

SCANNED

22017302

## WARRANTY DEED WITH VENDOR'S LIEN

Date: September 21, 2004



Grantor: Brute Fabricators, Inc., a Texas Corporation,  
 Successor in Interest by Merger to  
 Siebrecht Enterprises, Inc.

## Grantor's Mailing Address (including county):

416 CR 381  
 San Antonio, Bexar County, Texas 78253

Grantee: BEME Enterprises, LLC, a Texas Limited Liability Company

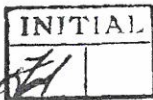
## Grantee's Mailing Address (including county):

6835 US Highway 87 E.  
 San Antonio, Bexar County, TX 78220-0758

## Consideration:

TEN AND NO/100 DOLLARS (\$10.00) and Grantee's execution and delivery of a note of even date in the principal sum of FIVE HUNDRED SEVENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$575,500.00), payable to the order of Brute Fabricators, Inc., as therein provided, the payment of which is secured by the Vendor's Lien herein retained, and is additionally secured by a Deed of Trust of even date herewith to John L. McClung, Trustee.

## Property (including any improvements):



8.661  
~~8.638~~ acres of land known as Tract 8, out of the R. G. Stockton 112.18 acre tract as recorded in Volume 582, Page 351, Deed Records, Bexar County, Texas, being out of the Nepomo Montoya Survey No. 21, Abstract No. 469, County Block 5132 and being more particularly described in Exhibit A attached hereto and incorporated by reference herein for all purposes.

## Reservations from and Exceptions to Conveyance and Warranty:

Electric transmission and distribution line easement recorded in Volume 6687, Page 481, Deed Records, Bexar County, Texas.



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Any other reservations or exceptions filed of record in the Real Property Records of Bexar County, Texas.

Grantor, for the consideration and subject to the reservations from and 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 heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

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

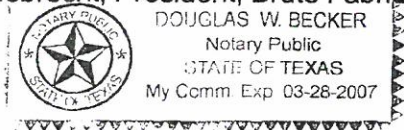
EXECUTED this 21<sup>st</sup> day of September, 2004.

Brute Fabricators, Inc.

By: Fred Siebrecht President  
Fred Siebrecht, President

STATE OF TEXAS     §  
                                  §  
COUNTY OF BEXAR   §

This instrument was acknowledged before me on September 21, 2004, by Fred Siebrecht, President, Brute Fabricators, Inc., Grantor.



[Signature]  
Notary Public, State of Texas

**AFTER RECORDING RETURN TO:**  
NAME: BEME Enterprises, LLC  
ADDRESS: 6835 US Highway 87 E.  
San Antonio, TX 78220-0758

**PREPARED BY:**  
John L. McClung  
2015 N.E. Loop 410  
San Antonio, Texas 78217  
210.655.6171

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C:\WPDOCS\WPClient\Siebrecht\WarDeed Vendor Lien.wpd



FIELD NOTES  
FOR

A 8.661 Acre Tract of Land of situated in Bexar County, Texas, and being out of the N. Montoya Survey, Abstract 469, County Block 5132, said Tract being the same 8.368 Acre Tract of Land as Recorded in Volume 3458, Page 446 of the Official Public Records of Bexar County, Texas, said 8.661 Acres being further described as follows. (Note: All set corners are ½" rebar with a yellow plastic cap stamped "Cash Surveying").

**BEGINNING:** At a set ½" iron pin in the North R.O.W. line of U.S. Hwy 87, (Rigsby Ave) for the Southeast corner of this Tract, said point also being the Southwest corner of Lot 1, County Block 5132 of Country Air Mobile Home Park Subdivision, as Recorded in Volume 9504, Page 113 of the deed and plat Records of Bexar County, Texas;

**THENCE:** Along the North R.O.W. line of U.S. Hwy 87 with the South line of this Tract, N 62° 58' 59" W a distance of 253.42 feet (Record N 62° 51' 09" W, 251.68 feet) to a found ½" iron pin (Overby Descamps cap) for the Southwest corner of this Tract, said point also being the Southeast corner of a 8.620 Acre Tract as Recorded in Document # 20020354970 of the Official Public Records of Bexar, County, Texas;

