



TEXAS ASSOCIATION OF REALTORS®
NOTICE OF INFORMATION FROM OTHER SOURCES

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To: Joe Matkin
Claudia Matkin

From: Kuper Sothebys International Realty (Broker)

Property Address: 113 Spanish Pass Rd. Boerne, TX 78006

Date: February 14, 2019

(1) Broker obtained the attached information, identified as Well Log (2 pg); Septic Permit (3pg); Restrictions (3 pg); Legal Description (2 pg); Sketch/Area Table Addendum (1 pg).

from Cow Creek Groundwater Conservation District; Kendall County Development Office; K.C.D.R. Vol.694, Pg. 392; Vol.700, Pg. 358.

(2) Broker has relied on the attached information and does not know and has no reason to know that the information is false or inaccurate except: none.

(3) **Broker does not warrant or guarantee the accuracy of the attached information. Do not rely on the attached information without verifying its accuracy.**

Kuper Sothebys International Realty
Broker

By: _____
Amy Dutton

Receipt of this notice is acknowledged by:

Signature Date
Joe Matkin

Signature Date
Claudia Matkin

Send original copy by certified return receipt requested mail to: TNRCC, MC 177, P.O. Box 13087, Austin, TX 78711-3087

Well permit #2753

ATTENTION OWNER: Confidentiality
Privilege Notice on reverse side
of Well Owner's copy (pink)

State of Texas WELL REPORT

Texas Water Well Drillers Advisory Council
MC 177
P.O. Box 13087
Austin, TX 78711-3087
512-338-0630

1) OWNER Joe Matkin ADDRESS P. O. Box 1336 Boerne, TX 78006
(Name) (Street or RFD) (City) (State) (Zip)

2) ADDRESS OF WELL: Kendall #45 Daly Rd. Boerne TX 78006 GRID # _____
County (Street, RFD or other) (City) (State) (Zip)

3) TYPE OF WORK (Check): New Well Deepening Reconditioning Plugging
4) PROPOSED USE (Check): Monitor Environmental Soil Sampling Domestic
 Industrial Irrigation Injection Public Supply De-watering Testwell
If Public Supply well, were plans submitted to the TNRCC? Yes No

5) WELL LOG: Date Drilling: _____
Started 07-08-97
Completed 07-10-97
6) DRILLING METHOD (Check): Driven Air Rotary Mud Rotary Bored
 Air Hammer Cable Tool Jetted Other _____

From (ft.)	To (ft.)	Description and color of formation material	DIAMETER OF HOLE		
			Dis. (in.)	From (ft.)	To (ft.)
0	02	topsoil to orange post oak clay	7 7/8	Surface	597
02	15	light yellow caliche			
15	17	dark yellow clay & caliche			
17	20	blue shale & gray lime			
20	22	yellow clay & caliche			
22	27	blue shale & gray lime			
27	32	soft yellow clay & caliche			
32	180	blue shale & gray lime			
180	187	light cream colored lime			
187	197	gray lime & shale			
197	208	yellow honeycomb (water 15gpm)			
208	232	blue gray shale & lime layers			
232	237	dark inky blue shale			
237	252	gray shale & lime			
252	262	light gray shaley lime			

7) Borehole Completion (Check): Open Hole Straight Wall
 Underreamed Gravel Packed Other _____
If Gravel Packed give interval ... from _____ ft. to _____ ft.
8) CASING, BLANK PIPE, AND WELL SCREEN DATA:
Dia. (in.) New or Used Size, Plastic, etc. Part, Class, etc. Screen Mfg., if commercial Sizing (ft.) Casing Screen
From To
5 1/2" SDR PVC 0 458
total 460

9) CEMENTING DATA (Rule 338.44(1)) 4.00 yds total
Cemented from 0 ft. to 458 ft. No. of sacks used _____
ft. to _____ ft. No. of sacks used _____
Method used 8-sk grout
Cemented by H.W. Schwobe & Sons, Inc.
Distance to septic system field lines or other concentrated contamination _____ ft.
Method of verification of above distance _____

13) TYPE PUMP:
 Tubing Jet Submersible Cylinder
 Other 2hp Goulds pump 520 1 1/2" pvc pipe
Depth to pump bowls, cylinder, jet, etc., 21' 1 1/2" galv pipe

14) WELL TESTS:
Type test: Pump Baller Jersey Estimated
Yield: 20 gpm with 587 ft drawdown after _____ hrs.

