

SPECIAL WARRANTY DEED

STATE OF TEXAS §
COUNTY OF HAYS §

KNOW ALL MEN BY THESE PRESENTS:

THAT DAUGHTERS OF CHARITY HEALTH SERVICES OF AUSTIN, a Texas non-profit corporation (referred to herein as the "Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) cash and other good and valuable consideration in hand paid by SCC KYLE PARTNERS, LTD., a Texas limited partnership (referred to herein as the "Grantee"), the receipt of which is hereby acknowledged, and for the further consideration of additional sums advanced and paid to Grantor by Whitney National Bank ("Lender") at the instance and request of Grantee, the receipt of which is hereby acknowledged, as evidence of which Grantee has executed and delivered to Lender, as payee, a certain Promissory Note (the "Note") of even date herewith in the original principal amount of \$122,899,000.00, bearing interest and being payable as therein provided, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY, unto Grantee that certain tract of real property, comprised of approximately 136.578 acres of land (including any improvements thereon), situated in Hays County, Texas, more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), together with all and singular the rights and appurtenances in anywise belonging thereto.

For the same consideration, Grantor does hereby GRANT, BARGAIN, SELL and CONVEY, without warranty, whether express, implied, statutory or otherwise, all interest, if any, of Grantor in and to (a) strips or gores, if any, between the Property and abutting properties and (b) any land lying in or under the bed of any street, alley, road or right-of-way, opened or proposed, abutting or adjacent to the Property.

THIS CONVEYANCE IS EXPRESSLY MADE AND ACCEPTED SUBJECT TO those matters set forth on Exhibit B attached hereto and made a part hereof, to the extent such matters actually exist and affect the Property (collectively, the "Permitted Exceptions").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances in anywise belonging thereto, subject to the Permitted Exceptions, unto Grantee, and Grantee's successors and assigns, forever, and Grantor does hereby bind Grantor, and Grantor's successors and assigns, to WARRANT AND FOREVER DEFEND, all and singular, the Property unto Grantee, and 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.

But it is expressly agreed that the Note hereinabove described, in part, represents funds advanced to Grantor by Lender at the special instance and request of Grantee and used in the payment of the purchase price of the hereinabove described Property, and, as security therefor, the vendor's lien, as well as the superior title in and to the above described Property, are hereby reserved and retained by Grantor for the benefit of Lender, to whom such vendor's lien and superior title are hereby assigned without recourse, until the Note and indebtedness evidenced

SAN MARCOS TITLE CO.
GF # 023763

thereby have been fully paid according to the face, tenor, effect and reading thereof, when this Special Warranty Deed shall become absolute, and to additionally secure Lender in the payment of the Note and indebtedness evidenced thereby, Grantee has executed and delivered a certain Deed of Trust of even date herewith conveying the herein described Property to Gary Olander, as Trustee, for the benefit of Lender.

[Signature Page Follows]

EXECUTED on the date of Grantor's acknowledgment hereinbelow, and delivered effective as of the 28th day of September, 2007.

GRANTOR:

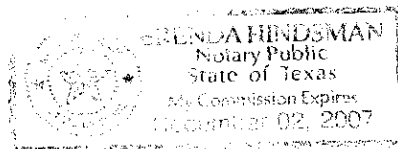
DAUGHTERS OF CHARITY HEALTH
SERVICES OF AUSTIN, a Texas non-profit
corporation

By: Thomas E. Gallagher
Thomas E. Gallagher, Senior Vice
President – Business Development

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 28 day of September, 2007, by Thomas E. Gallagher, as Senior Vice President – Business Development of DAUGHTERS OF CHARITY HEALTH SERVICES OF AUSTIN, a Texas non-profit corporation, on behalf of said non-profit corporation.

[Signature]
Notary Public, State of Texas



ADDRESS OF GRANTEE:

c/o SCC Interests, Inc.
301 Congress Avenue, Suite 1550
Austin, Texas 78701
Attn: Scott A. Deskins

AFTER RECORDING,
PLEASE RETURN TO:

Heritage Title Company of Austin, Inc.
401 Congress Avenue, Suite 1500
Austin, Texas 78701
Attn: Brenda K. Hindsman (GF No. 00064065)

Exhibits:

- A - Description of Property
- B - Permitted Exceptions

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RECORDING PURPOSES**

EXHIBIT A

(Description of Property)

