## **RESOLUTION NO. R2020-54**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ACCEPTING TRANSFER OF TITLE TO A ONE-FOOT WIDE STRIP OF LAND, DIVIDING THE DELAWARE SPRINGS GOLF COURSE COMMUNITY AND THE RANCH AT DELAWARE CREEK DEVELOPMENTS.

**WHEREAS**, Billy Joe and LaVonna Fox subdivided approximately 666 acres into the City of Burnet's Municipal Golf Course, as well as the Delaware Springs Golf Course Community and the Ranch at Delaware Creek; and

**WHEREAS**, in the subdivision of the 666 acres the subdividers retained a reservation of a one-foot wide strip of land separating Delaware Springs Golf Course Community and the Ranch at Delaware Creek; and

**WHEREAS**, in 2013 Billy Joe and LaVonna Fox conveyed their remaining interest in the Delaware Springs Tract, including the Reserve Strip, to BJV Fox Holdings L. P.; and

**WHEREAS**, BJV Fox Holdings, L. P., desires to release any interest it may hold to the one-foot wide strip of land to the City by Deed Without Warranty; and

**WHEREAS**, City Council finds it to be in the public interest to obtain title to the one-foot wide strip of land.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:

**Section one. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby resolved by the City Council of the City of Burnet, Texas and made a part hereof for all purposes and findings of fact.

**Section two. Acceptance of Deed without Warranty.** The deed without warranty, attached hereto is hereby accepted.

**Section three. Authorization.** The Mayor is hereby authorized to execute the Deed without Warranty on behalf the City, and execute such other ancillary documents and take such actions, as may be reasonably necessary to facilitate the purpose of this Resolution.

**Section three.** Recordation. The City Secretary is hereby authorized and directed to record the executed Deed Without Warranty in the Real Property Records of the County Clerk of Burnet County, Texas.

PASSED, AND APPROVED by the City Council of the City of Burnet this the 9<sup>th</sup> day of November, 2020.

**CITY OF BURNET** 

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

THE STATE OF TEXAS

999 COUNTY OF BURNET

## DEED WITHOUT WARRANTY

DATE:

Nov. 10 \_\_\_\_, 2020

**GRANTOR:** 

BJV FOX HOLDINGS, L.P., a Texas limited partnership BJV FOX **HOLDINGS** by MANAGEMENT, LLC, a Texas limited liability

Company, its General Partner

GRANTOR'S MAILING ADDRESS:

605 N Water St.

Burnet, Burnet County, TX 78611

GRANTEE:

City of Burnet, a Texas home rule municipality

**GRANTEE'S MAILING ADDRESS:** 

P.O. Box 1369, 1001 Buchanan Drive, Suite 4

Burnet, Burnet County, TX 78611

CONSIDERATION: Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

PROPERTY: Being a 0.110 acre remnant of a 666.23 acre tract located in Burnet County. Texas and more particularly described in the metes and bounds and survey, attached hereto as Exhibits "A" & "B" respectively, and incorporated herein for all purposes.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE: This conveyance is made subject to any easements, conditions and/or restrictions, whether of record or not of record, affecting the title to the hereinbefore described property, and taxes for the current year, the payment of which Grantee assumes.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance, conveys to Grantee all of Grantor's interest, if any, in the property to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever; without warranty express or implied; without any and all warranties that might arise by common law; and, without warranties described in §5.023 of the Texas Property Code (or its successors).

Signature page to follow.

To be effective as of the date set out above.

**GRANTOR:** 

BJV FOX HOLDINGS, L.P., a Texas limited partnership by BJV FOX HOLDINGS MANAGEMENT, LLC, a Texas limited liability Company, its General Partner

ACCEPTED BY GRANTEE:

CITY OF BURNET, a Texas home rule municipality

Crista Goble Bromley, Mayor

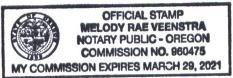
STATE OF OREGON

888

COUNTY OF MULTNOMAH

This instrument was acknowledged before me on the day of 100 by John Grigsby, as Vice President of BJV FOX HOLDINGS MANAGEMENT, LLC, a Texas limited liability company, general partner and on behalf of BJV FOX HOLDINGS,

L.P., a Texas limited partnership.



Notary Public in and for The State of Oregon

STATE OF TEXAS

COUNTY OF BEXAR

9999

This instrument was acknowledged before me on the \to day of \to day of \to day of \to day \to day of \to by Crista Goble Bromley, Mayor of the City of Burnet, on behalf of said City.

KELLY A DIX Notary ID #121692 My Commission Expires May 9, 2021

Notary Public in and for The State of Texas

## - CUPLIN & ASSOCIATES, Inc.

-land surveyors & planners -

Prepared for: CITY OF BURNET Project No. 20340

Date: 5/6/2020

BEING A 0.110 ACRE REMNANT OF A 666.23 ACRE TRACT OUT OF VARIOUS SURVEYS IN BURNET COUNTY AND BEING A PORTION OF THAT SAME TRACT DESCRIBED IN A SPECIAL WARRANTY DEED DATED MAY 27, 1998, FROM MARK FOX AND WIFE, NONA FOX TO BILLY JOE FOX AND LA VONNA FOX, OF RECORD IN VOLUME 798, PAGE 880, OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, SAID 0.110 ACRE TRACT BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLOWS:

