

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

94- 0141080

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BEXAR §

ARNO W. FRITZ and META STAPPER FRITZ, husband and wife (hereinafter called "Grantor"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged, and the further consideration of the execution and delivery by Grantee of one certain promissory note, of even date herewith, in the principal sum of \$164,000.00, payable to the order of Grantor, and bearing interest as therein provided, containing the usual clauses providing for acceleration of maturity and for attorney's fees, 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 JOHN D. WITTENBERG, JR., Trustee, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto MICHAEL ZIGMOND KALINOWSKI and JANET E. KALINOWSKI, husband and wife, whose address is 6785 FM 775, Seguin, Guadalupe County, Texas 78155 (hereinafter referred to as "Grantee"), all of the following described real property situated in Bexar County, Texas, to-wit: ("the Property"):

Being a 69.106 acre tract of land out of E. Gortari Survey No. 2, Abstract No. 5, County Block 5193, Bexar County, Texas, said 69.106 acre tract being comprised of those certain 34.4 acre tracts recorded in Volume 3441, Pages 417-418, Deed Records, Bexar County, Texas, Save and Except a 0.535 acre tract recorded in Volume 1584, Pages 357-360, Real Property Records, Bexar County, Texas, said 69.106 acre tract of land more particularly described on Exhibit "A" attached hereto and made a part hereof by reference, together with all and singular, the rights and appurtenances pertaining to the Property, including any right, title and interest of Grantor in and to adjacent streets, alleys, or rights of way, together with any improvements and fixtures located thereon.

The Property is conveyed to Grantee SUBJECT TO general real estate taxes on the Property for the current year, zoning laws, regulations and ordinances of municipal and other governmental authorities, if any, affecting the Property, and all the encumbrances described in Exhibit "B" attached hereto (all of the foregoing hereinafter called the "Permitted Encumbrances").

TO HAVE AND TO HOLD the Property, subject to the matters herein set forth, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee and Grantee's heirs, legal representatives, 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 matters herein set forth, unto Grantee, and Grantee's heirs, legal representatives, 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, subject, however, to the Permitted Encumbrances.

GRANTOR HAS NOT MADE AND DOES NOT MAKE ANY REPRESENTATIONS, WARRANTIES OR COVENANTS OF ANY KIND OR CHARACTER, WHETHER EXPRESS OR IMPLIED, WITH RESPECT TO THE QUALITY OR CONDITION OF THE PROPERTY, THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY CONDUCT THEREON, COMPLIANCE BY THE PROPERTY WITH ANY LAWS, RULES, ORDINANCES, OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR AS TO HABITABILITY, MERCHANTABILITY, OR FITNESS FOR A PARTICULAR PURPOSE. GRANTEE HAS MADE HIS [ITS] OWN PHYSICAL INSPECTION OF THE PROPERTY AND HAS SATISFIED HIMSELF [ITSELF] AS TO THE CONDITION OF THE PROPERTY FOR GRANTEE'S INTENDED USE. THE SALE AND CONVEYANCE OF THE PROPERTY IS ON AN "AS IS", BASIS AND THE GRANTEE EXPRESSLY ACKNOWLEDGES THAT THE SALES PRICE REFLECTS SUCH CONDITION. THE PROPERTY IS HEREBY SOLD, TRANSFERRED AND ASSIGNED TO GRANTEE "AS IS."

But it is expressly agreed that the Vendor's Lien, as well as the Superior Title in and to the Property, is retained against the 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.

Current ad valorem taxes on the Property having been prorated, the payment thereof is assumed by Grantee.

The exhibits attached to this Special Warranty Deed are incorporated herein for all purposes.

IN WITNESS WHEREOF, this Special Warranty Deed with Vendor's Lien is executed by Grantor to be effective as of the 19th day of July, 1994.

Arno W. Fritz

ARNO W. FRITZ

Doris Elaine Black

META STAPPER FRITZ, by her Agent
and Attorney-in-fact Doris Elaine Black

STATE OF TEXAS §

COUNTY OF BEXAR §

BEFORE ME, the undersigned authority on this day personally appeared ARNO W. FRITZ, 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.

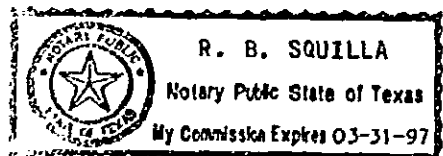
Given under my hand and seal of office this 19th day of July, 1994.

