GERALD W. SCHMIDT, ET AL TO WILLIAM S. MINUS, ET UX

WARRANTY DEED

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THE STATE OF TEXAS
COUNTY OF GILLESPIE } KNOW ALL MEN BY THESE PRESENTS:

That We Gerald W. Schmidt, not joined herein by my wife because the herein conveyed property forms no part of my homestead and Dennis Kusenberger, an adult single man

of the County of Gillespie and State of Texas for and in consideration of the sum of TEN and no/100 DOLLARS and other valuable consideration to the undersigned paid by the grantees herein named, the receipt of which is hereby acknowledged,

have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto

William S. Minus and wife, Julie L. Minus

of the County of Bexar and State of Texas, all of the following described real property in Gillespie County, Texas, to-wit:

5.00 acres of land, being part of Survey No. 27, Mathilde Rivera, Abst. No. 575, described by metes and bounds as follows, to-wit: BEGINNING at a steel bar set in fence line, being a point 1493.25 feet S. 0° 26' E.; 1142.1 feet N. 89° 23' E. and 6644.0 feet S. 0° 14' E. from the N.W.E. corner of that entire tract of land that was conveyed to Dennis Kusenberger, et al by Dora Flach, Administratrix of the Estate of Mimi F. Tatsch, deceased, by Deed dated April 26, 1972, recorded in Vol. 106, pages 140-143, Deed Records of Gillespie County, Texas, for the N.E. corner of this tract of land: THENCE with fence, S. 0° 14' E. 419.6 feet to a steel bar set for the S.E. corner of this tract of land: THENCE N. 89° 26' W. 521.6 feet to a steel bar set in the East line of a road for the S.W. corner of this tract of land: THENCE with the East line of said road, N. 9°34' E. 419.6 feet to a steel bar set for the N.W. corner of this tract of land: THENCE S. 89° 26' E. 515.7 feet to the place of BEGINNING, being TRACT NO. 4 set aside to Gerald W. Schmidt in that certain partition deed between Dennis Kusenberger and Gerald W. Schmidt dated April 26, 1974, recorded in Vol. 110, page 69 et sec, Deed Records, Gillespie County, Texas here referred to and made a part hereof for all pertinent purposes.

There is included in this conveyance the free and uninterrupted use, liberty, privilege and easement of passing in and along a certain way across a certain tract of land situated in said county, adjoining the property hereinabove described, said right of way tract being described as follows: 9.10 acres of land situated in Gillespie County, Texas, being part of Survey No. 27, Mathilde Rivera, Abstract No. 575 and is described by metes and bounds as follows to-wit: BEGINNING at a steel bar set in ground, being a point 1493.25 feet S. 0° 26' E. and 20.8 feet S. 89° 23' W. from the N.N.E. corner of that entire tract of land that was conveyed to Dennis Kusenberger, et al by Dora Flach, Administratrix of the estate of Mimi F. Tatsch, deceased, by deed dated April 26, 1973, recorded in Vol. 306, pages 140-143 of the Deed Records of Gillespie County, Texas, for the N.E. corner of this tract of land; THENCE S. 0° 36' E. 2512.3 feet to a steel bar set for corner; THENCE with the arc of a curve to the left, having a radius of 86.0 feet and a central angle of 32° 26' in a southerly direction a distance of 48.7 feet to a steel bar set for corner; THENCE S. 33° 02' E. 1447.0 feet to a steel bar set for corner; THENCE with the arc of a curve to the right, having a radius of 132.5 feet and a central angle of 33° 36', in a southerly direction a distance of 77.7 feet to a steel bar set for corner; THENCE S. 0° 34' W. 295.5 feet to a steel bar set for corner; THENCE with the arc of a curve to the right, having a radius of 135.0 feet and a central angle of 33° 00', in a southerly direction a distance of 77.8 feet to a steel bar set for corner; THENCE S. 33° 34' W. 258.5 feet to a steel bar set for corner; THENCE with the arc of a curve to the left, having a radius of 84.4 feet and a central angle of 33° 00', in a southerly direction a distance of 48.6 feet to a steel bar set for corner; THENCE S. 0° 34' W. 1773.8 feet to a steel bar set in the centerline of Goehmann Lane for the S.E. corner of this tract of land; THENCE with the centerline of Goehmann Lane, N. 67° 20' W. 64.8 feet to a steel bar set for the S.W. corner of this tract of land; THENCE N. 0° 34' E. 1749.5 feet to a steel bar set for corner; THENCE with the arc of a curve to the right, having a radius of 1[illegible] feet and a central angle of 33° 00', in a northerly direction a distance of [illegible] feet to a steel bar set for corner; THENCE N. 33° 34' E. 253.5 feet to a steel bar set for corner; THENCE with the arc of a curve to the left, having a radius of [illegible].0 feet and a central angle of 33° 00', in a northerly direction a distance of [illegible] feet to a steel bar set for corner; THENCE N. 0° 34' E. 295.5 feet to a steel bar set for corner; THENCE with the arc of a curve to the left, having a radius of 72.5 feet and a central angle of 33° 36' in a northerly direction a distance of 42.5 feet to a steel bar set for corner; THENCE N. 33° 02' W. 1447.0 feet to a steel bar set for corner; THENCE with the arc of a curve to the right, having a radius of 146.0 feet and a central angle of 32° 26', in a northerly direction a distance of 82.6 feet to a steel bar set for corner; THENCE N. 0° 36' W. 2411.8 feet to a steel bar set for corner; THENCE with the arc of a curve having a radius of 50.0 feet and a central angle of 180° in a northerly direction a distance of 157.1 feet to a steel bar set for corner; THENCE N. 89° 12' E. 60.0 feet to the place of BEGINNING, together with the free ingress, egress, regress to and for the said Grantee S , Their heirs and assigns, and his and their tenants, by foot, with carts, wagons, carriages, automobiles, and other vehicles, horses, mules or livestock, as by him or them shall be necessary or convenient at all times and seasons forever, in, along, upon and out of said way, in common with us, the said Grantors, our heirs and assigns, and our tenants; to have and to hold all and singular the rights and privileges aforesaid to the said Grantee S , Their heirs and assigns, to their proper use and behoof, in common with us, the said Grantors, our heirs and assigns, and our tenants.

