

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

**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.**

GF# 16000389

Date: **SEPTEMBER 12, 2016**

Grantor: **TOLL AUSTIN TX II LLC, A TEXAS LIMITED LIABILITY COMPANY**

Grantor's Mailing Address: **2557 SW GRAPEVINE PARKWAY, SUITE 100, GRAPEVINE, TEXAS 76051**

Grantee: **AUSTIN CHERRY, A SINGLE PERSON AND JAMES R. CHERRY III, A SINGLE PERSON**

Grantee's Mailing Address: **2601 MONTEBELLUNA PLACE, LEANDER, TEXAS 78641**

**Consideration:** TEN AND NO/100-----(\$10.00)-----DOLLARS and other good and valuable consideration, the receipt of which is hereby acknowledged and confessed;

**AND THE FURTHER CONSIDERATION OF THE EXECUTION AND DELIVERY** of a Note of even date that is in the principal amount of \$417,000.00 executed by Grantee, payable to the order of **HERRING BANK**. The Note is secured by a Vendor's Lien retained in favor of **HERRING BANK** in this Deed and by a Deed of Trust of even date from **AUSTIN CHERRY, A SINGLE PERSON AND JAMES R. CHERRY III, A SINGLE PERSON** to **DANNY SKARDA/CEO, TRUSTEE(S)**.

**Property (including any improvements):**

BEING LOT 27, BLOCK B, OF TRAVISSO, SECTION ONE PHASE TWO, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED UNDER DOCUMENT NO. 201400105, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

**Reservations from Conveyance:**

THIS CONVEYANCE IS MADE SUBJECT TO AND THERE IS EXCEPTED HEREFROM, ALL OIL, GAS, GROUNDWATER AND OTHER MINERALS AND ROYALTIES HERETOFORE RESERVED OR CONVEYED TO OTHERS AND GRANTOR HEREBY EXCEPTS AND RESERVES UNTO GRANTOR, GRANTOR'S HEIRS SUCCESSORS AND ASSIGNS FOREVER, ALL REMAINING OIL, GAS, GROUNDWATER AND OTHER MINERALS IN AND UNDER AND THAT MAY BE PRODUCED FROM THE LANDS DESCRIBED HEREIN. IF THE MINERAL ESTATE IS SUBJECT TO EXISTING PRODUCTION OR AN EXISTING LEASE, THIS RESERVATION INCLUDES THE PRODUCTION, THE LEASE AND ALL BENEFITS FROM IT.

**Exceptions to Conveyance and Warranty:**

THIS CONVEYANCE IS EXECUTED, DELIVERED AND ACCEPTED SUBJECT TO AD VALOREM TAXES FOR THE CURRENT YEAR, ROLLBACK TAXES DUE TO THIS CONVEYANCE OR GRANTEE'S USE OF THE SUBJECT PROPERTY, MAINTENANCE FUND LIENS, ZONING ORDINANCES, UTILITY DISTRICT ASSESSMENTS AND STANDBY FEES, IF ANY, ANY AND ALL VALID UTILITY EASEMENTS CREATED BY THE DEDICATION DEED OR PLAT OF THE SUBDIVISION IN WHICH SAID REAL PROPERTY IS LOCATED, RECORDED EASEMENTS, MINERAL RESERVATIONS AND LEASES, RESTRICTIONS, COVENANTS, CONDITIONS, RIGHTS OF WAY EASEMENTS, IF ANY, AFFECTING THE HEREIN DESCRIBED PROPERTY BUT ONLY TO THE EXTENT THE SAME ARE VALID AND SUBSISTING.

Grantor, for the consideration and subject to the Reservations from Conveyance 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 hereby 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 Conveyance and Exceptions to Conveyance and Warranty, when the claim is by, through, or under Grantor, but not otherwise.

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 shall become absolute.

The said Vendor's Lien and Superior Title herein retained are hereby transferred, assigned, sold and conveyed to HERRING BANK, its successors and assigns, or heirs and assigns, as appropriate, the Payee named in said Note, without recourse on Grantor.

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

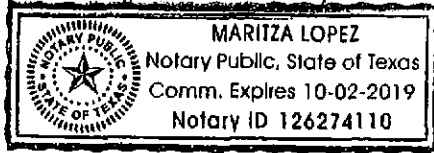
TOLL AUSTIN TX II LLC, A TEXAS LIMITED LIABILITY COMPANY

BY: *Gannett*

(Acknowledgment)

THE STATE OF TEXAS  
COUNTY OF Tarrant

This instrument was acknowledged before me on the 12 day of September, 2016, by Jeannie Harven, Convenant owner OF TOLL AUSTIN TX II LLC, A TEXAS LIMITED LIABILITY COMPANY, ON BEHALF OF SAID LIMITED LIABILITY COMPANY.



*Maritza Lopez*  
Notary Public, State of Texas  
Notary's Name (printed):  
Notary's commission expires:

NOTICE: This document affects your legal rights. Read it carefully before signing.

AFTER RECORDING RETURN TO:  
AUSTIN CHERRY, A SINGLE PERSON AND JAMES  
R. CHERRY III, A SINGLE PERSON  
2801 MONTEBELLUNA PLACE  
LEANDER, TEXAS 78641

PREPARED IN THE LAW OFFICE OF:  
NEWMAN & LAWLER  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW  
200 BAILEY AVE., SUITE 100  
FORT WORTH, TEXAS 76107



**FILED AND RECORDED**  
**OFFICIAL PUBLIC RECORDS**

*Dana DeBeauvoir*

DANA DEBEAUVOIR, COUNTY CLERK  
TRAVIS COUNTY, TEXAS

September 14 2016 01:29 PM

FEE: \$ 34.00 2016152860