**THENCE:** Leaving the North R.O.W. line of U.S. Hwy 87 with the West line of this Tract, N 00° 04' 00" E a distance of 1624.04 feet (Record N 00° 04' 00" E, 1621.41 feet) to a found 2" Iron Pipe for the Northwest corner of this Tract, and the Northeast corner of said 8.620 Acre Tract, said point also being on the South line of a 98.165 Acre Tract as Recorded in Volume 1397, Page 388 of the Official Public Records of Bexar County, Texas;

**THENCE:** Along the North line of this Tract and the South line of said 98.165 Acre Tract, N 89° 32' 41" E a distance of 227.70 feet (Record N 89° 50' 36" E, 224.09 feet) to a found 2" Pipe for the Northeast corner of this Tract, also being the Northwest corner of said Lot 1, Country Air Mobile Home Park Subdivision;

**THENCE:** S 00° 02' 20" E a distance of 1740.92 feet (Record S 00° 04' 00" W, 1736.86 feet) to the POINT OF BEGINNING and containing 8.661 Acre of land, Surveyed on May 7<sup>th</sup>, 2004 by Cash Surveying Inc.

  
Joseph H. Cash II Registered Professional Land Surveyor No. 5753  
Job No. 04-053  
Drawing Prepared



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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 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:

SEP 22 2004

Doc# 20040219353 Fees: \$22.00  
09/22/2004 1:54PM # Pages 5  
Filed & Recorded in the Official Public  
Records of BEXAR COUNTY  
GERRY RICKHOFF COUNTY CLERK



*Gerry Rickhoff*  
COUNTY CLERK BEXAR COUNTY, TEXAS

**Alamo Title Co. GF #4041006733JW**

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY 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.

STATE OF TEXAS           §  
                                     §  
COUNTY OF BEXAR       §

**DEED WITHOUT WARRANTY**

**Effective Date:**           September 8, 2015

**Grantor:**           City of San Antonio, acting by and through its San Antonio Water System

**Grantor's Mailing Address:**   P.O. Box 2449, San Antonio, Texas 78298-2449

**Grantee:**           BEME Enterprises, LLC, a Texas limited liability company

**Grantee's Mailing Address:**   P.O. Box 17746, San Antonio, Bexar County, Texas 78217

**Consideration:** Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

**Property (including any improvements thereon):** An approximately 8.620 acre tract of real property in Bexar County, Texas, being more particularly described and depicted on Exhibit A attached hereto and incorporated herein.

**Reservations from Conveyance:** Grantor reserves from this conveyance a perpetual easement over the entirety of the Property for the use, benefit and control of SAN ANTONIO WATER SYSTEM, a municipally owned utility of the City of San Antonio, to construct, reconstruct, realign, inspect, patrol, maintain, operate, repair, add, remove and replace water lines, facilities and related appurtenances over and across the Property, together with (i) the right of ingress and egress over the Property for the purpose of constructing, reconstructing, realigning inspecting, patrolling, maintaining, operating, repairing, adding and removing said lines, facilities and appurtenances, (ii) the right to relocate said lines, facilities and appurtenances within the Property and (iii) the right to remove from said lands all trees and parts thereof, or other obstructions, which may interfere with the exercise of the rights reserved herein. GRANTEE EXPRESSLY COVENANTS AND AGREES FOR ITSELF, ITS LEGAL REPRESENTATIVES, SUCCESSORS AND/OR ASSIGNS, THAT NO BUILDING OR STRUCTURE OF ANY KIND WILL BE PLACED ON SAID PROPERTY AND THAT REMOVAL OF ANY BUILDING OR STRUCTURE PLACED ON THE PROPERTY SHALL BE AT GRANTEE EXPENSE. Notwithstanding anything in this deed without warranty, all water lines, facilities and appurtenances located on the Property are reserved to Grantor and are not being conveyed herein.

**Exceptions to Conveyance:** All visible and apparent easements, all applicable zoning, platting and other governmental ordinances, laws, rules and regulations, and all matters of record relating to the Property as shown in the Real Property Records of Bexar County, Texas.