15) WATER QUALITY:
Did you knowingly penetrate any strata which contained undesirable constituents?
 Yes No If yes, submit "REPORT OF UNDESIRABLE WATER"
Type of water? _____ Depth of strata _____
Was a chemical analysis made? Yes No

10) SURFACE COMPLETION
 Specified Surface Slab Installed (Rule 338.44(2)(A))
 Specified Steel Sleeve Installed (Rule 338.44(3)(A))
 Pitless Adapter Used (Rule 338.44(3)(b))
 Approved Alternative Procedure Used (Rule 338.71)

11) WATER LEVEL:
Static level _____ ft. below land surface Date _____
Artesian flow _____ gpm. Date _____

12) PACKERS:

Type	Depth

I hereby certify that this well was drilled by me (or under my supervision) and that each and all of the statements herein are true to the best of my knowledge and belief. I understand that failure to complete items 1 thru 15 will result in the log(s) being returned for completion and resubmittal.

COMPANY NAME H. W. Schwobe & Sons, Inc. WELL DRILLER'S LICENSE NO. _____
(Type or print)

ADDRESS P.O. Box 364 Boerne, TX 78006
(Street or RFD) (City) (State) (Zip)

(Signed) _____ (Signed) _____
(Licensed Well Driller) (Registered Driller Trainee)

Please attach electric log, chemical analysis, and other pertinent information, if available.

**IMPORTANT NOTICE FOR PERSONS
HAVING WELLS DRILLED CONCERNING
PRIVILEGE OF CONFIDENTIALITY**

The Water Well Drillers Advisory Council and the Texas Natural Resource Conservation Commission are concerned that some persons having wells drilled may not be aware of the confidentiality provisions of Section 32.005 of the Texas Water Code, the Reporting of Well Logs, reads as follows:

"Every licensed driller drilling, deepening or otherwise altering a water well within this State shall make and keep a legible and accurate well log in accordance with the department rule on forms prescribed by the department. Not later than the 30th day after the completion or cessation of drilling, deepening or otherwise altering the well, the licensed driller shall deliver or transmit by certified mail a copy of the well log to the department and to the owner of the well or the person for whom the well was drilled. Each copy of a well log, other than a department copy must include the name, mailing address, and telephone number of the department. The well log shall be recorded at the time of drilling, and must show the depth, thickness, and character of the strata penetrated, the location of water-bearing strata, the depth, size and character of casing installed, and any other information required by department rule. The department shall hold the contents of the well log confidential and not a matter of public record if it receives, by certified mail, a written request to do so from the owner or person for whom the well was drilled."

The last sentence specifies the means whereby you can, if you wish, assure that logs of your wells will be kept confidential.

From (ft.)	To (ft.)	Description and color of formation material
262	308	white lime (reef bed)
308	326	light gray lime
326	406	gray lime
406	432	gray shale & shaley lime
432	443	gray lime
443	458	shaley gray lime
458	472	brown lime (some water)
472	494	light gray lime (little water)
494	526	blue sandstone
526	535	gray lime & shale
535	537	green shale
537	542	tan & green lime
542	567	porous white lime (water)
567	579	gray lime
579	584	brown lime
584	587	olive green shale

SEPTIC FORM

Private Sewage Facility (Licensed) in Kendall County, Texas

APPLICANT INFORMATION:

