

01417

SPECIAL WARRANTY DEED

THE STATE OF TEXAS X
 X KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HOOD X

That REPUBLIC LAND COMPANY, a Corporation, duly organized and existing under the Laws of the State of Texas, hereinafter referred to as Grantor, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars, and other good and valuable consideration, to it in hand paid by HLG & W DEVELOPMENT CORPORATION, a Corporation, duly organized and existing under the Laws of the State of Texas, hereinafter referred to as Grantee, as follows:

All cash, the receipt and sufficiency of which is hereby acknowledged and confessed, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY, unto the said HLG & W DEVELOPMENT CORPORATION, Grantee, whose mailing address is c/o Fair-Tex Builders, Inc., 11311 Stemmons Freeway, Suite 7, Dallas, Texas 75229, all that certain land lying and being situated in Hood County, Texas, described as follows:

SURFACE ESTATE ONLY IN AND TO those certain 40 lots in PECAN PLANTATION, a subdivision in Hood County, Texas, according to plats thereof recorded in the Plat Records of Hood County, Texas, more particularly described in Exhibit "A" attached hereto and made a part hereof.

This conveyance is given and accepted SUBJECT TO the following:

1. Grantor does hereby reserve unto itself, its successors and assigns, all of the oil, gas and other minerals in and under and that may be produced from any of the property conveyed hereby;
2. Grantor does hereby reserve unto itself, its successors and assigns, all riparian rights including property rights necessary to support a claim for riparian rights by Grantor herein or its predecessors in title;
3. This conveyance is made subject to all easements, rights-of-way, covenants, agreements, restrictions, reservations, re-versions and other matters appearing of record and all present and future requirements of law and governmental regulation;

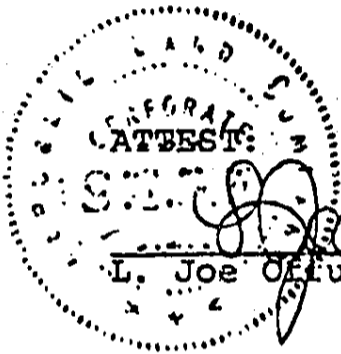
4. Notwithstanding any other agreement, Grantee herein shall not erect, maintain or permit to exist on Lots K-R, J or I in Unit Four of Pecan Plantation, a subdivision in Hood County, Texas, more particularly described in Exhibit "A" attached hereto, more than sixteen (16) units for each acre (excluding fractional acreage) within the Lot, units being individual residential units in an apartment project or a condominium project, and these restrictions shall be covenants running in the land and shall be fully binding upon Grantee herein, its successors and assigns, and shall continue in effect during the duration of all of the restrictions and covenants set forth in the Declaration of Restrictions appearing of record with respect to Unit Four, Pecan Plantation, a subdivision in Hood County, Texas;

5. This conveyance is also made subject to all of the covenants, reservations, terms and conditions contained in that certain Agreement, effective as of August 1, 1978, between Grantor herein and Pecan Plantation Owners Association, Inc., as amended, including all exhibits thereto, and Grantor herein reserves unto itself, its successors and assigns, all of the rights (including remedies) of the Developer under said Agreement, and it is understood and agreed that Grantee herein will acquire none of those rights or remedies by virtue of this Deed; however, this paragraph 5 shall not be construed as denying to Grantee herein any of the rights to which Grantee herein may be otherwise entitled under paragraph 9 of said Agreement;

6. Taxes and assessments on the property herein described having been prorated to date hereof, Grantee herein assumes and agrees to pay all taxes and assessments for the year 1983 and subsequent years on said property.

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 HLG & W DEVELOPMENT CORPORATION, its successors and assigns forever, and the said Grantor herein does hereby bind itself, its successors and assigns, to WARRANT and FOREVER DEFEND, all and singular the said premises unto the said HLG & W DEVELOPMENT CORPORATION, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof, by, through or under it, but no further or otherwise.

IN WITNESS WHEREOF, the said Corporation has caused these presents to be signed by its duly authorized officers and to be sealed with the Seal of the Corporation, at Fort Worth, Texas, this 3rd day of February, 1983.