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



and assigns forever, but without warranty of title or any other warranty of any kind or nature, and without limitation on such disclaimer of warranties, including but not limited to any warranties under Section 5.023 of the Texas Property Code.

By accepting this deed, Grantee acknowledges that the **PROPERTY IS BEING CONVEYED IN ITS PRESENT "AS IS" CONDITION AND GRANTEE ACCEPTS THE PROPERTY IN ITS PRESENT CONDITION. GRANTEE ACKNOWLEDGES THAT IT IS NOT RELYING UPON THE ACCURACY OR COMPLETENESS OF ANY REPRESENTATION, BROCHURE, RENDERING, PROMISE, STATEMENT OR OTHER ASSERTION OR INFORMATION WITH RESPECT TO THE PROPERTY MADE OR FURNISHED BY OR ON BEHALF OF, OR OTHERWISE ATTRIBUTED TO, GRANTOR OR ANY OF ITS AGENTS, EMPLOYEES, BROKERS OR REPRESENTATIVES, ANY AND ALL SUCH RELIANCE BEING HEREBY EXPRESSLY AND UNEQUIVOCALLY DISCLAIMED, BUT IS RELYING SOLELY AND EXCLUSIVELY UPON ITS OWN EXPERIENCE AND ITS INDEPENDENT JUDGMENT, EVALUATION AND EXAMINATION OF THE PROPERTY. GRANTEE FURTHER UNEQUIVOCALLY DISCLAIMS (I) THE EXISTENCE OF ANY DUTY TO DISCLOSE ON THE PART OF GRANTOR OR ANY OF ITS AGENTS, EMPLOYEES, BROKERS OR REPRESENTATIVES AND (II) ANY RELIANCE BY GRANTEE ON THE SILENCE OR ANY ALLEGED NONDISCLOSURE OF GRANTOR OR ANY OF ITS AGENTS, EMPLOYEES, BROKERS OR REPRESENTATIVES. GRANTEE TAKES THE PROPERTY UNDER THE EXPRESS UNDERSTANDING THAT THERE ARE NO EXPRESS OR IMPLIED WARRANTIES. GRANTEE EXPRESSLY WARRANTS AND REPRESENTS THAT NO PROMISE OR AGREEMENT WHICH IS NOT HEREIN EXPRESSED HAS BEEN MADE TO IT AND HEREBY DISCLAIMS ANY RELIANCE UPON ANY SUCH ALLEGED PROMISE OR AGREEMENT. GRANTEE HAS AGREED TO DISCLAIM RELIANCE ON GRANTOR AND TO ACCEPT THE PROPERTY "AS-IS" WITH FULL AWARENESS THAT THE PROPERTY'S PRIOR USES OR OTHER MATTERS COULD AFFECT ITS CONDITION, VALUE, SUITABILITY OR FITNESS; AND GRANTEE CONFIRMS THAT GRANTEE IS HEREBY ASSUMING ALL RISK ASSOCIATED THEREWITH. GRANTEE UNDERSTANDS THAT THE DISCLAIMERS OF RELIANCE AND OTHER PROVISIONS CONTAINED HEREIN COULD LIMIT ANY LEGAL RECOURSE OR REMEDY GRANTEE OTHERWISE MIGHT HAVE. GRANTEE ACKNOWLEDGES THAT IT HAS SOUGHT AND HAS RELIED UPON THE ADVICE OF ITS OWN LEGAL COUNSEL CONCERNING THIS PROVISION.**

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

This conveyance is being made subject to ad valorem taxes for the year 2015 and all subsequent years, which are assumed by Grantee. Any "rollback" taxes assessed against the Property are hereby assumed by Grantee.

*Signatures on following pages*

Z2017302

GRANTOR:

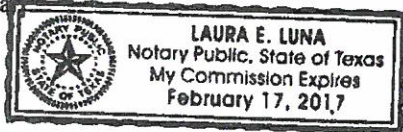
CITY OF SAN ANTONIO, ACTING BY AND  
THROUGH ITS SAN ANTONIO WATER  
SYSTEM-

By: Nancy Belinsky  
Printed Name: Nancy Belinsky  
Title: Vice President and General Counsel

STATE OF TEXAS       §  
                                  §  
COUNTY OF BEXAR   §

This instrument was acknowledged before me on this 8<sup>th</sup> day of September, 2015, by  
Nancy Belinsky, Vice President and General Counsel of the San Antonio Water System, on behalf of same.