**COMMENCING** at a 1/2" iron rod found in the Northern boundary line of Lot 7-A, Replat of Lots 7, 8, 9 & 10, The Ranch at Delaware Creek, Phase 1-A, of record in Document No. 201200069, Official Public Records of Burnet County, Texas, the Northern boundary line of The Ranch at Delaware Creek, Phase 1-A, of record in Document No. 201201308, Official Public Records of Burnet County, Texas, and the Southernmost corner of a tract of land called Tract 21 and described as 3.130 acres in a Warranty Deed to the City of Burnet, Burnet County, Texas, of record in Document No. 201303510, Official Public Records of Burnet County, Texas;

**THENCE** [L6] N 73°50'08" W, along the Northern boundary line of said Lot 7 and the Southern boundary line of said Tract 21, a distance of 50.81 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" at a reentrant corner of said 666.23 acres for the true **POINT OF BEGINNING** hereof;

**THENCE** with the Northwest boundary line of said Ranches at Delaware Creek, Phase 1-A, the following courses and distances:

- 1. [L3] S 36°57'11" W, a distance of 127.11 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN",
- 2. [L4] S 34°25'06" W, a distance of 185.52 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN",
- 3. S 30°56'50" W, a distance of 642.98 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN",
- 4. S 31°19'20" W, a distance of 167.57 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN",
- 5. S  $31^{\circ}24'20''$  W, a distance of 374.96 feet to a 1/2'' iron rod set with plastic cap stamped "CUPLIN"
- 6. S 43°06'22" W, a distance of 584.57 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN",
- 7. S 43°59'01" W, a distance of 368.24 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN",
  8. S 43°35'01" W, a distance of 254.45 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN",

**THENCE** with the Northwest boundary line of said Ranches at Delaware Creek, Phase 1-A, and the Northwest boundary line of a tract of land called 26.25 acres in a Substitute Trustee's Deed to Austerra Stable Growth Fund, LP, of record in Document No. 201901411, Official Public Records of Burnet County, Texas, the following courses and distances:

- 1. S 43°15'34" W, a distance of 421.06 feet to a 60D nail found in a cedar fence post, and
- 2. S 42°55'47" W, a distance of 246.92 feet to a 12" cedar fence post found in the eastern boundary line of Lot 9 of Honey Rock Ranch, Phase One, a subdivision of record in Document No. 201611773, Official Public Records of Burnet County, Texas, and the Northwest corner of said Austerra tract, for the Southernmost corner hereof;

THENCE with the Eastern and Northern boundary lines of said Honey Rock Ranch, the following courses and distances:

- 1. N 15°30'36" W, a distance of 388.46 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" for a reentrant corner hereof,
- 2. S 76°52'18" W, a distance of 379.82 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN", and
- 3. S 76°44'21" W, a distance of 663.21 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" for the Westernmost Southwest corner hereof;

## -CUPLIN & ASSOCIATES, Inc.

#### - land surveyors & planners -

Prepared for: CITY OF BURNET Project No. 20340 Date: 5/6/2020

**THENCE** [L5] N 00°03'36" E, a distance of 1.01 feet to a 3/8" iron rod found in the Southern boundary line of Delaware Springs, Section 15, a subdivision of record in Cabinet 2, slides 86 C&D, plat records of Burnet County, Texas;

**THENCE** with the Southern boundary lines of said Section 15, Delaware Springs, Section 2, Phase 2, Delaware Springs, of record in Cabinet 2, Slides 73 B&C, Section 2, Delaware Springs, of record in Cabinet 2, Slide 48A and Section One, Delaware Springs, of record in Cabinet 2, Slide 45D, all in Plat Records of burnet County, Texas, the following courses and distances:

- 1. N 76°44'17" E, a distance of 662.97 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN",
- 2. N 76°52'18" E, a distance of 380.97 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" for a reentrant corner hereof,
- 3. S 15°28'54" E, a distance of 387.62 feet to a 1/2" iron rod found for the Southernmost corner hereof,
- 4. N 42°55'47" E, a distance of 245.13 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN",
- 5. N 43°15'34" E, a distance of 421.06 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN",
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- 11. N 30°56′50" E, a distance of 643.01 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN",
- 12. [L1] N 34°24'00" E, a distance of 185.84 feet to a 60D nail found, and
- 13. [L2] N 37°26'12" E, a distance of 126.87 feet to the POINT OF BEGINNING and calculated to contain 0.110 acres.