This conveyance is subject however, to the following restrictions, covenants, conditions, easements and reservations, which are a part of the consideration for the execution of the deed and which shall run with and burden the title to the property hereby conveyed, and shall be binding upon the Grantees, their heirs, executors, administrators and assigns:

Grantors expressly reserve the right to vary the use of any property notwithstanding the restrictions herein contained, should grantors in their sole judgment deem it to the best interest to grant such variances. The granting of any such variance by the grantors shall be specifically stated in the deed conveying a lot or lots.

No building or structure shall be occupied or used until the exterior thereof is completely finished. All residences except those this day existing on the property herein conveyed shall be a minimum of 1,200 square feet of living area. The exterior of buildings shall be completed not later than twelve (12) months after laying foundation of the building.

No noxious or offensive activity shall be permitted on any tract, nor shall anything be done thereon which shall be an annoyance or nuisance to the neighborhood.

There shall be no commercial feeding of livestock or poultry for commercial purposes maintained upon said property nor shall any dairy operations or commercial livestock holding pens be maintained thereon.

No automobile wrecking yards shall be operated thereon nor shall a liquor store, tavern or other house for public entertainment be erected thereon.

No buildings shall be moved onto any tract without first obtaining permission in writing from the grantors or from any person or agent that they may authorize to act for them.

There shall be no mobil homes placed on any tract.

No dwelling shall be occupied until it is connected to a septic tank or other disposal system approved by the County and/or State Health Department. No outside toilet will be permitted.

The grantors reserve unto themselves a 15 foot easement for utilities purposes along the West boundary line of the above described property.

These restrictions shall continue in force until January 1, 2000, and thereafter until a majority of the owners of tracts comprising the property which was conveyed subject to these restrictions vote to remove the same, each tract owner to have one vote regardless of the size of his holdings; and if grantees, their heirs or assigns, violate or attempt to violate any of the restrictions or protective covenants herein set forth, any owner of property subject to such restrictions and/or protective covenants may prosecute such proceedings in law or in equity against the violator thereof to restrain him from doing so and/or for his damages.

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TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said grantee s , their heirs and assigns forever; and we do hereby bind ourselves, our heirs, executors and administrators to subject to attached restrictions, covenants, etc., WARRANT AND FOREVER DEFEND all and singular the said premises unto the said grantee s, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this 7th day of October , A. D. 19 7h.

Gerald W. Schmidt

Dennis Kusenberger

(Acknowledgment)

THE STATE OF TEXAS }
COUNTY OF GILLESPIE }

Before me, the undersigned authority, on this day personally appeared

Gerald W. Schmidt

known to me to be the person, whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the 7th day of October , A. D. 19 7h .

Notary Public in and for Gillespie County, Texas.

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(Acknowledgment)

THE STATE OF TEXAS }
COUNTY OF Gillespie }

Before me, the undersigned authority, on this day personally appeared

Dennis Kusenberger

known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the 7th day of October , A. D. 19 7h .

Notary Public in and for Gillespie County, Texas.

Filed for record in my office the 7th. day of October A.D. 19 7h at 3:12 o'clock P.M. and duly recorded the 9th. day of October A.D. 19 7h at 2:30 o'clock P.M. in Volume 111 , pages 165-168.

, Clk. Co. Ct., Gillespie County, Texas.