

Z-2022-10700334 CD S ERZD

Alamo Title GF# 4000032200283 CJF; \$ \_\_\_\_\_

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**SPECIAL WARRANTY DEED WITH VENDOR'S LIEN**

**Date:** October 7, 2022

**Grantor:** THE RICHARD GILL COMPANY, a Texas corporation

**Grantor's Mailing Address:** 20014 Park Ranch Road, San Antonio, Texas 78259

**Grantee:** TIM SOUN, LLC, a Texas limited liability company

**Grantee's Return Mailing Address:** 21920 Bulverde Road, Suite 104, San Antonio, TX 78259

**Consideration:** TEN and NO/100 DOLLARS (\$10.00) and other good and valuable consideration in hand paid to Grantor, the receipt and sufficiency of which is hereby acknowledged and confessed, and the further consideration of the execution by Grantee of one certain promissory note of even date payable to the order of SOUTHSTAR BANK, S.S.B. in the principal amount of \$1,140,000.00. The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of SOUTHSTAR BANK, S.S.B. and by a first-lien deed of trust of even date from Grantee to David Kapavik, trustee.

**Property (including any improvements):**

**SEE EXHIBIT "A" ATTACHED HERETO  
AND MADE A PART HEREOF FOR ALL PURPOSES**

**Reservations from Conveyance:** None

**Exceptions to Conveyance and Warranty:** Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for 2022, which Grantee assumes and agrees to pay, but not subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantor assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the

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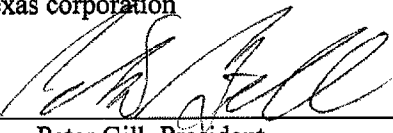
Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, when the claim is by, through or under Grantor, but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

To the extent that the purchase agreement between Grantor and Grantee, if any, provides for limitations or other agreed matters that will survive the closing and this conveyance, then such limitations or other agreed matters are hereby deemed incorporated by reference.

The vendor's lien against and superior title to the Property are retained until each note described is fully paid according to its terms, at which time this deed will become absolute. SOUTHSTAR BANK, S.S.B., at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the note. The first and superior vendor's lien against and superior title to the Property are retained for the benefit of SOUTHSTAR BANK, S.S.B. and are transferred to SOUTHSTAR BANK, S.S.B. without recourse against Grantor.

When the context requires, singular nouns and pronouns include the plural.

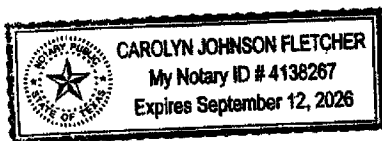
THE RICHARD GILL COMPANY,  
a Texas corporation

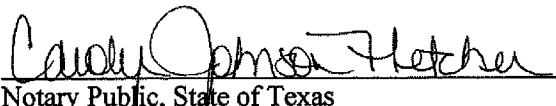
By:   
Peter Gill, President

STATE OF TEXAS            )

COUNTY OF BEXAR        )

This instrument was acknowledged before me on September 21, 2022 by Peter Gill, President of THE RICHARD GILL COMPANY, a Texas corporation, on behalf of said entity.



  
Notary Public, State of Texas

## Z-2022-10700334 CD S ERZD

**EXHIBIT "A"**  
**METES & BOUNDS DESCRIPTION**

A 1.675 ACRE TRACT, LYING AND BEING SITUATED IN THE CONSOLIDATED EL PASO IRRIGATION AND MANUFACTURING COMPANY SURVEY No. 397, COUNTY BLOCK 4921, AND THE WILLIAM HOTCHKISS SURVEY No. 92, COUNTY BLOCK 4919, BEING ALL OF A CALLED 1.46 ACRE TRACT, IN A DEED TO THE RICHARD GILL COMPANY, RECORDED IN DOCUMENT No. 20160253549, OFFICIAL PUBLIC RECORDS BEXAR COUNTY, TEXAS, AND DESCRIBED AS A CALLED 1.786 ACRE TRACT, EXHIBIT "B-6", IN A DEED RECORDED IN VOLUME 3271, PAGE 1070, REAL PROPERTY RECORDS BEXAR COUNTY, TEXAS, SAVE AND EXCEPT A CALLED 0.11 ACRE TRACT, CONVEYED TO THE COUNTY OF BEXAR, RECORDED IN VOLUME 4665, PAGE 475, REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS, SAID 1.675 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** at a 1/2 inch iron rod found in the west right-of-way line of Bulverde Road (a variable width R.O.W.) in the south boundary line of the Gill 1.786 acre tract, being the north boundary line of a called 907.396 acre tract owned by the John O. Yates Estate, per Property I.D. No. 996523, Bexar County Appraisal District, at the southwest corner of the Bexar County 0.11 acre tract, for the southeast corner hereof, from which the southeast corner of the Gill 1.786 acre tract, being also the southeast corner of the Bexar County 0.11 acre tract, bears North 57° 57' 06" East, 26.64 feet, for reference;

