

FILED BY
ALAMO TITLE
08-100118955A

207 Cevallos
Bexar County, Texas

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

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

Effective Date: 6-27, 2008

Grantor: MYERS TIRE SUPPLY DISTRIBUTION, INC., an Ohio corporation

Grantor's Mailing Address (including county):

1293 South Main Street
Akron, Summit County, Ohio 44301
Attention: David J. Grider, President

Grantee: BOTA PARTNERS, LLC, a Texas limited liability company

Grantee's Mailing Address:

1920 Nacogdoches, Suite 201
San Antonio, Bexar County, Texas 78209

Consideration:

The sum of \$10.00 and other good and valuable consideration paid by Grantee to Grantor, the receipt and sufficiency of which are hereby acknowledged, and a note of even date executed by Grantee and payable to the order of PROSPERITY BANK in the principal amount of TWO HUNDRED SIXTY-THREE THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$263,400.00). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of PROSPERITY BANK and by a first lien deed of trust of even date from Grantee to DAVID ZALMAN, trustee.

Property:

Being 0.353 of an acre of land consisting of the South 153.44 feet of the East part of Lot 38, and the South 153.44 feet of the West part of Lot 39, New City Block 1009, in the City of San Antonio, Bexar County, Texas. Said 0.353 of an acre tract being more particularly described by metes and bounds in Exhibit "A," attached hereto and



made a part hereof for all purposes., together with all improvements located thereon, if any, and all appurtenant easements, rights, and privileges.

Exceptions to Conveyance and Warranty:

I. The Property is being conveyed subject to (i) all real estate taxes and assessments for the year 2008, and (ii) building ordinances affecting the Property.

II. Ad Valorem taxes for the year 2008 having been prorated, Grantee assumes the payment of Ad Valorem taxes for the Property.

Grantor, for the consideration and subject to 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 wise belonging, to have and hold it to Grantee, Grantee's successors and/or assigns forever. Grantor binds Grantor and Grantor's successors and/or assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the exceptions to conveyance and warranty, by, through, or under Grantor, but not otherwise.

THE PROPERTY IS BEING CONVEYED ON AN "AS IS," WHERE IS" AND "WITH ALL FAULTS" BASIS, WITHOUT REPRESENTATIONS, WARRANTIES AND/OR COVENANTS, EXPRESS OR IMPLIED OF ANY KIND OR NATURE; EXCEPT FOR THE REPRESENTATIONS AND WARRANTIES SET FORTH IN THE PURCHASE AGREEMENT BETWEEN GRANTOR AND GRANTEE FOR THE PROPERTY AND THIS DEED. GRANTEE ACKNOWLEDGES THAT GRANTOR HAS MADE NO AGREEMENT TO ALTER, REPAIR OR IMPROVE THE PROPERTY.

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.

PROSPERITY BANK, 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 PROSPERITY BANK and are transferred to PROSPERITY BANK without recourse against Grantor.

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

[The balance of this page intentionally left blank. Signatures appear on the Signature Page attached.]

207 Cevallos
Bexar County, Texas

**SIGNATURE PAGE
TO
SPECIAL WARRANTY DEED WITH VENDOR'S LIEN**

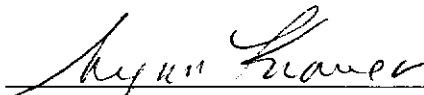
GRANTOR

MYERS TIRE SUPPLY DISTRIBUTION, INC.
an Ohio corporation

By: 
DAVID J. GRIDER, President

THE STATE OF OHIO §
 §
COUNTY OF SUMMIT §

This instrument was acknowledged before me on the 25 day of June 2008, by DAVID J. GRIDER, President of MYERS TIRE SUPPLY DISTRIBUTION, INC., an Ohio corporation, in the capacity therein stated and on behalf of said corporation.


Notary Public, State of Ohio

AFTER RECORDING RETURN TO:

S. Carl Friedsam, Esq.
Martin & Drought, PC
Bank of America Plaza, 25th Floor
300 Convent Street
San Antonio, TX 78205-3789

LYNN KNAUER
RESIDENT SUMMIT COUNTY
NOTARY PUBLIC, STATE OF OHIO
My Commission Expires 08/08/2009

EXHIBIT "A"

LEGAL DESCRIPTION

207 W. CEVALLOS
0.353 OF AN ACRE

STATE OF TEXAS

COUNTY OF BEXAR

Being 0.353 of an acre of land consisting of the south 153.44 feet of the east part of Lot 38 and the south 153.44 feet of the west part of Lot 39, New City Block 1009, in the City of San Antonio, Bexar County, Texas. Said 0.353 of an acre tract of land being more particularly described by metes and bounds description as follows;

Beginning at a punch hole found in concrete on the north right-of-way line of W. Cevallos, for the southwest corner of that certain tract of land called to contain 0.670 of an acre of land, and being the southeast corner of this tract of land;

Thence in a westerly direction with said north right-of-way line of W. Cevallos, same being the south boundary line of said Lots 38 and 39, a distance of 100.18 feet, to a 1/2" iron pin set for the southeast corner of that certain tract of land called to contain 0.679 of an acre of land in a deed conveyed to Cletus H. Eckhardt and Lillian V. Eckhardt as recorded in Volume 4786, Page 1179, Real Property Records of Bexar County, Texas, and being the southwest corner of this tract of land;

Thence with the east boundary line of said 0.679 of an acre tract of land, same being the west boundary line of this tract of land, with an interior angle of 91°20'29" for a distance of 153.44 feet (record call is 90°52', 153.44 feet), to a 1/2" iron pin set for the southwest corner of that certain tract called to be the north 16 feet of the east 55 feet of Lot 38 and the north 16 feet of the west 44.81 feet of Lot 39, in a deed conveyed to Cletus H. Eckhardt as recorded in Volume 5110, Page 1107, Real Property Records of Bexar County, Texas, and being the northwest corner of this tract of land;

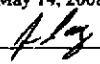
Thence with the south boundary line of said 16 foot tract, same being the north boundary line of this tract of land, with an interior angle of 89°08' for a distance of 99.91 feet (record call is 89°08', 100.00 feet), to a 1/2" iron pin set on the west boundary line of said 0.670 of an acre tract of land, and being the northeast corner of this tract of land;

Thence with the west boundary line of said 0.670 of an acre tract of land, same being the east boundary line of this tract of land, with an interior angle of 90°57'45" for a distance of 154.27 feet (record call is 90°54', 153.44 feet), to the **Point of Beginning**.

Basis of Angles on Deed recorded in Volume 4786, Page 1179, Real Property Records of Bexar County, Texas.

Note: There is a survey on 11" x 17" paper, this day made to accompany this metes and bound description.

I, Jerry D. Wilkie, Jr., Registered Professional Land Surveyor hereby certify that these field notes were prepared from an actual survey made on the ground under my direction and supervision on May 14, 2008.


Jerry D. Wilkie, Jr.
Registered Professional Land Surveyor No. 4724
Job Number 2008338



Doc# 20080139930
Pages 5
07/01/2008 14:48:04 PM
e-Filed & e-Recorded in the
Official Public Records of
BEXAR COUNTY
GERARD RICKHOFF COUNTY CLERK

Fees 28.00

STATE OF TEXAS
COUNTY OF BEXAR
This is to Certify that this document
was e-FILED and e-RECORDED in the Official
Public Records of Bexar County, Texas
on this date and time stamped thereon.
07/01/2008 14:48:04 PM
COUNTY CLERK, BEXAR COUNTY TEXAS



Gerard Rickhoff