R. B. Squilla

Notary Public in and for the State of Texas

STATE OF TEXAS §

COUNTY OF BEXAR §

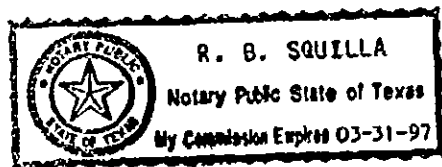


BEFORE ME, the undersigned authority on this day personally appeared DORIS ELAINE BLACK, acting as Agent and Attorney-in fact on behalf of META STAPPER FRITZ, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same in the capacity and for the purposes and consideration therein expressed.

Given under my hand and seal of office this 19th day of July, 1994.

R. B. Squilla

Notary Public in and for the State of Texas



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SCHEDULE OF EXHIBITS:

Exhibit "A" - Legal Description of Property
Exhibit "B" - Permitted Exceptions

AFTER RECORDING RETURN TO:

Mr. and Mrs. Michael Z. Kalinowski
6785 FM 775
Sequin, Texas 78155

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EXHIBIT A

Beginning at a 1/2" iron rod set in the northeast right-of-way line of Trainer Hale Road for the west corner of the herein described tract, said point being in a southeast line of a 80 acre tract recorded in Volume 5824, Pages 1313-1315, Real Property Records, Bexar County, Texas, and also being the northeast corner of the above referenced 0.535 acre tract;

Thence, departing the northeast right-of-way line of Trainer Hale Road, with a southeast line of said 80 acre tract, N. 59°30'00" E., 593.61 feet to a 1" iron pipe found for corner;

Thence, with a southwest line of said 80 acre tract, S. 45°23'59" E., 348.05 feet to a 1" iron pipe found for corner;

Thence, with a southeast line of said 80 acre tract, N. 60°35'00" E., 933.11 feet to a 1" iron pipe found for the east corner of said 80 acre tract, the south corner of a 78.49 acre tract recorded in Volume 4119, Pages 421-424, Deed Records, Bexar County, Texas;

Thence, with a southeast line of said 78.49 acre tract, N. 60°37'53" E., at 1910.10 feet a 1/2" iron rod set on line, a total distance of 1994.48 feet to the center of Cibolo Creek for the north corner of the herein described tract, the east corner of said 78.49 acre tract;

Thence, with the meanders of Cibolo Creek the following courses and distances;

S. 22°51'33" E., 299.84 feet,

S. 44°04'40" E., 33.64 feet,

and, S. 18°26'53" E., 481.20 feet to a point for the east corner of the herein described tract;

Thence, departing the center of Cibolo Creek, S. 59°32'35" W., at 150.87 feet a 1/2" iron rod set on line, a total distance of 3241.67 feet to a 1/2" iron rod found in the northeast right-of-way line of Trainer Hale Road for the south corner of the herein described tract, and being the southeast corner of said 0.535 acre tract;

Thence, with the northeast right-of-way line of Trainer Hale Road, the northeast line of said 0.535 acre tract, the following courses and distances;

N. 37°37'29" W., 134.91 feet to a 1/2" iron rod set for an angle,

N. 38°40'19" W., 652.84 feet to a 1/2" iron rod set for an angle,

and, N. 48°32'06" W., 332.53 feet to a 1/2" iron rod set for the point of curvature of an arc to the right whose central angle is 08°16'08", whose radius is 679.64 feet, and whose chord bears, N. 44°24'02" W., 98.00 feet;

Thence, continuing with the northeast right-of-way line of Trainer Hale Road, the northeast line of said 0.535 acre tract, along the arc of said curve to the right a distance of 98.09 feet to the Point of Beginning and containing 69.106 acres of land.

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EXHIBIT "B"

PERMITTED ENCUMBRANCES

1. Water Line Easement granted to Green Valley Water Supply Corporation by instrument recorded in Volume 1763, Page 890, Real Property Records of Bexar County, Texas.
2. Electric Easement granted to the City of San Antonio by instrument recorded in Volume 7199, Page 259, Bexar County Deed Records.
3. Water Line Easement granted to Green Valley Water Supply Corporation by instrument recorded in Volume 5361, Page 516, Bexar County Deed Records.

Filed for Record in:
BEXAR COUNTY, TX
ROBERT D. GREEN/COUNTY CLERK

On Aug 04 1994

At 4:32pm

Receipt #: 63914
Recording: 11.00
Doc/Mgmt: 6.00

Doc/Num: 34-0141060

Deputy - Suzanne Ybarra

Any provision herein which restricts the sale, rental, or use of the described real property because of recd. is invalid and unenforceable under Federal Law
STATE OF TEXAS, COUNTY OF BEXAR
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on

AUG 05 1994



Robert D. Green
COUNTY CLERK BEXAR CO.

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