

Hays County
Liz Q. Gonzalez
County Clerk
San Marcos, Texas 78666



70 2014 14018701

Instrument Number: 2014-14018701

As

Recorded On: July 01, 2014

OPR RECORDINGS

Parties: E B WINDY HILL LP

Billable Pages: 6

To DEVELOPMENT SOLUTIONS CW LLC

Number of Pages: 7

Comment:

(Parties listed above are for Clerks reference only)

**** THIS IS NOT A BILL ****

| | |
|-------------------------|--------------|
| OPR RECORDINGS | 46.00 |
| Total Recording: | 46.00 |

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2014-14018701

Receipt Number: 370986

Recorded Date/Time: July 01, 2014 12:24:29P

Book-Vol/Pg: BK-OPR VL-4960 PG-584

User / Station: O Martinez - Cashiering #6

Record and Return To:

INDEPENDENCE TITLE

RETURNED W/ JUSTIN

AUSTIN TX 78759



State of Texas |
County of Hays

I hereby certify that this instrument was filed for record in my office on the date and time stamped hereon and was recorded on the volume and page of the named records of Hays County, Texas

Liz Q. Gonzalez

Liz Q. Gonzalez, County Clerk

15/ITC/13/9/28 -BOK/CCT

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §
§
COUNTY OF HAYS §

KNOW ALL MEN BY THESE PRESENTS THAT:

E B WINDY HILL LP, a Texas limited partnership, (whether one or more, "Grantor"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration paid by DEVELOPMENT SOLUTIONS CW, LLC, a Delaware limited liability company (whether one or more, "Grantee"), the receipt and sufficiency of which are hereby acknowledged and confessed, subject to the exceptions, liens, encumbrances, terms and provisions hereinafter set forth and described, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY, unto Grantee all of that certain lot, tract or parcel of land situated in Hays County, Texas, and being more particularly described in Exhibit "A" attached hereto and incorporated herein by reference for all purposes.

TOGETHER WITH all and singular, the rights, title, benefits, privileges, easements, tenements, hereditaments, appurtenances and interests thereon or in anywise appertaining thereto and with all improvements located thereon (said land, rights, title, benefits, privileges, easements, tenements, appurtenances, improvements and interests being hereinafter referred to as the "Property").

For the same consideration recited above, Grantor hereby BARGAINS, SELLS and TRANSFERS, without warranty, express or implied, all interest, if any, of Grantor in (i) strips or gores, if any, between the Property and abutting or immediately adjacent properties, and (ii) any land lying in or under the bed of any street, alley, road or right-of-way, opened or proposed, abutting or immediately adjacent to the Property.

This conveyance is made subject and subordinate to the encumbrances and exceptions (the "Permitted Exceptions") described in Exhibit "B" attached hereto and incorporated herein by reference for all purposes, but only to the extent they affect or relate to the Property.

TO HAVE AND TO HOLD the Property, subject to the Permitted Exceptions as aforesaid, 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, subject to the Permitted Exceptions, 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.

Grantee, by its acceptance hereof, does hereby assume and agree to pay any and all ad valorem taxes and special assessments pertaining to the Property for calendar year 2014 and subsequent years, there having been a proper proration of ad valorem taxes for the current calendar year between Grantor and Grantee.

EXECUTED as of the 30th day of June, 2014.

GRANTOR:

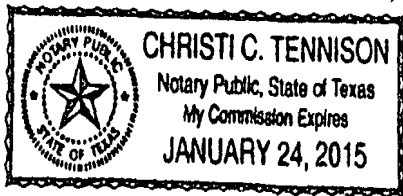
**E B WINDY HILL LP,
a Texas limited partnership**

By: EBWH GP, Inc.,
a Texas corporation
its sole general partner

By: *Rick Parke*
Its: Rick Parke, Vice President

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 30 day of June, 2014, by Rick Parke, Vice President of EBWH GP, INC., a Texas corporation, General Partner of E B WINDY HILL LP, a Texas limited partnership, on behalf of said entities.



Christi C. Tennison
Notary Public in and for the State of Texas

GRANTEE'S ADDRESS FOR TAX NOTICES:

Development Solutions CW, LLC
4600 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402
Attention: General Counsel

~~When recorded, return to:~~

Michael Gillman, Esq. **After Recording**
Gray Reed & McGraw, P.C. **Return To:**
1601 Elm Street, Suite 4600 Independence Title Company
Dallas, Texas 75201 901 S. Mopac, Plaza II, Suite 150
 Austin, TX 78746

List of Exhibits:

- A - Property Description
- B - Permitted Exceptions

EXHIBIT A

PROPERTY DESCRIPTION

LEGAL DESCRIPTION

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE JESSE B. EAVES SURVEY, ABSTRACT 166, AND THE SAMUEL LITTLE SURVEY, ABSTRACT 286, SITUATED IN HAYS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING ALL OF THAT CERTAIN 445.76 ACRES OF LAND CONVEYED TO EB WINDY HILL, L.P. IN VOLUME 3802, PAGE 162 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SAID TRACT BEING 445.757 ACRES OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at an iron rod found in the southern right-of-way line of County Road 131, also known as Windy Hill Road (R.O.W. varies), and being the most northeasterly corner of Lot 27, Block D, of Dove Hills Estates Section One, a subdivision recorded in Volume 2, Page 325-326 of the Plat Records of Hays County, Texas, said iron rod also being located at the most northwesterly corner of, and the **POINT OF BEGINNING** of the herein described tract,

THENCE, with the southern right-of-way line of said County Road 131 and the northern boundary line of said 445.76 acre tract, the following five (5) courses and distances, numbered 1 through 5,

1. S89°57'03"E a distance of 1,570.86 feet to an iron rod found at a point of curvature to the right,
2. with said curve to the right, having a radius of 11,419.16, an arc length of 394.20 feet, and whose chord bears S88°25'52"E, a distance of 394.18 feet to an iron rod found at a point of curvature to the right,
3. with said curve to the right, having a radius of 11,419.16 feet, an arc length of 375.62 feet, and whose chord bears S86°30'00"E, a distance of 375.60 feet to an iron rod found at a point of curvature to the left,
4. with said curve to the left, having a radius of 1,036.68 feet, an arc length of 354.86 feet, and whose chord bears N84°38'01"E, a distance of 353.13 feet to an iron rod found,
5. S89°59'48"E, a distance of 124.98 feet to a 60-D nail found in the western boundary line of that certain 9.853 acre tract conveyed to Graham Phares and Anne Phares, in Volume 2829, Page 876 of the Official Public Records of Hays County, Texas, being located at the most northeasterly corner of 445.76 tract,

THENCE, leaving the right-of-way line of said County Road 131 with the common line, of said Phares tract, and said 446.76 acre tract, S45°23'27"W, a distance of 981.04 feet to an iron rod found at the westernmost corner of said Phares tract,

THENCE, with the common boundary line of said Phares tract, and said 445.76 acre tract, S44°46'41"E, a distance of 134.69 feet to an iron rod found at the west corner of that certain 4.73 acre tract of land conveyed to Ivan A. Cervantes and Lourdes B. Cervantes in Volume 1931, Page 568 of the Deed Records of Hays County, Texas, also being the southern corner of said Phares tract,

THENCE, with the common boundary line of said Cervantes tract, and said 445.76 acre tract, S45°05'21"E, a distance of 1,003.31 feet to an iron rod found at the south corner of a 9.998 acre tract of land conveyed to Ronald D. Holifield and Melodie A. Holifield in Volume 1324, Page 651 of the Deed Records of Hays County, Texas, also being the western corner of that certain 9.50 acre tract of land conveyed to Billie Wauldine Carter (no recording information found),

THENCE, with the common boundary line of said Carter tract, and said 445.76 acre tract, S44°42'12"E, a distance of 181.24 feet to a 60d nail found at the western corner of that certain 100.263 acre tract of land conveyed to Steven and Katherin E. Marshall, in Volume 3661, Page 396 of the Official Public Records of Hays County, Texas,

THENCE, with the common boundary line of said Marshall tract, and said 445.76 acre tract, S45°25'00"W, a distance of 1,662.52 feet to an iron rod found at the western corner of said Marshall tract, **THENCE**, with the common boundary line of said Marshall tract, and said 445.76 acre tract, S44°45'16"E, a distance of 2,630.83 feet to a 60d nail found at the south corner of said Marshall tract, and being in the northwestern right-of-way line of County Road 157 (R.O.W. varies),

THENCE, with the common boundary line of said northern right-of-way line of said County Road 157, and said 445.76 acres tract, S45°00'00"W a distance of 3,404.46 feet to a 60d nail found at the easternmost corner of Lot 94 of Sunrise Acres, a subdivision recorded in Volume 2, Page 346 of the Plat Records of Hays County, Texas, also being located at the southernmost corner of said 445.76 acre tract,

THENCE, leaving the northern right-of-way line of said County Road 157, with the common boundary line of said Sunrise Acres, and said 445.76 acre tract, the following three (3) courses and distances, numbered 1 through 3,

1. N44°43'39"W, a distance of 2,207.70 feet to an iron rod found,
2. N44°53'47"W, a distance of 969.22 feet to an iron rod found, and
3. N44°48'29"W, a distance of 758.82 feet to an iron rod found, said iron rod being located at the most northerly corner of said Sunrise Acres, and being in the eastern line of that certain 5.890 acre tract conveyed to George and Yesenia Chidiac in Volume 4430, Page 838 of the Official Public Records of Hays County, Texas, also being at the westernmost corner of said 445.76,