Property Owner (Licensee) Joe S. Mathis Contractor Billy DeLong

Subdivision or Location 45 Bally Hill

Total Area Sq Ft _____ or Acres 21.95

No. Bedrooms 3 + 1 or Sq. Ft. of House 3108 + 500 of Gal/Day 480

Perc Rate 2 Class No. III Trench Req Sq Ft 2400

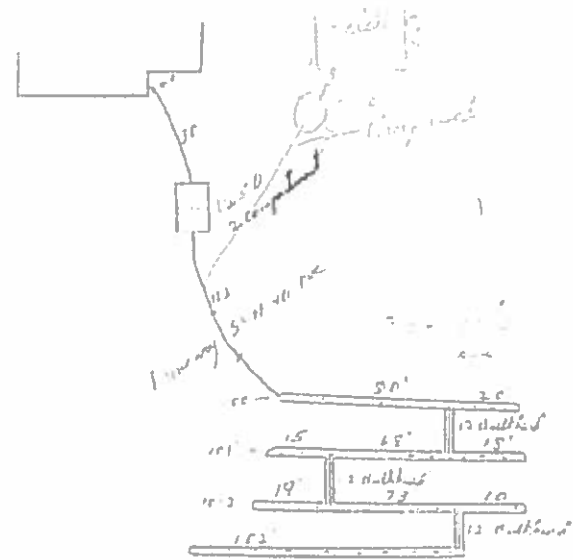
or Bed Req Sq _____

Gallon Capacity Req for Concrete Septic Tank 250 - 2 Compartment

Installed Length _____ Width 4

Sq Ft. _____ Bed _____ Trench -

Remarks _____
 (Sketch of Approximate Distances, Not To Scale)



The County of Kendall, The Texas Department of Health, or their agents or designees, makes no representation that facilities herein licensed will provide satisfactory service to the premises served. It will be the licensee's responsibility to make any changes or modifications which operating experience may show to be necessary in order for these facilities to provide satisfactory service. Septic distances meet minimum Texas Department of Health separation distances in most instances. Some renovations may be less if repaired or replaced in the same general area as the pre-existing system being renovated.

PERMIT (LICENSE) GRANTED AND APPROVED THIS DATE 2-28-02

[Signature]
 Designated Representative

Wastewater Consultants, Inc.

Chris H. Menzel, R.S., President
265 Danube Pass, Boerne, TX 78006

(830) 229-5389

(Fax) (830) 336-2975

21.98 ACRES
45 DALY ROAD
KENDALL COUNTY, TX

N

Design Requirements*:

3 BR (3,108 sq. ft.) + 1BR Guest House (500 sq. ft.)
USDA Soil Textural Class III
1,250 Gal. 2-C Septic Tank + 750 Gal. 2-C Septic Tank

$A = Q/Ra$

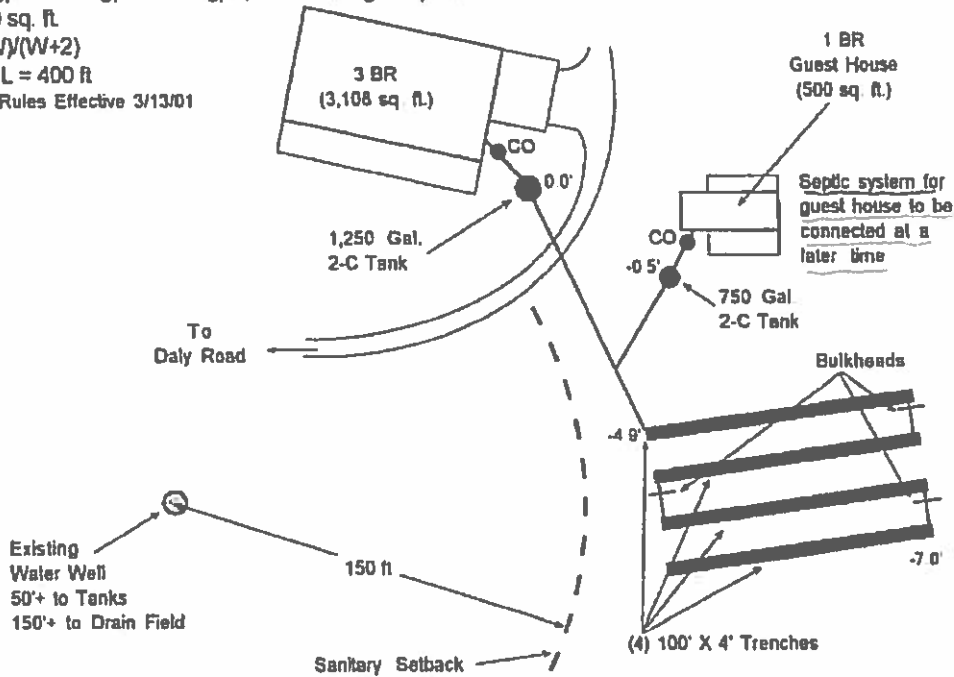
$Q = 300 \text{ gpd} + 180 \text{ gpd} = 480 \text{ gpd}$, $Ra = 0.20 \text{ gal/sq. ft.}$

$A = 2,400 \text{ sq. ft.}$

$L = (A - 2W)/(W + 2)$

$W = 4 \text{ ft.}$, $L = 400 \text{ ft.}$

* TNRCC Rules Effective 3/13/01



I hereby certify that this sewage facility design submitted conforms to rules and guidance standards developed by the Texas Natural Resources Conservation Commission and the applicable county, and under normal conditions and proper installation can be expected to function within operating parameters.

