Notary Public Signature



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Exhibit "A"

## Land



www.payne-llc.com  
TBP: 5-70194453

A DESCRIPTION OF 29.792 ACRES OUT OF THE JOHN JONES SURVEY, ABSTRACT NO. 263, IN HAYS COUNTY TEXAS, BEING A PORTION OF A CALLED 83.3633 ACRE TRACT OF LAND CONVEYED TO JANSEN EQUIPMENT, INC. IN VOLUME 4335, PAGE 867 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (OPRHCT), AND BEING A PORTION OF A CALLED 105.744 ACRE TRACT OF LAND CONVEYED TO THEODORE H. LEHMAN AND HAZEL L. LEHMAN IN VOLUME 195, PAGE 93 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS (DRHCT); SAID 29.792 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2-inch iron rod found within said 83.3633 acre tract, at the west corner of Lot 2, Brod Subdivision, a subdivision recorded in Volume 16, Page 156 of the Plat Records of Hays County, Texas (PRHCT), and being in the southeast line of Lot 1, Block A, Lehman High School Subdivision, a subdivision recorded in Volume 12, Page 324 (PRHCT), for the northernmost corner hereof;

**THENCE**, crossing said 83.3633 acre tract with the southwest line of said Lot 2, S46°27'15"E, a distance of 384.09 feet to a Mag nail with "Payne 6064" washer set in the concrete footer of a concrete drainage structure, in the southeast line of said 83.3633 acre tract, for the easternmost corner hereof, same being an angle point in the northwest line of a called 97.646 acre tract of land conveyed to Clayton Properties Group, Inc., a Tennessee Corporation doing business in Texas as Brohn Homes, in Document No. 19010347 (OPRHCT), from which a 1/2-inch iron rod found for another angle point in the northwest line of said 97.646 acre tract, same being the south corner of said Lot 2, bears S46°27'15"E, a distance of 52.28 feet;

**THENCE**, with the northwest line of said 97.646 acre tract, same being the southeast line of said 83.3633 acre tract, S43°22'22"W, a distance of 799.16 feet to a 1/2-inch iron rod found for the west corner of said 97.646 acre tract, same being the westerly north corner of a called 324.14 acre tract of land conveyed to Walton Texas, LP in Volume 4399, Page 768 (OPRHCT);

**THENCE**, with the northwest line of said 324.14 acre tract, in part being the southeast line of said 83.3633 acre tract and in part being the southeast line of said 105.744 acre tract, S43°57'38"W, a distance of 1235.00 feet to a 1/2-inch iron rod with "Payne 6064" cap set in the southeast line of said 105.744 acre tract, for the southernmost corner hereof, from which a fence post found bears S43°57'38"W a distance of 848.14 feet, and S44°18'49"W a distance of 448.66 feet;

**THENCE**, crossing said 105.744 acre tract and said 83.3633 acre tract, the following five (5) courses and distances:

- 1) N02°21'48"W, a distance of 117.39 feet to a 1/2-inch iron rod with "Payne 6064" cap set;
- 2) N20°40'58"W, a distance of 286.73 feet to a 1/2-inch iron rod with "Payne 6064" cap set;
- 3) N36°14'04"W, a distance of 156.71 feet to a 1/2-inch iron rod with "Payne 6064" cap set;
- 4) With a curve to the right, having a radius of 461.85 feet, a delta angle of 27°35'18", an arc length of 222.39 feet, and a chord which bears N06°42'07"W, a distance of 220.24 feet to a 1/2-inch iron rod with "Payne 6064" cap set;
- 5) N17°14'42"E, a distance of 919.34 feet to a 1/2-inch iron rod found within said 83.3633 acre tract, at an angle point in the southwest line of said Lot 1, for the northwest corner hereof, from which a 1/2-inch iron rod with "Chaparral" cap found for the west corner of said Lot 1 bears N36°42'55"W, a distance of 1017.46 feet;

Payne Industries, LLC | 302 W. Hopkins, Suite 1A | San Marcos, TX 78666 | 512.749.2878

**THENCE**, continuing across said 83.3633 acre tract with the south line of said Lot 1, the following three (3) courses and distances:

- 1) **S75°00'47"E**, a distance of **883.03** feet to a 1/2-inch iron rod with "Chaparral" cap found;
- 2) **N15°03'42"E**, a distance of **233.76** feet to a 1/2-inch iron rod with "Chaparral" cap found;
- 3) **N52°15'15"E**, a distance of **209.77** feet to the **POINT OF BEGINNING** hereof, and containing 29.792 acres, more or less.

Surveyed on the ground August 21, 2019. Bearing Basis: The Texas Coordinate System of 1983 (NAD83), South Central Zone, based on GPS solutions from SmartNet. Attachments: drawing 1850-001-T1



8/29/19

Eric J. Dannheim, RPLS  
State of Texas #6075



Exhibit "B"

Permitted Exceptions

1. Easement:
  - Recorded: Volume 229, Page 172, Deed Records, Hays County, Texas.
  - To: Goforth Water Supply Corporation
  - Purpose: water pipeline (blanket type)
2. Terms, conditions and stipulations as set forth in that certain Addendum to the Amended and Restated Development Agreement recorded in Document No. 18036141, Official Public Records, Hays County, Texas.
3. Inclusion within the Plum Creek Conservation District.
4. Inclusion within the Plum Creek Underground Water District.
5. Encroachment or protrusion of the boundary line of the adjacent 105.744 acre tract onto or over the most westerly property lot line as reflected on survey prepared by Eric J. Dannheim, R.P.L.S. No. 6075, dated 8/29/19.

**THE STATE OF TEXAS  
COUNTY OF HAYS**

I hereby certify that this instrument was FILED on the date and the time stamped hereon by me and was duly RECORDED in the Records of Hays County, Texas.

20023441 DEED  
06/16/2020 12:18:14 PM Total Fees: \$46.00

Elaine H. Cárdenas, MBA, PhD, County Clerk  
Hays County, Texas

*Elaine H. Cárdenas*



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