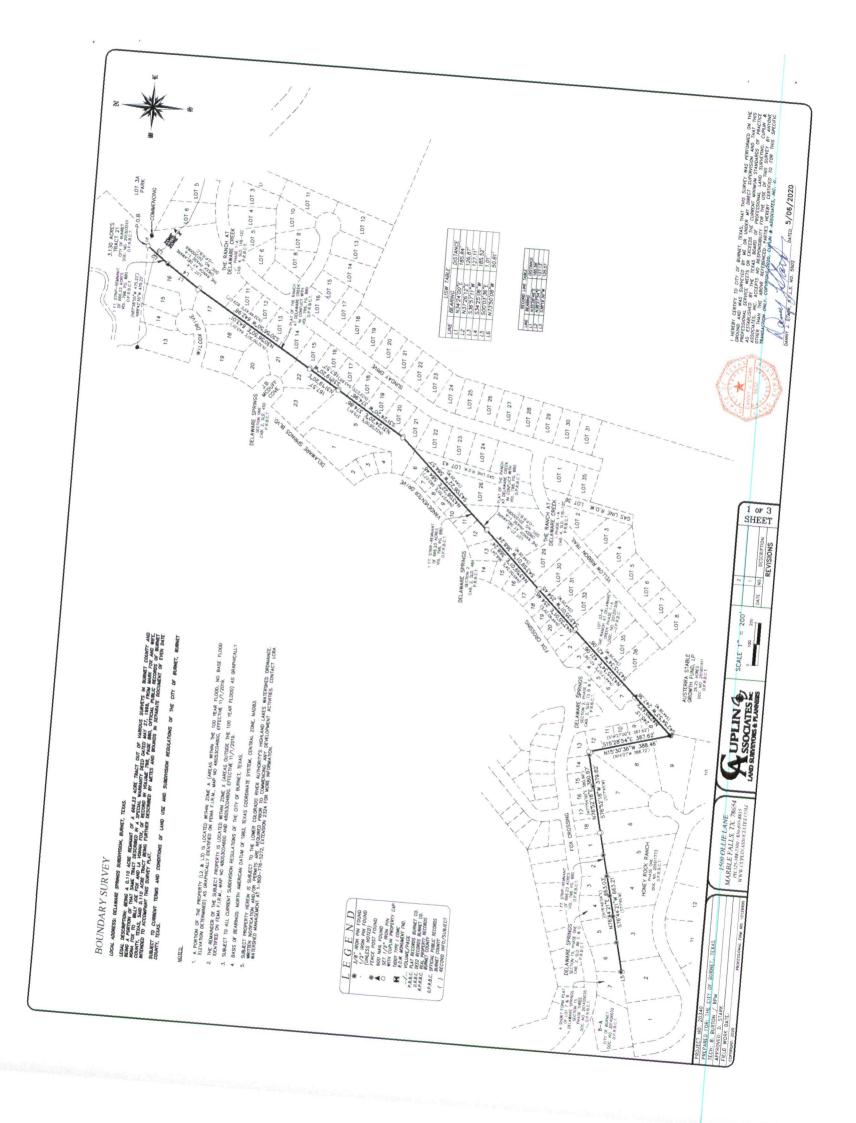
#### NOTE:

A Plat of Survey of even date was prepared and is intended to accompany the above described tract of land. Bearings are based on North American Datum of 1983, Texas Central Zone.

I HEREBY CERTIFY EXCLUSIVELY TO THE CITY OF BURNET, BURNET COUNTY, TEXAS, THAT THIS SURVEY WAS PERFORMED ON THE GROUND AND WAS SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION. CUPLIN & ASSOCIATES, INC. ACCEPTS NO RESPONSIBILITY FOR THE USE OF THIS SURVEY BY ANYONE OTHER THAN THE ABOVE REFERENCED PARTIES HEREBY CERTIFIED TO FOR THIS SPECIFIC TRANSACTION ONLY. COPYRIGHT 2020, CUPLIN & ASSOCIATES, INC. ©.

Danny J. Stack, Registered Professional Land Surveyor No. 5602





## **Attorney's Abstract Company**

117 East Jackson Street Burnet, Texas 78611 orders@burnetcountytitle.com Phone (512) 756-2006

July 24, 2020

City of Burnet Habib H. Erkan, Jr. 1001 Buchanan Drive, Suite 4 Burnet, Texas 78611

Re: BJV Fox Holdings

One foot strip of land described as 0.110 acres in Exhibit "A" attached hereto

To Whom it May Concern

In regard to the above names and property, the public records of the Burnet County Clerk's office were searched from May 27, 1998 through July 22, 2020, at 8:00 a.m. and found the following of record:

- 1) Special Warranty Deed dated May 27, 1998, executed by mark Fox and Nona fox to Billy Joe Fox and La Vonna Fox, recorded in Volume 798, page 880, Official Public Records of Burnet County, Texas.
- 2) Warranty Deed dated April 26, 2013, executed by Billy Joe Fox and LaVonna Fox to BJV Fox Holdings, LP, recorded under Document No. 201304346, Official Public Records of Burnet County, Texas.
- 3) Warranty Deed dated April 26, 2013, executed by Billy Joe Fox and LaVonna Fox to BJV Fox Holdings, LP, recorded under Document No. 201304502, Official Public Records of Burnet County, Texas.
- 4) Warranty Deed dated August 16, 2013, executed by Billy Joe Fox and LaVonna Fox to BJV Fox Holdings, LP, recorded under Document No. 201307253, Official Public Records of Burnet County, Texas.

A copy of all the above listed documents is attached hereto.

This does not constitute an opinion of title. This report is based upon a partial examination of the records of the Burnet County Clerk's office and the liability does not exceed the amount of this report in the sum of \$100.00.

Janet Kuenzer

ATTORNEY'S

# Attorney's Abstract Co.

117 E. Jackson Street Burnet, Texas, 78611 512-756-2006

# <u>jkuenzer@burnetcountytitle.com</u> orders@burnetcountytitle.com

GF# 07-20-12723

Date: July 24, 2020

To: City of Burnet Habib H. Erkan, Jr. 1001 Buchanan dr., Suite 4 Burnet, Texas 78611

Re:Billy Joe Fox etal BJV Fox Holdings, LP

Title Search Sales Tax

\$100.00

\$8.25

Total Due

\$108.25

## CUPLIN & ASSOCIATES, Inc.

- land surveyors & planners -

Prepared for: CITY OF BURNET
Project No. 20340
Date: 5/6/2020

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1500 Ollie Lane ● Marble Falls, TX 78654 PH: 325.388.3300 Fax: 325.388.3320 www.cuplinassociates.com Firm No. 10126900