Scale 1" = 50'

X *Chris H. Menzel*
CHRIS H. MENZEL
REGISTERED PROFESSIONAL SANITARY ENGINEER



1183 DATE 10-16-01

Wastewater Consultants, Inc.

Chris H. Menzel, R.S., President
265 Danube Pass, Buernie, TX 78006

(830) 229-5389

Fax (830) 336-2975

SITE EVALUATION INFORMATION

Applicant: J & C. MATKIN
Facility Location: 45 DALY ROAD

Soil Texture Analysis

Actual Site Profile Description: 0-12" SANDY LOAM
12-48" CLAY LOAM

USDA Soil Texture Type (Class): Ia Ib II III IV

Gravel Analysis Yes No Gravel <30% and >2.0mm
 Yes No Gravel >30%, 80% of gravel <5.0mm

Soil Depth Analysis

Is the soil texture and structure consistent to at least 24 inches below the proposed disposal area? Yes No

Restrictive Horizons

Are there any dense clay subsoils, solid rock, or groundwater at least 24 inches below the proposed disposal area? Yes No

If yes, describe _____

Topography

Slope within area of proposed disposal area < 5 %

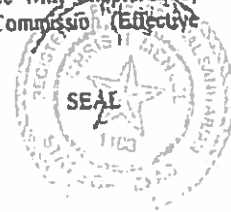
Flood Hazard

Potential or known flood hazards NONE

Overall Site Suitability Suitable Not Suitable

I certify that I have completed this site evaluation in accordance with Chapter 285, Subchapter D, §285.30, Texas Natural Resources Conservation Commission (Effective June 13, 2001)

Chris H. Menzel Chris H. Menzel, R.S., 1183
10-16-01 Date



DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THAT WHEREAS, GEORGE D. WEEMS REVOCABLE TRUST, owner of the land and premises as per the attached description (Exhibit "A") comprising ---- acres, more or less, and

WHEREAS, GEORGE D. WEEMS REVOCABLE TRUST desire to subject such real property to the protective covenants, restrictions, reservations and easements herein for the benefit of such property and the present and future owners thereof.

NOW THEREFORE, it is hereby declared that all of the property described above shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions, which shall run with the real property and shall be binding on all parties having any right, title or interest in or to the above described property or any part thereof, and their heirs, successors and assigns, and which easements, restrictions, covenants and conditions shall insure to the benefit of each owner thereof, and in general, will insure the best use and most appropriate development of such property.

COVENANTS AND RESTRICTIONS

1. **DWELLING SIZE AND USE** Any dwelling unit shall contain at least 2500 square feet of ground level living area excluding breezeways, open porches, terraces, patios, garages, and other structures not connected to main dwelling unit. Any lot shall be used for residential one single-family residence only.

2. **DWELLING QUALITY** All dwelling units hereafter constructed on such property shall be constructed in a good and workmanlike manner with the use of new materials and in such a way as to present a neat and attractive appearance in the area thereof.

3. **COMPLETION OF CONSTRUCTION** The entire exterior of any main dwelling unit constructed on such property must be completed within twelve (12) months after the commencement of work thereon or the placing of materials thereon on such property, whichever occurs first.

4. **LOCATION OF BUILDINGS/IMPROVEMENTS/SUPPLIES** All dwelling units, detached garages, guest houses, sheds, supplies of any kind, wells, well houses, barns, swimming pool, pond, or any other improvement or other buildings constructed on such property shall be set back at least 100 feet from the front property line of each lot and shall be set back at least 40 feet from the side and rear lot lines of each lot. On corner or triangular lots, no building shall be located closer than 40 feet to any street property line.