L. Joe Offutt
L. Joe Offutt, Secretary

REPUBLIC LAND COMPANY

By: *Jesse W. Graham*
Jesse W. Graham, Vice-President

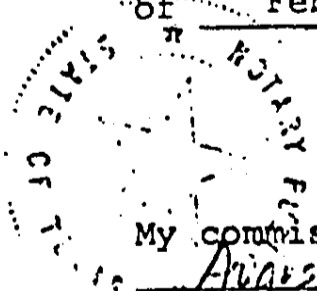
THE STATE OF TEXAS

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X
X

COUNTY OF TARRANT

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared JESSE W. GRAHAM, Vice-President of REPUBLIC LAND COMPANY, a corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of the said REPUBLIC LAND COMPANY, a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 3rd day of February, 1983.



John A. M. Muller
Notary Public, State of Texas

My commission expires:
August 16, 1984

EXHIBIT "A"

THE SURFACE ESTATE ONLY in and to the following described lots in PECAN PLANTATION, a subdivision of Hood County, Texas, according to plats recorded in the Plat Records of Hood County, Texas:

Lots 75 and 239, UNIT ONE, PECAN PLANTATION, a Subdivision of Hood County, Texas, according to the plat thereof as recorded in Volume 1, Page 134, Plat Records of Hood County, Texas.

Lots 297 and 340, UNIT TWO, PECAN PLANTATION, a Subdivision of Hood County, Texas, according to the plat thereof as recorded in Volume 2, Page 14, Plat Records of Hood County, Texas.

Lot 395, UNIT TWO, PECAN PLANTATION, a Subdivision of Hood County, Texas, according to the plat thereof as recorded in Volume 3, Page 6, Plat Records of Hood County, Texas.

Lots 1930 and 1931, UNIT THREE, PECAN PLANTATION, a Subdivision of Hood County, Texas, according to the plat thereof as recorded in Volume 3, Page 10, Plat Records of Hood County, Texas.

Lots I, J and K-R, UNIT FOUR, PECAN PLANTATION, a subdivision of Hood County, Texas, according to the plat thereof as recorded in Volume 2, Page 40, and Volume 1, Page 205, Plat Records of Hood County, Texas.

Lot 523, UNIT FIVE, PECAN PLANTATION, a Subdivision of Hood County, Texas, according to the plat thereof as recorded in Volume 1, Page 137, Plat Records of Hood County, Texas.

Lots 1579, 1581 and 1630, UNIT SEVEN, PECAN PLANTATION, a Subdivision of Hood County, Texas, according to the plat thereof as recorded in Volume 2, Page 48, Plat Records of Hood County, Texas.

Lots 2288, 2291, 2296, 2301, 2305, 2308, 2350, 2355, 2359, 2360, 2368, 2451, 2454, 2455, 2456, 2458, 2459, 2461, 2462, 2466, 2467, 2468, 2481, 2500, 2512 and 2524, UNIT SEVENTEEN, PECAN PLANTATION, a Subdivision of Hood County, Texas, according to the plat thereof as recorded in Volume 3, Page 70, and Volume 1, Page 195, Plat Records of Hood County, Texas.

Return to:
HLG & W Development Corp.
Ch. Fair - Du Builder, Inc.
11311 Stemmons Freeway
Suite 7.
Dallas Texas 75239

STATE OF TEXAS }
COUNTY OF HOOD }

I hereby certify that this instrument was FILED on the date and at the time stated herein by me and was duly RECORDED in the Volume and Page of the named RECORDS of Hood County, Texas, as stamped hereon by me.



2/11/83
Angenette Ables

County Clerk, Hood County, Texas

(Attached to and made a part of Special Warranty Deed dated February 3, 1983, from Republic Land Company, as Grantor, to HLG & W Development Corporation, as Grantee)

FILED FOR RECORD
AT 11:15 A.M.

FEB 9 1983

Angenette Ables

Clark County Court, Hood County, TX.