## - CUPLIN & ASSOCIATES, Inc.

- land surveyors & planners -

Prepared for: CITY OF BURNET

Project No. 20340 Date: 5/6/2020

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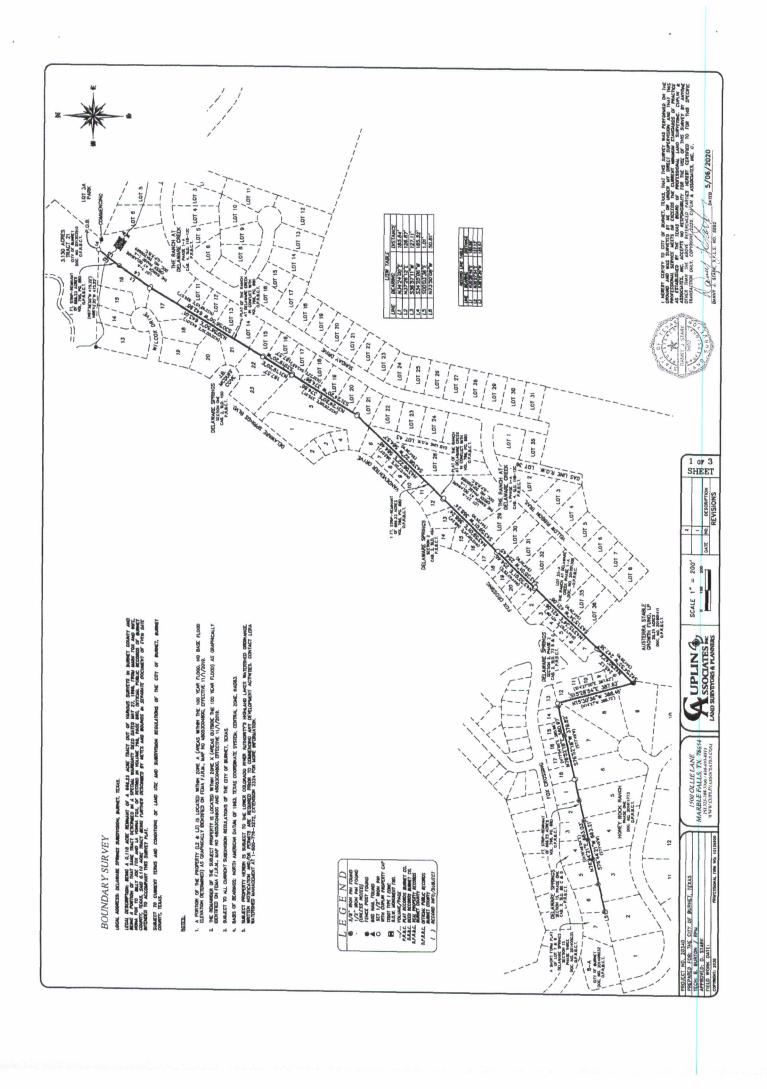
#### NOTE:

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Danny J. Stark, Registered Professional Land Surveyor No. 5602





## SPECIAL WARRANTY DEED

4937

STATE OF TEXAS

COUNTY OF BURNET

KNOW ALL MEN BY THESE PRESENTS

DATE: May 27, 199 8.

GRANTOR:

Mark Fox and wife Nona Fox

GRANTOR'S COUNTY AND STATE:

Burnet County, Texas.

GRANTEE: Billy Joe Fox and La Vonna Fox

GRANTEE'S ADDRESS:

605 North Water, Burnet, Burnet County, Texas 78611

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other valuable consideration the receipt of which is hereby acknowledged and for which no lien is retained either express or implied.

PROPERTY: Being all of my undivided interest (40%) in the following described real property in Burnet County, Texas.

BEING Tract I: Being 666.23 acres of land, more or less, and being comprised of 147.33 acres out of the Eugenio Perez Survey No. 41, 3.54 acres out of the J. R. Cavin Survey No. 1337, 8.08 acres out of the Washington Anderson Survey No. 10, 26.30 acres out of the Francisco Yharbo Survey No. 30 and 480.98 acres out of the Susano Hernandez Survey No. 40 being more particularly described by metes and bounds in field notes attached hereto and made a part hereof and to which reference is here made for a fully and complete description.

SAVE and EXCEPT 75.0 acres out of Susano Hernandez Survey No. 40, conveyed to Dan E. McBride and wife Linda J. McBride by deed dated March 2, 1990, and recorded in Volume 476, Page 133 of the Real Property Records of Burnet County, Texas, to which reference is here made for a fully and complete description, together with an easement thereto.

SAVE and EXCEPT 37.926 acres out of the J. R. Cavin Survey No. 1337, conveyed to Dan E. McBride and wife Linda J. McBride by deed dated September 9, 1991, and recorded in Volume 509, Page 302 of the Real Property Records of Burnet County, Texas, to which reference is here made for a fully and complete description, together with an easement thereto.

SAVE and EXCEPT 75.00 acres, comprised of 21.8 acres out of the Francisco Yharbo Survey No. 30 and 53.20 acres out of the Susano Hernandez Survey No. 40, conveyed to Glenn Morris and wife Susan Morrey Morris by deed dated July 13, 1989, and recorded in Volume 460, Page 712 of the Real Property Records of Burnet County, Texas, to which reference is here made for a fully and complete description, together with an easement thereto.

SAVE and EXCEPT 25.019 out of the Susano Hernandez Survey No. 40, acres conveyed to Glenn E. Morris and wife Susan Morrey Morris by deed dated June 24, 1991, and recorded in Volume 505, Page 512 of the Real Property Records of Burnet County, Texas, to which reference is here made for a fully and complete description.