[Seal]



Laura E. Luna  
Notary Public, State of Texas



## ACCEPTED BY GRANTEE:

BEME Enterprises, LLC, a Texas limited liability  
companyBy: 

David B. Evans, Manager and Director

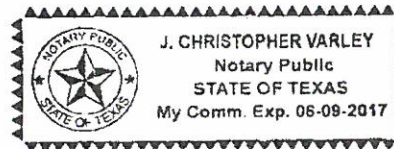
STATE OF TEXAS

COUNTY OF BEXAR

§  
§  
§

This instrument was acknowledged before me on this 8<sup>th</sup> day of September, 2015 by David B. Evans, Manager and Director of BEME Enterprises, LLC, a Texas limited liability company, on behalf of same.

[Seal]

  
Notary Public, State of Texas

After recording, return to:  
BEME Enterprises, LLC  
P.O. Box 17746  
San Antonio, Texas 78217

## EXHIBIT A

METES AND BOUNDS DESCRIPTION  
8.620 ACRES OF LAND

A 8.620 acres ( $\pm 375,487$  sq. ft.) tract of land out of the Nepomacino Montoya Survey No. 21, Abstract No. 469, County Block 5132, Bexar County, Texas. Said 8.620 acres being the same tract of land called 8.637 acres of land described in a Warranty Deed recorded in Volume 7044, Page 566 of the Real Property Records of Bexar County, Texas. Said 8.620 acres being more particularly described as follows:

BEGINNING at a found 1/2 inch iron pin on the Northeast right-of-way line of U.S. Highway 87 at the Southwest corner of said called 8.637 acre tract

THENCE departing said right-of-way line and along the West line of said called 8.637 acre tract, North 00 degrees 03 minutes 32 seconds West, a distance of 1501.60 feet to a found 1/2 inch pipe at the Northwest corner of said called 8.637 acre tract;

THENCE along the North line of said called 8.637 acre tract, North 88 degrees 56 minutes 32 seconds East, a distance of 71.06 feet to a found 1 inch pipe;

THENCE continuing along said North line, North 89 degrees 38 minutes 36 seconds East, a distance of 169.60 feet to a found 2 inch pipe at the Northeast corner of said called 8.637 acre tract;

THENCE along the East line of said called 8.637 acre tract, South 00 degrees 02 minutes 02 seconds East, passing a found 1/2 inch iron pin at a distance of 1623.86 and continuing a total distance of 1624.04 feet to a set 1/2 inch iron pin with a red cap stamped Overby Descamps on the Northeast right-of-way line of U.S. Highway 87;

THENCE along said Northeast right-of-way line, North 63 degrees 05 minutes 01 seconds West, a distance of 172.81 feet to a found concrete right-of-way monument (Type I);

THENCE continuing along said Northeast right-of-way line, North 64 degrees 02 minutes 41 seconds West, a distance of 95.60 feet to the POINT OF BEGINNING and containing 8.620 acres ( $\pm 375,487$  sq. ft.) of land, more or less.

Bearings are based on the Texas State Plane Coordinate System, South Central Zone, NAD83.

A survey drawing of this description has been prepared.

*David A. Casanova* 4-25-02  
David A. Casanova  
Registered Professional Land Surveyor No. 4251  
M:\Project Files\038300\msd\msd\7502\_5.doc



WILL 9438 PG 2098

Z2017302

Doc# 20150171472  
# Pages 6  
09/08/2015 3:20PM  
e-Filed & e-Recorded in the  
Official Public Records of  
BEXAR COUNTY  
GERARD C. RICKHOFF  
COUNTY CLERK  
Fees \$42.00

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.  
09/08/2015 3:20PM  
COUNTY CLERK, BEXAR COUNTY TEXAS



*Gerard C. Rickhoff*