**THENCE** South 57° 57' 06" West along the south boundary line of the Gill 1.786 acre tract, being the north boundary line of Yates Estate 907.396 acre tract, a distance of 323.08 feet (record deed, South 58° 17' 47" West, 350.00 feet, overall) to a 1/2 inch iron rod found, with red cap, at the southwest corner of the Gill 1.786 acre tract, being also the southeast corner of LOT 40, BLOCK 3, N.C.B. 19121, ENCINO CREEK P.U.D. SUBDIVISION, according to plat thereof recorded in Volume 9532, Page 124, Deed and Plat Records Bexar County, Texas, for the southwest corner hereof;

**THENCE** North 31° 50' 36" West along the west boundary line of the Gill 1.786 acre tract, being also the east line of LOT 40 and LOT 39, BLOCK 3, of said ENCINO CREEK P.U.D. SUBDIVISION, passing at a distance of 139.11 feet, a 1/2 inch iron rod found at the northeast corner of LOT 40, being the southeast corner of LOT 39, of said ENCINO CREEK P.U.D. SUBDIVISION, continuing along the east line of LOT 39, of said ENCINO CREEK P.U.D. SUBDIVISION, passing at a distance of 199.46 feet, a 1/2 inch iron rod found on-line, and continuing for a total distance of 200.17 feet (record deed, North 31° 42' 13" West, 200.00 feet) to a calculated point in the south line of a 32 foot wide drainage easement shown on the plat of ENCINO BLUFF, UNIT 1, recorded in Volume 9519, Pages 13-15, Deed and Plat Records Bexar County, Texas, at the northwest corner of the Gill 1.786 acre tract, being the northeast corner of LOT 39, of said ENCINO CREEK P.U.D. SUBDIVISION, for the northwest corner hereof;

**THENCE** North 58° 01' 02" East along the north boundary line of the Gill 1.786 acre tract, being also the south line of the 32 foot wide drainage easement of said ENCINO BLUFF, UNIT 1, a distance of 410.18 feet (record deed, North 58° 17' 47" East, 433.75 feet, overall) to a 1/2 inch iron rod set, in the west right-of-way line of Bulverde Road, at the northwest corner of the Bexar County 0.11 acre tract, for the northeast corner hereof, from which the northeast corner of the Gill 1.786 acre tract, being the northeast corner of the Bexar County 0.11 acre tract, bears North 58° 01' 02" East a distance of 23.29 feet, for reference;

**THENCE** along the west right-of-way line of Bulverde Road, with the west boundary line of the Bexar County 0.11 acre tract, the arc of a curve to the left with Radius of 2555.00 feet (record deed 2555.00 feet), an Arc Length of 218.22 feet (record deed 218.21 feet), a Delta Angle of 04° 53' 37" (deed record, 04° 53' 36"), and a Chord that bears South 08° 18' 53" East a distance of 218.15 feet (deed record, South 06° 53' 49" East), to the POINT OF BEGINNING, containing 1.675 acres, more or less.

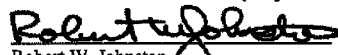
Basis of Bearing: Texas South Central NAD 83  
All 1/2 inch iron rods set are capped with "Amerisurveyors" cap.

STATE OF TEXAS §

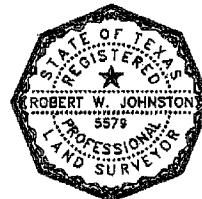
September 7, 2022

COUNTY OF BEXAR §

It is hereby certified that the above description was prepared from an actual survey on the ground of the described tract made under my supervision.



Robert W. Johnston,  
Registered Professional Land Surveyor  
Registration No. 5579



**File Information**

**eFILED IN THE OFFICIAL PUBLIC eRECORDS OF BEXAR COUNTY  
LUCY ADAME-CLARK, BEXAR COUNTY CLERK**

**Document Number:** 20220244763  
**Recorded Date:** October 12, 2022  
**Recorded Time:** 11:59 AM  
**Total Pages:** 4  
**Total Fees:** \$34.00

**\*\* THIS PAGE IS PART OF THE DOCUMENT \*\***

**\*\* Do Not Remove \*\***

Any provision herein which restricts the sale or use of the described real property because of race is invalid and unenforceable under Federal law

STATE OF TEXAS, COUNTY OF BEXAR

I hereby Certify that this instrument was eFILED in File Number Sequence on this date and at the time stamped hereon by me and was duly eRECORDED in the Official Public Record of Bexar County, Texas on: 10/12/2022 11:59 AM



*Lucy Adame-Clark*  
Lucy Adame-Clark  
Bexar County Clerk