SAVE and EXCEPT 13.657 acres out of the Susano Hernandez Survey No. 40, conveyed to Russell Frank Cowan by deed dated June 12, 1993, and recorded in Volume 565, Page 56 of the Real Property Records of Burnet County, Texas, to which reference is here made for a fully and complete description. This property having been platted as Delaware Springs Section 2 and Delaware Springs Section 2, Phase 2 as shown in the Plat Records of Burnet County, Texas.

A portion of the 666.23 acres has been platted as follows: 12.238 acres out of the Susano Hernandez Survey No. 40, as Section 1, Delaware Springs, a Subdivision and shown of record in Cabinet 2, Slide 45D of the Plat Records of Burnet County, Texas; 7.61 acres out of the Susano Hernandez Survey No. 40, as Section 3, Delaware Springs, a Subdivision and shown of record in Cabinet 2, Slide 84 C and D of the Plat Records of Burnet County, Texas; 5.42 acres out of the Susano Hernandez Survey No. 40 as Section 15, Delaware Springs, a Subdivision and shown of record in Cabinet 2, Slide 86 C and D of the Plat Records of Burnet County, Texas; 2.90 acres out of the Susano Hernandez Hernandez Survey No. 40 Section 16, Phase 1, Delaware Springs, a Subdivision and shown of record in Cabinet 2, Slide 115 C and D of the Plat Records of Burnet County, Texas; and 5.98 acres out of the Susano Hernandez Survey No. 40 Section 16, Phase 2, Delaware Springs, a Subdivision and shown of record in Cabinet 2, Slide 116 C and D of the Plat Records of Burnet County, Texas.

SAVE and EXCEPT all of Section 1, Delaware Springs, a Subdivision and shown of record in Cabinet 2, Slide 45D of the Plat Records of Burnet County, Texas.

OFFICIAL PUBLIC RECORD BURNET COUNTY, TEXAS

0798 0880

Camm C. Lary, Jr. Attorney at Law P. O. Box 456 Burnet, Texas 78611 512-756-2156

cash deed 4068d.doc

SAVE and EXCEPT the following sold lots out of Section 3, Delaware Springs, a Subdivision and shown of record in Cabinet 2, Slide C & D of the Plat Records of Burnet County, Texas:

Lots Numbers 2, 6, 7, 9, 10, and 11.

SAVE and EXCEPT the following sold lots out of Section 15 Delaware Springs, a Subdivision and shown of record in Cabinet 2, Slide 86C of the Plat Records of Burnet County, Texas:

Lots Numbers 1, 2, 3, 4, 5, 6, 10, 11, 12, 13, and 14.

Tract II: Being a 0.350 acres, more or less, out of the Eugenio Perez Suvey No. 41 and being more fully described in a Deed of Trust recorded in Volume 147, Page 423 of the Deed Records of Burnet County, Texas, to which reference is here made for a fully and complete description.

Tract III: Being a forty foot wide (40') easement described in a Deed dated January 6, 1981 recorded in Volume 279, Page 986 of the Deed Records of Burnet County, Texas, to which reference is here made.

RESERVATIONS from and Exceptions to Conveyance and Warranty:

Subject to all easements and setbacks shown on plats of record in the Plat Records of Burnet County, Texas.

Subject to the restrictive covenants of record in Volume 561, Page 84, Volume 727, Page 4, Volume 731, Page 879 of the Real Property Records of Burnet 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 TO 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 form and exceptions to conveyance and warranty, when the claim is by, through, or under Grantor but not otherwise.

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

This conveyance is made and accepted subject to any and all easements, conditions, reservations and restrictions, if any, relating to the hereinabove described property, to the extent, and only to the extent, that the same may still be in force and effect, shown of record in the office of the County Clerk of Burnet County, Texas.

EXECUTED this 27th day of May, 1998.

Mapk Fex

STATE OF TEXAS
COUNTY OF BURNET

This instrument was acknowledged before me on the 27th day of May, 199 8, by Mark Fox and wifeNona Fox

LORI RINGSTAFF
NOTARY PUBLIC
STATE OF TEXAS
My Commission Expires 6-19-2000

Notary Public, State of Texas. OFFICIAL PU

OFFICIAL PUBLIC RECORD BURNET COUNTY, TEXAS

0798 0881

Attorney at Law P. O. Box 456 Burnet, Texas 78611 512-756-2156

Camm C. Lary, Jr.

cash deed 4068d.doc

FIELD NOTES OF 666.23 ACRES IN BURNET COUNTY, TEXAS FOR BILLY JOE FOX, ET AL

BEING 666,23 acres of land in Burnet County, Texas, and being comprised of the following: 147.33 acres out of the Eugenio Perez Survey No. 41, and 3.54 acres out of the J. R. Cavin Survey No. 1332, and 8.08 acres out of the Washington Anderson Survey No. 10, and 26.30 acres out of the Francisco Ybarbo Survey No. 39 and 480.98 acres out of the Susano Hernandez Survey No. 40 and being situated adjacent to and West of U.S. Highway No. 281 and being the southerly portion of that certain 1774.983 acre tract conveyed from June D. Trussell, et vir, to J. B. McDuff, by Deed recorded in Vol. 246 at Page 718 et seq. of DEED RECORDS of Burnet County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a fence corner post at the Southwest corner of said 1774.983 acre tract, for the Southwest corner hereof, whence a reentrant corner of said Ybarbo Survey No. 39 and the Southwest corner of said Hernandez Survey No. 40 bears N 13° 04' W 390 ft.;

THENCE with the fence and southerly line of said 1774.983 acre tract in five (5) courses and distances as follows:

- N 77° 18' 15" E 587.70 ft.; N 76° 57' E 573.50 ft., to a 4 inch iron pipe fence corner post; N 76° 51' 15° E 360.61 ft.; N 77° 26' 15° E 757.14 ft., and

