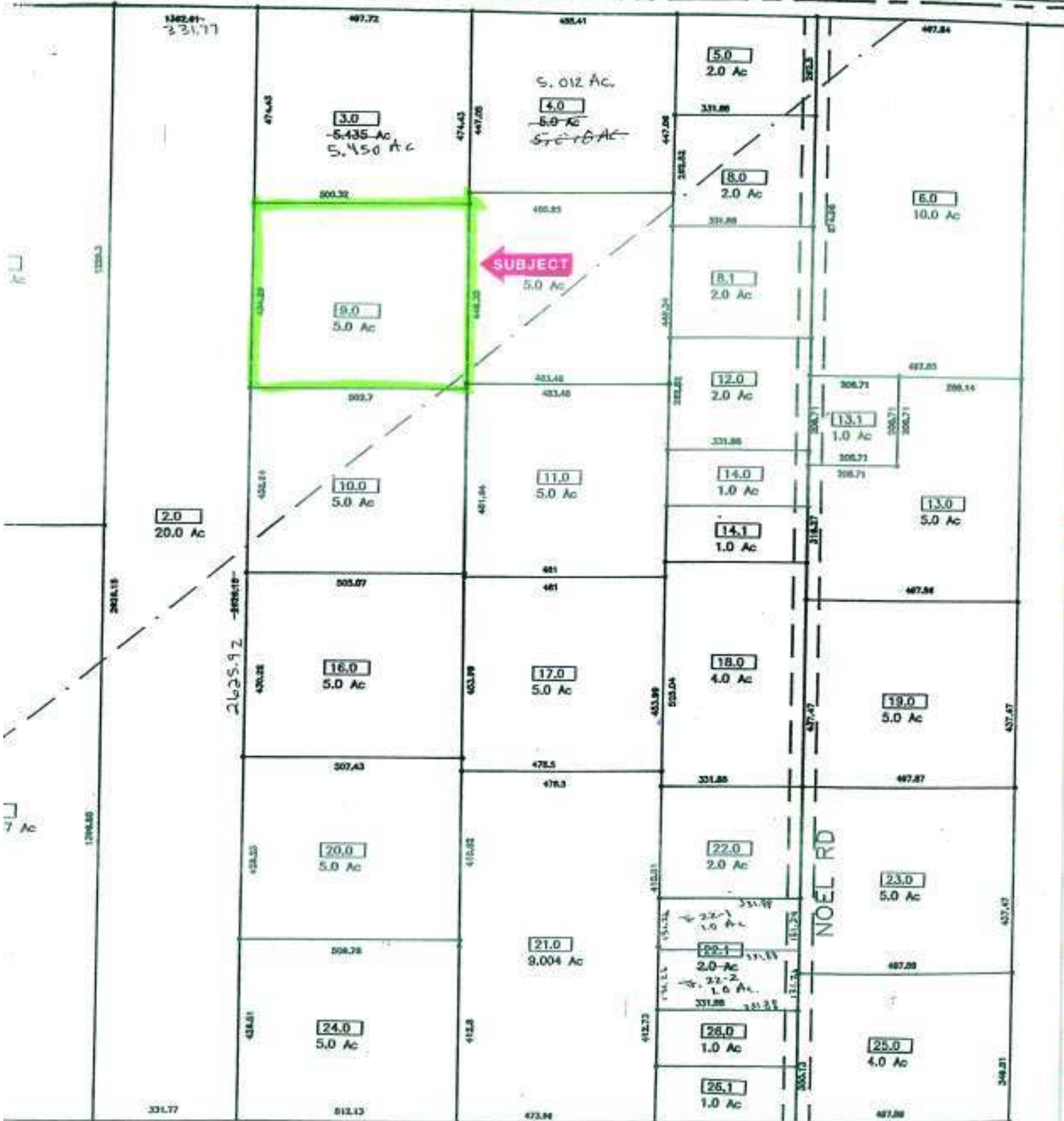




# BECKENDORF RD



115143

## WARRANTY DEED WITH VENDOR'S LIEN

THE STATE OF TEXAS

COUNTY OF WALLER

} KNOW ALL MEN BY THESE PRESENTS:

That I, LYNDON BING, NOMINEE

of the County of WALLER

and State of TEXAS

for and in

consideration of the sum of

TEN AND NO/100-----(\$10.00)-----DOLLARS

and other valuable consideration to the undersigned paid by the grantees herein named, the receipt of which

is hereby acknowledged, and the further consideration of the execution and delivery by Grantees of their one certain promissory note of even date herewith in the principal sum of Thirteen Thousand Five Hundred and No/100 (\$13,500.00) Dollars, payable to the order of Grantor in monthly installments and bearing interest as therein provided, containing the usual clauses providing for acceleration of maturity and for attorney's fees.

This conveyance is made subject to and the Grantees herein do not assume payment of the unpaid balance of that certain \$171,287.50 indebtedness described in and secured by a Deed of Trust of record in Volume 79, Page 826 of the Deed of Trust Records of Waller County, Texas, but Grantor as well as any other owner and holder of Grantees' \$13,500.00 Note shall be obligated to pay any and all installments falling due thereon as and when due, and in the event of default in the payment of any such installment as and when due, then so long as Grantees are not in default in the payment of his afore-said \$13,500.00 Note, or in default in the performance of the covenants of the Deed of Trust securing said Note, Grantees shall have the right to pay any such delinquent installment or installments and to receive credit upon Grantees' \$13,500.00 Note for all sums so paid, and in such manner as Grantees shall direct, as of the date of such payment.

the payment of which note is secured by the vendor's lien herein retained, and is additionally secured by a deed of trust of even date herewith to Jack Taylor Trustee,

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

WALTER WASHINGTON, JR. and ELLA M.A. WASHINGTON

of the County of Harris

and State of Texas

, all of the following described real

property in Waller

County, Texas, to-wit:

The Surface Estate only of a 5.000 acre tract out of the Northwest  $\frac{1}{4}$  of the H. & T.C. R.R. CO. Survey Section 120, Block 1, Abstract 375, Waller County, Texas, and said description set out in Field Notes, marked Exhibit "A" attached hereto and made a part hereof.