5. **NO TEMPORARY STRUCTURES** No garage, shack, tent, barn or any other temporary building/structure shall be constructed or placed on any lot on such property as living quarters thereon, either temporarily or permanently. However, it is understood that one vacation van or other recreational type vehicle, or boat and trailer may be parked at or near the rear of a lot provided

it is not used as a living quarters. No partially or fully dismantled cars or cars not currently licensed shall be allowed on any part of the property unless inside the garage of the landowner's residence.

6. **PROHIBITED RESIDENTIAL USES** No mobile homes, house trailers, or manufactured homes shall be constructed or placed on any lot on the property.

7. **ANIMALS AND LIVESTOCK** Traditional Texas farm animals, such as horses, cattle, sheep, chickens, etc., shall be permitted; provided no hogs will be permitted on any part of such property and no commercial fowl feeding/breeding, or feed lot, will be permitted on any part of said property. Notwithstanding anything herein to the contrary, horses and cattle shall not be kept on any area less than one (1) acre per one (1) head. Goats and sheep shall not be kept on any area less than one (1) acre per three (2) head. Chickens must be contained within a coup.

8. **GARBAGE** No garbage or junk or any other form of waste shall be kept on property except in sanitary containers.

9. **SEPTIC SYSTEM** No outside toilets or privies shall be permitted on any lot. All toilet facilities, kitchen sinks, washing machines, bathrooms drains, etc., shall be connected to a septic tank or sewage collection line meeting the approval of all county and state health authorities and complying with all such regulations and shall be operated and maintained in such a manner as to not be obnoxious, offensive or to endanger the health, safety, or welfare of the occupants of the building site on which it may be located or any surrounding property.

10. **WATER WELLS** Any water well drilled on any lot shall meet the approval of all county and state health authorities and comply with all such regulations. The water well will be for private residential usage only.

11. **NO COMMERCIAL USAGE** No professional, commercial or business activity to which the general public is invited shall be conducted on any lot.

12. **SIGNS** No signs of any character shall be allowed on any lot except one sign that measures two feet by three feet (2x3) to advertise the property for sale, lease, or rent.

13. **SUBDIVIDED** Providing, however, that in the event of such subdivision, the resultant tracts shall never be less than five (5) acres in size.

14. **ROADS/PROPERTY USAGE** Any road of any type, shall be exclusively for the use of the property owner and will serve as a thoroughfare to the property owner's single family dwelling only. Additional rights to the road may not be given or sold. It will remain a private road to serve only the single property owner. If additional interests in the property are sold, the road will continue to serve no more than one single family unit, and may not at any time be used as a thoroughfare to access another road. Property owner will secure road and property in a manner that will protect against the occurrence of others and general public from accessing road or property to use as a thoroughfare to Spanish Pass Road or gravel road to the east of property. In no way may this property be used as a thoroughfare to any additional property or road other than one property owner's private home.

15. **GENERAL PROVISIONS** The covenants, conditions and restrictions of this declaration shall run with the land, and shall inure to the benefit of and be enforceable by the owner of any lots subject to the restrictions in this declaration, and their respective legal representatives, heirs, successors and assigns. It is further expressly understood that the undersigned or any one or more of the owners of such properties shall have the right to enforce the restrictive covenants and use limitations herein provided for on said property by injunction in order to prevent a breach thereof or to enforce the observance thereof, which remedy, however, shall not be exclusive and the undersigned or any other person or persons owning said property injured by virtue of the breach of the restrictions and use limitations herein provided for on said property shall accordingly have their remedy for the damages suffered by them as a result of any breach, and in connection therewith, it is understood that in the event of a breach of these restrictions and use limitations by the owner of any lot of lots on said property, it will be conclusively presumed that the other owners of lots on said property have been injured thereby. It is further expressly understood that the undersigned shall continue to have the right to enforce such restrictive covenants and use limitations after all property has been sold by them, but shall have no obligation to do so. It is understood that all expenses, attorneys fees and court costs incurred in connection with the enforcement of such restrictive covenants and use limitations shall be borne by the party of parties seeking to enforce the same; and that the undersigned shall have no obligation to bear such expense, although they may contribute such expense if they so desire.