- N 77° 45' E 1449.81 ft., to an iron pin and corner post and a reentrant corner of said 1774.983 acre tract;

THENCE S 14° 27' E 388.72 ft., to a fence corner post on the North side of the old abandoned Burnet-Marble Falls Road, for the Southwest corner hereof;

THENCE with the fence and Southeast line of said 1774.983 acre tract generally along the Northwest line of said abandoned roadway in eight (8) courses and distances as follows:

- 1) N 44° 26' E at 1765.5 ft., cross the Lone Star Gas
- Company pipe line leading to Marble Falls and at 1873.66 ft., in all a fence corner post;
  N 32° 23' E 543.65 ft., to a fence corner post;
  N 32° 48' 45" E at 510.3 ft., cross under the center of an electrical transmission line, and at 829.07 ft.,
- in all a 12" Post Oak;

  4) N 38° 19' 30" E 125.57 ft., to a fence corner post on West bank of Deleware Creek;

  5) S 73° 29' 45" E 50.79 ft., to a 4 inch iron pipe fence corner post in a concrete causeway crossing said creek;

  6) N 41° 02' E crossing said causeway 300.49 ft., to a
- fence corner post; N 38° 39' 15° E 599.55 ft., to a fence corner post, and N 55° 50' 30° E 1066.32 ft., to a fence corner post in the westerly right-of-way line of U.S. Highway No. 281 at the Southeast corner of said 1774.983 acre tract, for the Southeast corner hereof;

THENCE N 19° 44' E with said highway right-of-way line 1389.51 ft., to an iron pin at the Southeast corner of a 1100 acre parcel out of said 1774,983 acre tract, for the Northeast corner hereof;

> EXHIBIT "A" Page 1 Of 3

FIELD NOTES OF 666.23 ACRES PAGE 2

THENCE with the southerly line of said 1100 acre tract in two (2) courses and distances as follows:

N 70° 16' W 500.00 ft., an iron pin, and S 78° 38' W 8487.90 ft., to an iron pin at the Southwest corner of said 1100 acre tract and in the westerly line of said 1774.983 acre tract, for the Northwest corner hereof, whence the Northwest corner of the Francisco Ybarbo Survey No. 39 bears N 12° W 962 feet;

THENCE with the fenced westerly line of said 1774.983 acre tract in five (5) courses and distances as follows:

S 11° 54' 15" E 251.00 ft., a fence post; S 13° 03' E 509.88 ft., an iron spike; S 13° 13' 15" E 710.00 ft., an iron spike; S 13° 19' 30" E 579.13 ft., an iron spike, and S 13° 04' 15" E at 1785 feet the Southwest corner of the Susano Hernandez Survey No. 40 and at 2174.82 feet in all the place of BEGINNING hereof and containing 666.23 acres of land.

The undersigned does hereby certify that the foregoing field notes represents the result of an on the ground survey made under my direction and supervision in March, 1981. WITNESS MY HAND AND SEAL this the 3rd day of April, 1981.

Wallace Dale Bergman Reg. Public Surveyor Reg. No. 3103

EXHIBIT "A"

Page 2 of 3

OFFICIAL PUBLIC RECORD BURNET COUNTY, TEXAS

0798 10883



TRACT II: Being 0.350 acres, more or less, out of the Eugenio Perez Survey No. 41 in Burnet County, Texas, and being situated east of and adjacent to U.S. Highway No. 281 and north of and adjacent to what is known as the old Holland Springs Public Road or sometimes referred to as the Old Burnet-Marble Falls Public Road and beginning at a fence corner for the southeast corner in the north line of the said Old Burnet-Marble Falls Public Road and being at the southwest corner of the Lemuel Taylor Survey No. 8 in the north line of the Samuel Hazlett Survey No. 6;

THENCE S 74-00 W with the north line of the said Old Marble-Burnet Road 98.57 feet to a concrete right-of-way marker at an indenture from U.S. Highway No. 281:

THENCE N 39-24 W 51.05 feet to a concrete right-of-way marker for corner heroof in the east right-of-way line of said U.S. Highway No. 281;

THENCE N 20-20 B with east line of said Highway No. 281 at 208.62 feet to a 1/2 inch steel stake for the north corner hereof in the West line of the Lemuel Taylor Survey No. 8, which is an east line of the Eugenio Perez Survey No. 41;

THENCE S 14-44 W with the east fence line hereof 214.98 feet to the PLACE OF BEGINNING.
Surveyed April, May, 1977.

OFFICIAL PUBLIC RECORD BURNET COUNTY, TEXAS

0798 0884.

STATE OF TEXAS
COUNTY OF BURNET
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in Yolume
Page 200 - 200 of the RECORDS of Burnet County, Texas.

gant Parker JANET PARKER, COUNTY CLERK BURNET COUNTY, TEXAS BY: DEPUTY 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 LAIR. THE STATE OF TEXAS COUNTY OF BURNET

I hereby cartify that this instrument was FILED in the number Sequence on the date and of the three stamped horson, by me and was duly RECORDED in the Records Burnet County, Taxon

Parker COUNTY CLERK BURNET COUNTY, TEXAS

98 MAY 29 PH 4: 39

OFFICIAL PUBLIC RECORD BURNET COUNTY, TEXAS 0798 0885

3 PGS

## WARRANTY DEED

(Burnet-County, Texas)