THENCE, with the common boundary line of said 5.890 acre tract, and said 445.76 acre tract, N44°38'24"E, a distance of 1,058.81 feet to an iron rod found at an angle point in the eastern line of Lot 25, of Dove Hills Estates Section Two, a subdivision recorded in Volume 3, Page 179 of the Plat Records of Hays County, Texas, also being in the western line of said 445.76 acre tract,

THENCE, with the common boundary line of said Dove Hills Estates Section Two, and said 445.76 acre tract, the following five (5) courses and distances, numbered 1 through 5,

1. N44°52'26"E, a distance of 1,105.77 feet to a 60d nail found,
2. N44°51'18"E, a distance of 884.77 feet to an iron rod found,
3. N44°50'37"E, a distance of 175.68 feet to an iron rod found,
4. N44°44'50"E, a distance of 175.19 feet to an iron rod,
5. N44°44'49"E, a distance of 12.46 feet to an iron rod found at an angle point for the herein described tract, and being the northeastern corner of said Lot 12 of Dove Hills Estates Section Two, also being an angle point for said 445.76 acre tract,

THENCE, with common boundary line of said Dove Hills Estates Section Two, and said 445.76 acre tract the following four (4) courses and distances, numbered 1 through 4,

1. S87°52'28"W, a distance of 474.73 feet to an iron rod found,
2. S87°51'08"W, a distance of 526.71 feet to an iron rod found,
3. S87°47'58"W, a distance of 300.16 feet to an iron rod found, and
4. S89°38'13"W, a distance of 46.72 feet to a 60d nail found in post located at the common corner of Lot 1 of said Dove Hills Estates Section Two and Lot 15 of said Dove Hills Estates Section One, and being a western corner of the said 445.76 acre tract,

THENCE, with common boundary line of said Dove Hills Estates Section One, and said 445.76 acre tract, the following eight (8) courses and distances, numbered 1 through 8,

1. N08°33'38"E, a distance of 336.88 feet to an iron rod,
2. N25°12'16"E, a distance of 418.60 feet to an iron rod found,
3. N09°01'18"E, a distance of 41.65 feet to an iron rod found,
4. N08°24'13"E, a distance of 276.06 feet to an iron rod found,
5. N08°11'26"E, a distance of 179.37 feet to an iron rod found,
6. N08°18'28"E, a distance of 158.36 feet to an iron rod found,
7. N08°19'18"E, a distance of 315.02 feet to an iron rod found, and

N08°40'18"E, a distance of 230.02 feet to the **POINT OF BEGINNING**, containing 445.757 acres tract of land.

| | Bk | Vol | Pg |
|----------|-----|------|-----|
| 14018701 | QPR | 4960 | 589 |

EXHIBIT B

1. The following matters and all terms of the documents creating or offering evidence of the matters (We must insert matters or delete this exception.):
 - A. Easement:
 - Recorded in Volume 148, Page 263, Deed Records, Hays County, Texas
 - To: Lower Colorado River Authority
 - Purpose: Electric

 - B. Easement:
 - Recorded: Volume 183, Page 517, corrected in Volume 196, Page 338, Deed Records, Hays County, Texas.
 - To: Plum Creek Conservation District of Lockhart
 - Purpose: Floodwater Retarding Structure

 - C. Easement:
 - Recorded: Volume 1277, Page 571, Official Public Records, Hays County
 - To: Pedernales Electric Cooperative, Inc.
 - Purpose: Electric

 - D. Easement:
 - Recorded: Volume 1326, Page 538, Official Public Records, Hays County
 - To: Pedernales Electric Cooperative, Inc.
 - Purpose: Electric

 - E. Easement:
 - Recorded: Volume 2764, Page 385, Official Public Records, Hays County,
 - To: Guadalupe -Blanco River Authority
 - Purpose: Pipeline

 - F. Terms, Conditions, and Stipulations in the Agreement:
 - Recorded: Volume 4194, Page 352, amended in Volume 4500, Page 757, Official Public Records, Hays County, Texas.
 - Type: Consent and Development Agreement

 - G. Rights of tenants, as tenants only, under any and all unrecorded leases or rental agreements, including without limitation, a Grazing Lease in favor of Andrew Zelhart dated January 1, 2010.

 - H. Matters reflected on survey prepared by Aaron V. Thomason RPLS No. 6214, dated 4/2/2014:
 1. Easement rights related to the buried telephone cable along the most southeastern property line.
 2. Any claim, right, or assertion of title by the adjoining land owner in and to that strip of land located between the property line and the fence(s).