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 grantees, their heirs and assigns forever; and I do hereby bind myself, my heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said grantees, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

But it is expressly agreed that the VENDOR'S LIEN, as well as the Superior Title in and to the above described premises, is retained against the above described property, premises and improvements until the above described note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof,

when this Deed shall become absolute. THIS CONVEYANCE IS MADE AND ACCEPTED SUBJECT TO:

1. Easement dated July 22, 1980, from Lyndon Bing, Nominee to Houston Lighting and Power Company, recorded in Vol. 318, Pg. 676, Deed Records of Waller Co. Texas.
2. Right-of-way Easement dated July 12, 1930, from Thomas A. Tomlin to Gulf Pipe Line Co., recorded in Vol. 34, Pg. 225, Deed Records of Waller County, Texas.
3. Right-of-way Easement date Oct. 4, 1944, from Harry Hebert et al, to Humble Oil and Refining Co., recorded in Vol. 97, Pg. 571, Deed Records of Waller County, Texas.
4. Right-of-way Easements dated August 22, 1941 to Magnolia Pipe Line Company from Dr. F. B. Tomlin, recorded in Vol. 82, Pg. 218, and from Mrs. T.A. Tomlin, recorded in Volume 82, Page 219, Deed Records of Waller County, Texas.
5. Right-of-way Easements dated September 27, 1979, from Lyndon Bing to Property Owners for Roadway, recorded in Vol. 307, Pg. 48-50, Deed Records of Waller Co., Texas.
6. All of the Oil, Gas, and other Minerals in, on and under the subject property heretofore reserved in Deed dated April 17, 1944, from Frank B. Tomlin et al to Harry Hebert et al, recorded in Vol. 95, Pg. 157 of the Deed Records of Waller County, Tx.
7. Deed Restrictions, Reservations and Release Provisions set out in Exhibit "B" attached hereto and made a part hereof.

EXECUTED this day of November, A.D. 1980.

*Lyndon Bing*  
LYNDON BING, NOMINEE

(Acknowledgment)

THE STATE OF TEXAS  
COUNTY OF }

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

LYNDON BING, NOMINEE

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, and in the capacity therein stated.

Given under my hand and seal of office on this 20 day of November, A.D. 1980.



*Virginia M. Carlton*  
Notary Public in and for Dallas County, Texas.  
My commission expires 7/27/81, 1981.  
*VIRGINIA M. CARLTON*  
(Printed or stamped name of notary)

FIELD NOTES FOR A 5.000 ACRE TRACT OUT OF THE NORTHWEST  
1/4 OF THE H. & T.C. R.R. CO. SURVEY SECTION 120, BLOCK 1,  
ABSTRACT 375, WALLER COUNTY, TEXAS.

Commencing For Reference: At a 5/8 inch iron rod at the Northwest  
corner of Section 120; said point being located in a gravel road along the  
North line of Section 120;

Thence: East a distance of 864.89 feet along the gravel road and with  
the North line of Section 120 to a point;.

Thence: South  $00^{\circ} 02' 06''$  East a distance of 474.43 feet to the North-  
west corner of this 5.000 Acre Tract and being the Actual Place of  
Beginning;

Thence: South  $00^{\circ} 02' 06''$  East a distance of 434.29 feet to the South-  
west corner of this tract;

Thence: East a distance of 502.70 feet to the Southeast corner and being  
located in the centerline of a 60 foot road R.O.W.;

Thence: North  $00^{\circ} 20' 58''$  West a distance of 434.29 feet to the Northeast  
corner of this 5.000 Acre Tract;

Thence: West a distance of 500.32 feet to the Actual Place of Beginning  
and containing 5.000 Acres of land.

David Leyendecker, R.P.S.  
Texas Registration No. 2085  
Date: November 11, 1980

"Exhibit A"

DEED RECORDS

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RESTRICTIONS, RESERVATIONS AND RELEASE PROVISIONS PERTAINING TO  
a 5.000 ACRE TRACT OUT OF THE NORTHWEST  $\frac{1}{4}$  OF THE H. & T.C. R.R.  
CO. SURVEY SECTION 120, BLOCK 1, ABSTRACT 375, WALLER COUNTY,  
TEXAS.

1. No commercial use of the property for breeding or raising of dogs or horses.
2. No hogs.
3. Beckendorff frontage to be designated commercial to a depth of 175 feet.
4. Large animals not to exceed one per acre.
5. Mobile or trailer homes not permissable.
6. This 5 acre tract may be released from the 30 acre of the 161.380 acre tract when \$45,000.00 in principal of the \$90,000.00 principal note has been paid. The 5 acre tract will then be released only when fully paid for.

AGREED TO AND ACCEPTED BY:

Lyndon Bing, GRANTOR

*[Signature]*  
WALTER WASHINGTON, JR.

ELVA M.A. WASHINGTON GRANTEES

"EXHIBIT B"

Filed for Record Nov. 26, A.D., 1980 4:45 o'clock P. M.

Recorded Dec. 02, A.D., 1980 10:50 o'clock A. M.

ELVA D. MATHIS, County Clerk, Waller County, Texas

By Louise Avery Deputy