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

Date: April 26, 2013

Grantor: BILLY JOE FOX, by and through his agent and attorney in fact. LaVonna Fox,

and wife, LAVONNA FOX

Grantor's Mailing Address: 605 N Water St, Burnet TX 78611

Grantee: BJV FOX HOLDINGS LP, a Texas limited partnership

Grantee's Mailing Address: 605 N Water St, Burnet, TX 78611

Consideration: Contribution to limited partnership

## Property (including any improvements):

All of Grantor's right, title and interest in and to certain real property situated in Burnet County, Texas, being more particularly described as 179 094 acres of land, more or less, described as Tract Nos 4, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 22, 23, 24 and 25, in Exhibit "A" to Agreed Judgment Nunc Pro Tunc, entered on January 21, 2011, Cause No 37259, City of Burnet, Texas v Billy Joe Fox, LaVonna Fox and Big Leaf, Ltd. in the District Court, 33<sup>rd</sup> Judicial District. Burnet County. Texas, said Agreed Judgment recorded as Document No 201101280, Official Public Records of Burnet County, Texas

Reservations From Conveyance: None

## Exceptions to Conveyance.and Warranty:

- (1) Restrictions, covenants, conditions, easements, reservations and all other matters of public record in Burnet County, Texas,
- (2) All zoning laws, regulations, and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect and relating to the Property,
- (3) Any visible and apparent roadway or easement over or across the Property the existence of which does not appear of record, and
- (4) Outstanding ad valorem taxes and assessments for the current calendar year, if any which Grantee assumes

Grantor, for the Consideration, receipt of which is acknowledged, and subject to the Reservations From Conveyance 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 successors or assigns forever Grantor binds Giantor and Grantor's heirs, executors, administrators and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations From Conveyance and Exceptions to Conveyance and Warranty

Grantor and Grantee acknowledge that this deed has been prepared and accepted by Grantee without independent examination of the record title to the herein described Property

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

Grantor:

LAVONNA FOX, as agent and attorney in fact

for BILLY JOE FOX

Accepted by Grantee:

BJV FOX HOLDINGS LP, a Texas limited partnership

BJV FOX HOLDINGS By

> MANAGEMENT LLC; a Texas limited liability company, its General Partner

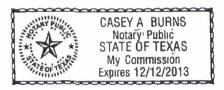
WALLACE P RIDDELL, Manager

JACKNOWLEDGMENT PAGE FOLLOWS

Warranty Dééd

STATE OF TEXAS §
COUNTY OF BURNET §

This instrument was acknowledged before me on April 26, 2013, by LAVONNA FOX, individually and as agent and attorney in fact for BILLY JOE FOX



NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS \$ \$ COUNTY OF BURNET \$

This instrument was acknowledged before me on April 26, 2013, by WALLACE P RIDDELL, as manager of BJV FOX HOLDINGS MANAGEMENT LLC, a Texas limited liability company, on behalf of said limited liability company, as general partner of BJV FOX HOLDINGS LP. a Texas limited partnership, on behalf of said limited partnership



NOTARY PUBLIC, STATE OF TEXAS

After recording, return to:

Casey A Burns Kennedy Little & Burns PLLC 100 Ave H, Ste 103 Marble Falls, TX 78654

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

201304346

May 20, 2013 11 52 03 AM FEE \$24 00

Janet Parker, County Clerk Burnet County, Texas

Warranty Deed
Billy Joe Fox and LaVonna Fox to BJV Fox Holdings LP

3 PGS

#### WARRANTY DEED

(Burnet County, Texas)

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

Date: April 26, 2013

Grantor: BILLY JOE FOX, by and through his agent and attorney in fact, LaVonna Fox,

and wife, LAVONNA FOX

Grantor's Mailing Address: 605 N Water St, Burnet, TX 78611

Grantee: BJV FOX HOLDINGS LP, a Texas limited partnership

Grantee's Mailing Address: 605 N Water St. Burnet, TX 78611

Consideration: Contribution to limited partnership

## Property (including any improvements):

All of Grantor's right, title and interest in and to certain real property situated in Burnet County, Texas, being more particularly described as 179 094 acres of land, more or less, described as Tract Nos 4, 9, 10, 11, 12 14, 15, 16, 17, 18, 19, 22, 23, 24 and 25, in Exhibit "A" to Agreed Judgment Nunc Pro Tunc, entered on January 21, 2011. Cause No 37259, City of Burnet, Texas v Billy Joe Fox, LaVonna Fox and Big Leaf, Ltd. in the District Court, 33<sup>rd</sup> Judicial District, Burnet County, Texas, said Agreed Judgment recorded as Document No 201101280. Official Public Records of Burnet County, Texas

Reservations From Conveyance: None

## **Exceptions to Conveyance and Warranty:**

- (1) Restrictions, covenants, conditions, easements, reservations and all other matters of public record in Burnet County, Texas,
- (2) All zoning laws, regulations, and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect and relating to the Property,
- (3) Any visible and apparent roadway or easement over or across the Property the existence of which does not appear of record, and
- (4) Outstanding ad valorem taxes and assessments for the current calendar year, if any, which Grantee assumes

Grantor, for the Consideration, receipt of which is acknowledged, and subject to the Reservations From Conveyance and Exceptions to Conveyance and Wairanty, 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 successors or assigns forever. Grantor binds Grantoi and Grantoi's heirs, executors, administrators and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations From Conveyance and Exceptions to Conveyance and Warranty

Grantor and Grantee acknowledge that this deed has been prepared and accepted by Grantee without independent examination of the record title to the herein described Property

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

Grantor:

LAVONNA FOX, as agent and attorney in fact for BILLY JOE FOX

Accepted by Grantee:

BJV FOX HOLDINGS LP, a Texas limited partnership

By BJV FOX HOLDINGS

MANAGEMENT LLC, a Texas limited liability company, its General Partner

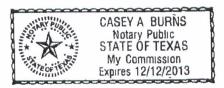
By <u>(M. A. M. M. A. M. M</u>

[ACKNOWLEDGMENT PAGE FOLLOWS]

STATE OF TEXAS §

COUNTY OF BURNET §

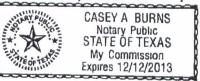
This instrument was acknowledged before me on April 26, 2013, by LAVONNA FOX, individually and as agent and attorney in fact for BILLY JOE FOX



NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS §
COUNTY OF BURNET §

This instrument was acknowledged before me on April 26, 2013, by WALLACE P RIDDELL, as manager of BJV FOX HOLDINGS MANAGEMENT LLC, a Texas limited liability company, on behalf of said limited liability company, as general partner of BJV FOX HOLDINGS LP, a Texas limited partnership, on behalf of said limited partnership



NOTARY PUBLIC, STATE OF TEXAS

After recording, return to:

Casey A Burns Kennedy Little & Burns PLLC 100 Ave H, Ste 103 Marble Falls TX 78654

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Sant Parker

201304502

May 24, 2013 08 48 56 AM FEE \$0 00 Janet Parker, County Clerk Burnet County, Texas

Warranty Deed

Page 3 of 3

3 PGS

## WARRANTY DEED

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.

Date: August 16, 2013

**Grantor:** BILLY JOE FOX, by and through his agent and attorney in fact, LaVonna Fox;

and wife, LAVONNA FOX

Grantor's Mailing Address: 605 N. Water St., Burnet, TX 78611

**Grantee:** BJV FOX HOLDINGS LP, a Texas limited partnership

Grantee's Mailing Address: 605 N. Water St., Burnet, TX 78611

**Consideration:** Contribution to limited partnership

## Property (including any improvements):

All of Grantor's right, title and interest in and to all real property situated in Burnet County, Texas, including without limitation all surface estate, mineral estate, leases and/or easements, SAVE AND EXCEPT all right, title and interest in real property described in "Reservations From Conveyance" below.

#### **Reservations From Conveyance:**

- (1) All of Grantor's interest in any and all liens securing and/or interest arising as a result of indebtedness and/or obligations of third parties owed to Grantor;
- (2) All of Grantor's right, title and interest in and to 700 acres, more or less, situated in Burnet County, Texas and described in deed recorded in Volume 129, Page 404, Deed Records of Burnet County, Texas; SAVE AND EXCEPT 505.85 acres, more or less, situated in Burnet County, Texas and described in deed recorded in Volume 587, Page 478, Real Property Records of Burnet County, Texas; and
- (3) All of Grantor's right, title and interest in and to 7.628 acres, more or less, out of the J. M. Musquez Survey No. 409 situated in Burnet County, Texas, and being more particularly described as Tract 1 in Volume 459, Page 309, Official Public Records of Burnet County, Texas.

## **Exceptions to Conveyance and Warranty:**

(1) Restrictions, covenants, conditions, easements, reservations and all other matters of public record in Burnet County, Texas;

- (2) All zoning laws, regulations, and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect and relating to the Property;
- (3) Any visible and apparent roadway or easement over or across the Property the existence of which does not appear of record; and
- (4) Outstanding ad valorem taxes and assessments for the current calendar year, if any, which Grantee assumes.

Grantor, for the Consideration, receipt of which is acknowledged, and subject to the Reservations From Conveyance 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 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 successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations From Conveyance and Exceptions to Conveyance and Warranty.

Grantor and Grantee acknowledge that this deed has been prepared and accepted by Grantee without independent examination of the record title to the herein described Property.

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

#### Grantor:

LAVONNA FOX, as agent and attorney in fact for BILLY JOE FOX

Lavonna Fox

## Accepted by Grantee:

BJV FOX HOLDINGS LP, a Texas limited partnership

By: BJV FOX HOLDINGS

MANAGEMENT LLC, a Texas limited liability company, its General Partner

ANN LYNN RIDDELL, Manager

Warranty Deed

Page 2 of 3

## STATE OF TEXAS

## COUNTY OF BURNET

This instrument was acknowledged before me on August /6, 2013, by LAVONNA

FOX, individually and as agent and attorney in fact for BILLY JOE FOX. CASEY A. BURNS Notary Public STATE OF TEXAS My Commission

Expires 12/12/2013

NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS

§

**COUNTY OF BURNET** 

This instrument was acknowledged before me on August 1/4, 2013, by ANN LYNN RIDDELL, as manager of BJV FOX HOLDINGS MANAGEMENT LLC, a Texas limited liability company, on behalf of said limited liability company, as general partner of BJV FOX HOLDINGS LP, a Texas limited partnership, on behalf of said limited partnership.

NOTARY PUBLIC, STATE OF TEXAS

## After recording, return to:

Casey A. Burns Kennedy Little & Burns PLLC 100 Ave. H, Ste. 103 Marble Falls, TX 78654



CASEY A. BURNS Notary Public STATE OF TEXAS My Commission Expires 12/12/2013

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

201307253

August 20, 2013 08:33:38 AM

FEE: \$24.00

Janet Parker, County Clerk Burnet County, Texas

Warranty Deed

Page 3 of 3



# FILED AND RECORDED OFFICIAL PUBLIC RECORDS

Janet Parker

Janet Parker, County Clerk Burnet County Texas 11/12/2020 2:56:29 PM

FEE: \$122.00 202014964

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