To covenants, conditions and restrictions herein shall be effective for a term of fifty years from the date this declaration is recorded unless altered or amended in writing prior to that date by a 2/3 vote of the then existing landowners, which alteration or amendment shall be properly acknowledged and recorded in the Clerk's Office of Kendall County, Texas. The landowners shall have one vote for each complete acre of land the landowner owns of such property for all votes act n paragraph 14. After fifty years sad covenants, conditions and restrictions shall be automatically extended for successive periods of ten years unless by a vote of a majority of he landowners of lots on such property taken prior to expiration of said fifty year period or of any current extended period, and filed for record in the Dec Records of Kendall County, Texas, in which case it is agreed that these restrictive covenants and use limitations shall terminate as to said property at the end of such fifty year period or current extended period.

No violation of any of the restrictions described above shall cause a reversion in title but instead any such violations shall be prevented or the injuries resulting compensated for by injunction or suit for damages.

Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provision, and all other provisions shall remain in full force and effect. Failure to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Legal Description
Exhibit A.
Kendall County Deed Records Vol. 694, Page 389
0154880 Vol 694 Pg 392
Holcomb To Matkin

Field notes of a 21.980 acre, more or less, tract of land out of the Nicolas Flores Survey No. 174, Abstract No. 166, Kendall County, Texas located about 3.8 miles N 30° W of the county seat in Boerne, Texas, being a portion of a tract as described in deed recorded in Volume 84, Page 384, Kendall County Deed Records and being more fully described as follows:

Beginning at an existing iron pin for the northwest corner of this tract, said pin being the northwest corner of a tract as described in deed recorded in Volume 129, Page 342, Kendall County Deed Records;

Thence, N 86° 47' 05" E (Joining a fence enroute) 915.45' to an iron pin set at a fence corner;

Thence, continuing with fence N 00° 17' 20" W 1,539.26' to a steel fence corner post;

Thence, continuing with fence S 80° 52' 58" W 349.88' to an existing iron pin;

Thence, continuing with fence S 03° 59' 30" W 252.92' to a steel fence corner post;

Thence, continuing with fence but leaving it enroute S 04° 18' 10" W 533.44' to an iron pin set in a fence;

Thence, with fence S 85° 24' 34" W (leaving fence enroute) 509.00' to an iron pin set for corner;

Thence, S 00° 20' 20" E 710.17' to the place of beginning and containing 21.980 acres of land, more or less.

Survey by James E. Schwarz, R.P.L.S.
April 27, 1994
Job No. 94-92

EXHIBIT "A" Holcomb To Matkin

Legal Description
Exhibit B
Kendall County Deed Records Vol. 700, Page 358
Weems To Matkin

Being a 4.244 acre tract of land out of the Nicolas Flores Survey No. 174, Abstract No. 166, Kendall County, Texas, said 4.244 acre tract being a portion of that certain 93.0 acre tract recorded in Volume 304, Pages 515-520, Official Records, Kendall County, Texas, said 4.244 acre tract being more particularly described by metes and bounds as follows:

Beginning at a 1/2" steel rod found in the east right-of-way line of Spanish Pass Road for the northwest corner of the herein described tract, the southwest corner of a 22.711 acre tract recorded in Volume 458, Page 527, Official Records, Kendall County, Texas.

Thence, departing the east right-of-way line of Spanish Pass Road, along the south line of the 22.711 acre tract, the following courses and distances:

S. 88°00'43" E., 720.21 feet to a 4" pipe post found for corner;
N. 00°02'16" E., 172.39 feet to a 1/2" steel rod found for corner;
And N. 89°17'38" E., 612.55 feet to a 1/2" steel rod found for corner in the west boundary line of a 6.396 acre tract recorded in Volume 528, page 46, Official Records, Kendall County, Texas;

Thence, along the west line of the 6.396 acre tract, and the west line of a 21.980 acre tract recorded in Volume 505, Pages 854-857, Official Records, Kendall County, Texas, S. 00°32'20" E., 229.15 feet to a 1/2" iron rod set for the southeast corner of the herein described tract;

Thence, departing the west line of said 21.980 acre tract, the following courses and distances:

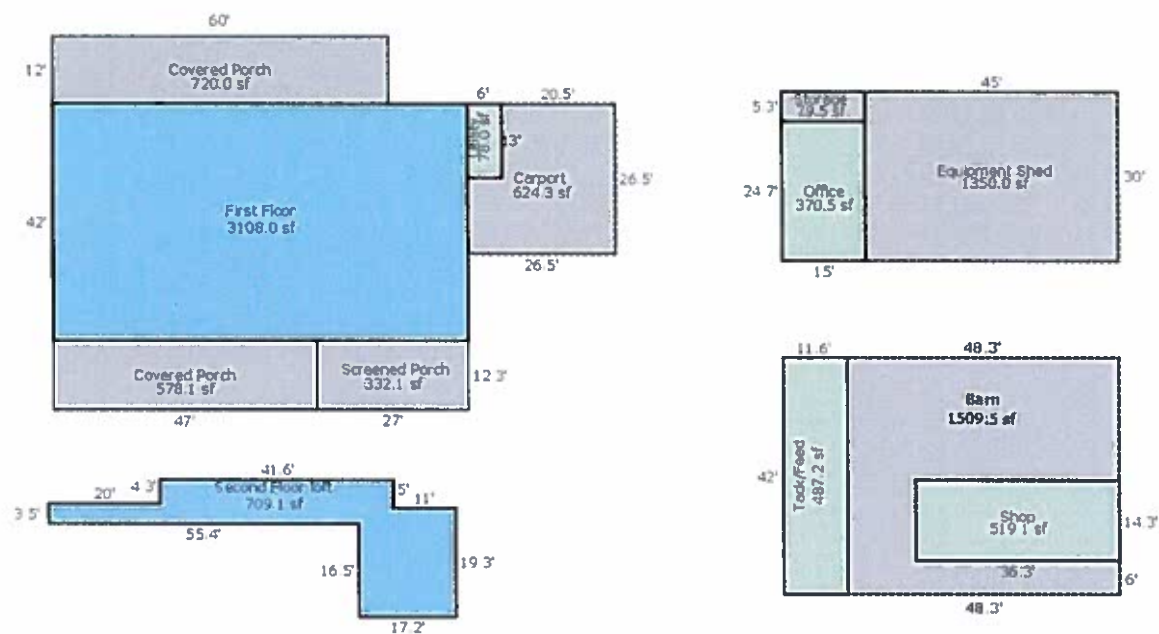
S. 88°58'56" W., 613.21 feet to a 1/2" set for angle;
And N. 88°00'43" W., 721.91 feet to a 1/2" steel for corner in the east right-of-way line of Spanish Pass Road;

Thence, along the east right-of-way line of Spanish Pass Road, N. 00°02'06" E., a distance of 60.03 feet to the Place of Beginning and containing 4.244 acres of land.

SKETCH/AREA TABLE ADDENDUM

SUBJECT	Property Address		
	City	State	Zip
	Borrower		
	Lender/Client		
	Appraiser Name		

IMPROVEMENTS SKETCH



The approximate under air square footage of the house is 3,817 sf. All other measurements are exterior. Buyer responsible to confirm all information.

Scale 1" = 30'

AREA CALCULATIONS

AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GLA1	First Floor	3108.00	
	Second Floor loft	709.08	3817.08
GBA1	Office	370.50	
	Equipment Shed	1350.00	
	Tack/Feed	487.20	
	Shop	519.09	
	Barn	1509.51	4236.30
GAR	Carport	624.25	624.25
P/P	Covered Porch	720.00	
	Screened Porch	332.10	
	Covered Porch	578.10	1630.20
OTH	Utility	78.00	
	Storage	79.50	157.50
	Net LIVABLE Area	(rounded)	3817
	Net BUILDING Area	(rounded)	4236

LIVING/BUILDING AREA BREAKDOWN		
	Breakdown	Subtotals
First Floor		
	74.0 x 42.0	3108.00
Second Floor loft		
	61.6 x 0.7	43.12
	4.3 x 41.6	178.88
	72.6 x 2.8	203.28
	16.5 x 17.2	283.80
Office	15.0 x 24.7	370.50
Equipment Shed	30.0 x 45.0	1350.00
Tack/Feed	11.6 x 42.0	487.20
Shop		
	14.3 x 36.3	519.09
Barn		
	12.0 x 14.3	171.60
	48.3 x 6.0	289.80
	21.7 x 48.3	1048.11
12 Items	(rounded)	8053