136.578 ACRES OF LAND OUT OF THE JOHN JONES SURVEY, ABSTRACT NO. 263; JOHN M. GREEN SURVEY, ABSTRACT NO. 200; AUGUSTUS BRICHTA SURVEY, ABSTRACT NO. 517; ALEXANDER MCKOWNE SURVEY, ABSTRACT NO. 327; DANIEL DOWNER SURVEY ABSTRACT NO. 151, AND JOHN STUART LEAGUE, ABSTRACT NO. 14, SITUATED IN HAYS COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF THAT CERTAIN CALLED 218 ACRE TRACT CONVEYED TO ROBERT LEON BAUERLE FROM V.E. DAVIS, EXECUTED JUNE 12, 1962 AND RECORDED IN VOLUME 191, PAGE 480 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS; SAID 218 ACRE TRACT BEING FURTHER DESCRIBED IN SAID VOLUME 191, PAGE 480 AS THE REMAINDER OF A CALLED 127.11 ACRE "FIRST TRACT" DESCRIBED IN VOLUME 115, PAGE 588 OF SAID DEED RECORDS AND THE REMAINDER OF A CALLED 100.3 ACRE "SECOND TRACT" DESCRIBED IN VOLUME 124, PAGE 182 OF SAID DEED RECORDS; SAID 136.578 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2 inch iron rod with cap set on the easterly right-of-way line of Interstate Highway No. 35 (R.O.W. varies), at or near TXDOT IH-35 station 354+31.15, 210.66 left; being in the southerly line of said 127.11 acre tract, and also being the northwesterly corner of Lot 2R of the Amended Plat of Lots 2 & 3 Bunton Sac-N-Pac, a subdivision of record in Volume 13, Page 203 of the Plat Records of Hays County, Texas, for the southwesterly corner hereof;

THENCE, N26°57'57"E, along the easterly right-of-way line of Interstate Highway No. 35, for a portion of the westerly line hereof, a distance of 1256.00 feet to a 1/2 inch iron rod with cap stamped "Survcon" found for the southwesterly corner of that certain called 9.727 acre "Tract 1" described in the correction deed to Brian L. Bauerle, of record in Volume 1771, Page 176 of the Official Public Records of Hays County, Texas, for a reentrant corner hereof, from which a TXDOT Type 1 concrete monument found for an angle point in said easterly right-of-way line, at or near TXDOT station 236+35.73, 210' left, bears N26°57'57"E, a distance of 519.53 feet;

THENCE, S76°45'48"E, leaving said easterly right-of-way line, along the partially fenced southerly line of said 9.727 acre tract, for a portion of the westerly line hereof, a distance of 570.34 feet to a 1/2 inch iron rod with cap found by a fence corner for the southeasterly corner of said 9.727 acre tract and interior ell corner hereof;

THENCE, N28°20'04"E, along the fenced easterly line of said 9.727 acre tract, for a portion of the westerly line hereof, a distance of 792.24 feet to a steel fence post found in the northerly line of said 127.11 acre tract as found fenced and used on the ground, being the northeasterly corner of said 9.727 acre tract, for the northwesterly corner hereof, the same being in the southerly line of that certain called 46.44 acre "Tract 1" described in the correction deed to Alton Franke and A.W. Greg, of record in Volume 371, Page 677, of said Deed Records;

THENCE, S67°39'31"E, along the apparent common line of said 127.11 acre tract and said 46.44 acre tract as found fenced and used on the ground, for a portion of the northerly line hereof, a distance of 467.14 feet to a fence corner post found for the apparent southerly common corner of said 46.44 acre tract and that certain called 76 acre "Third Tract" described in the deed to Alton J. Franke and wife, Evelyn B. Franke, of record in Volume 279, Page 565 of said Deed Records, for an angle point hereof;

THENCE, along the apparent common line of said 127.11 acre tract and said 76 acre tract as found fenced and used on the ground, for a portion of the northerly line hereof, the following four (4) courses and distances:

- 1) S57°08'56"E, a distance of 43.99 feet to a fence angle post found;
- 2) S40°55'09"E, a distance of 513.38 feet to a fence angle post found;
- 3) S68°00'54"E, a distance of 430.41 feet to a fence angle post found;
- 4) S74°54'09"E, crossing Bunton's Branch, and passing at a distance of 344.2 feet the approximate northerly common corner of said 127.11 acre tract and said 100.3 acre tract, continuing for a total distance of 361.85 feet to a fence angle post found;

THENCE, S76°26'45"E, along the line common to the apparent northerly line said 100.3 acre tract and in part the apparent southerly line of said 76 acre tract, and in part the apparent southerly line of that certain called 37.21 acre "First Tract" described in said Volume 279, Page 565, as found fenced and used on the ground, re-crossing said Bunton's Branch for a portion of the northerly line hereof, a distance of 508.60 feet to a fence corner post found for an angle point hereof;

THENCE, along the line common to the apparent northerly line said 100.3 acre tract and in part the apparent southerly line of said 37.21 acre tract, and in part the southerly line of that certain called 29.59 acre "Second Tract" described in said Volume 279, Page 565, and in part the apparent southerly line of that certain called less & except "Tract A" described in said Volume 279, Page 565, as found fenced and used on the ground, for a portion of the northerly line hereof, the following three (3) courses and distances:

- 1) S22°06'49"W, re-crossing said Bunton's Branch, a distance of 161.18 feet to a 5/8-inch iron pipe found by a fence corner post for an exterior ell corner hereof;
- 2) S69°03'34"E, a distance of 729.70 feet to a 1/2 inch iron rod with cap set in the existing fence line;
- 3) S68°33'33"E, a distance of 868.49 feet to a three way fence corner post found in the occupied westerly right-of-way line of Hays County Road No. 205, also known as Dacy Lane (R.O.W. varies), for the northeasterly corner hereof, from which a 1/2 inch iron rod with cap found on the easterly right-of-way line of County Road No. 205 for the northerly corner of Lot 1, Kyle Heights Section 1, of record in Volume 6, Page 351 of

said Plat Records bears S10°36'17"W, a distance of 92.57 feet and also from which the approximate northeasterly corner of said 100.3 acre tract bears S68°33'33"E, a distance of 26.2';

THENCE, over and across said 100.3 acre tract along the occupied westerly right-of-way line of said County Road No. 205, as found fenced and used on the ground, for a portion of the easterly line hereof, the following four (4) courses and distances:

- 1) S50°28'02"W, a distance of 567.95 feet to a 1/2 inch iron rod with cap set in the fence;
- 2) S46°28'48"W, a distance of 129.25 feet to a 1/2 inch iron rod with cap set in the fence;
- 3) S43°49'49"W, a distance of 328.75 feet to a fence post found, from which a 1/2 inch iron rod with cap found on said easterly right-of-way line of County Road No. 205, for the westerly common corner of Lot 2 and Lot 3 of said Kyle Heights Section 1 bears N84°13'12"E, a distance of 82.10 feet;
- 4) S43°32'19"W, a distance of 185.68 feet to a reentrant corner hereof, from which a fence corner post found for an angle point in the westerly right-of-way line of County Road No. 205 bears S43°32'19"W, a distance of 979.87 feet;

THENCE, leaving the occupied westerly right-of-way line of said County Road No. 205, continuing over and across said 100.3 acre tract and said 127.11 acre tract for a portion of the easterly line hereof, the following thirteen (13) courses and distances:

- 1) N46°37'19"W, a distance of 94.52 feet to an angle point;
- 2) N47°47'48"W, a distance of 269.21 feet to an angle point hereof;
- 3) N48°58'48"W, a distance of 402.81 feet to an angle point hereof;
- 4) N49°00'53"W, a distance of 697.37 feet to the point of curvature of a curve to the left;
- 5) Along said curve to the left, having a radius of 530.00 feet, a central angle of 13°38'33", an arc length of 126.20 feet, and a chord which bears N55°50'09"W, a distance of 125.90 feet to the end of said curve;
- 6) N62°39'26"W, a distance of 379.72 feet to the point of curvature of a curve to the left;
- 7) Along said curve to the left, having a radius of 80.00 feet, a central angle of 73°57'58", an arc length of 103.28 feet, and a chord which bears S80°21'35"W, a distance of 96.25 feet to the end of said curve;
- 8) S43°22'36"W, a distance of 211.37 feet to the point of curvature of a curve to the right;

- 9) Along said curve to the right, having a radius of 2460.00 feet, a central angle of 16°02'16", an arc length of 688.59 feet, and a chord which bears S51°23'44"W, a distance of 686.34 feet to the end of said curve;
- 10) S59°24'52"W, a distance of 215.98 feet to the point of curvature of a non-tangent curve to the right;
- 11) Along said non-tangent curve to the right, having a radius of 1940.00 feet, a central angle of 17°20'55", an arc length of 587.41, and a chord which bears S21°20'53"E, a distance of 585.17 feet to the point of curvature of a reverse curve to the left;
- 12) Along said reverse curve to the left, having a radius of 1460.00 feet, a central angle of 33°48'35", an arc length of 861.53 feet, and a chord which bears S29°34'43"E, a distance of 849.08 feet to the end of said curve;
- 13) S46°29'00"E, a distance of 328.27 feet to an angle point hereof, being in the occupied westerly right-of-way line of Hays County Road No. 205, from which a 1/2 inch iron rod with cap set in the westerly right-of-way line of Hays County Road No. 205 for the southeasterly corner of that certain called 0.918 acre tract described in the deed to the City of Kyle, of record in Volume 1911, Page 22 of the Official Public Records of Hays County, Texas bears N43°18'29"E, a distance of 436.09 feet;

THENCE, S43°18'29"W, continuing over and across said 100.3 acre tract along the occupied westerly right-of-way line of said County Road No. 205, as found fenced and used on the ground, for a portion of the easterly line hereof, a distance of 60.00 feet to a fence corner post found for the southeasterly corner hereof, being in the southerly line of said 100.03 acre tract, for the northeasterly corner of that certain 47.52 acre tract described in Volume 194, page 423 of said Deed Records and referenced in the deed to Alton Franke, Trustee, of record in Volume 241, Page 813 of said Deed Records, from which the approximate southeasterly corner of said 100.3 acre tract bears S46°29'00"E, a distance of 22.4 feet;

THENCE, N46°29'00"W, leaving the occupied westerly right-of-way line of said County Road No. 205, being in part along the southerly line of said 100.3 acre tract and in part along a portion of the southerly line of said 127.11 acre tract, the same being along a fence and a portion of the northerly line of said 47.52 acre tract, for a portion of the southerly line hereof, passing at a distance of 1000 feet the approximate southerly common corner of said 100.3 acre tract and said 127.11 acre tract, continuing for a total distance of 1421.79 feet to a fence corner post found for an interior ell corner hereof;

THENCE, S40°43'37"W, along the common line of said 127.11 acre tract and said 47.52 acre tract, as evidenced by a fence, for a portion of the southerly line hereof, a distance of 300.57 feet to a 1/2 inch iron rod with cap found for an exterior ell corner hereof;

THENCE, N46°37'24"W, continuing along the southerly line of said 127.11 acre tract, being in part the northerly line of said 47.52 acre tract and in part the northerly line of said Lot 2R of the Amended Plat of Lots 2 & 3 Bunton Sac-N-Pac, for a portion of the southerly line hereof,

passing at a distance of 819.07 feet a 1/2 inch iron rod with cap found for the northeasterly corner of said Lot 2R, continuing and passing at a distance of 1637.22 feet a 1/2 inch iron rod with cap found, continuing for a total distance of 1637.77 feet to the **POINT OF BEGINNING**, containing an area of 136.578 acres (5,949,350 square feet) of land, more or less, within these metes and bounds.

BEARING BASIS NOTE: THE BASIS OF BEARING IS REFERENCED TO THE TEXAS COORDINATE SYSTEM, NAD83(93), CENTRAL ZONE UTILIZING LCRA HARN GPS CONTROL MONUMENTS A490, A491, A292, H074 AND ZM1A.

EXHIBIT B

(Permitted Exceptions)

1. An undivided one-sixteen (1/16) interest in and to all of the oil, gas and other minerals, together with all rights related thereto, expressed or implied, reserved by The Federal Land Bank of Houston in deed dated December 14, 1937, recorded in Volume 115, Page 588 of the Deed Records of Hays County, Texas.
2. Communications easement granted to Southwestern Bell Telephone Company by instrument dated March 30, 1942, recorded in Volume 124, Page 278 of the Deed Records of Hays County, Texas, as shown on survey dated September 11, 2007, prepared by Mark A. Zientek, Registered Professional Land Surveyor No. 5683 (the "Survey").
3. Water flowage easement granted to Plum Creek Conservation District of Lockhart, Texas by instrument dated October 23, 1961, recorded in Volume 188, Page 562 of the Deed Records of Hays County, Texas, as shown on the Survey.
4. Water pipeline easement granted to Lower Colorado River Authority by instrument dated July 1, 1972, recorded in Volume 254, Page 264 of the Deed Records of Hays County, Texas, as shown on the Survey.
5. Water pipeline easement granted to County Lien Water Supply Corp., by instrument dated March 4, 1974, recorded in Volume 268, Page 78 of the Deed Records of Hays County, Texas, as shown on the Survey (with reference to note No. 6 on the Survey.)
6. Utility easement granted to the City of Kyle, Texas by instrument dated January 27, 2003, recorded in Volume 2175, Page 766 of the Deed Records of Hays County, Texas, as shown on the Survey.
7. The rights of Plum Creek Conservation District to levy taxes and issue bonds.
8. The rights of Plum Creek Underground Water District to levy taxes and issue bonds.
9. Utility easement 15 feet in width along the most southerly, east property line, granted to the City of Kyle by instrument recorded in Volume 1911, Page 27 of the Official Public Records of Hays County, Texas, as shown on the Survey.
10. Location of water lines along a portion of IH-35 and County Road 205-Dacy Lane, as shown on the Survey.
11. Apparent easement evidenced by the location of overhead electric lines outside of a dedicated easement as shown on the Survey.
12. Fence outsets and insets as shown on the Survey.

Filed for Record in:
Hays County
On: Oct 02, 2007 at 03:53P
Document Number: 70029074
Amount: 52.00
Receipt Number - 180401
By,
Rose Robinson, Deputy
Linda C. Fritscher, County Clerk
Hays County