

F771914

SEP-1973

106-94-145

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §
§ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HARRIS §

That CHRISTIANA SOUTHWEST, INC., a Texas corporation acting herein by and through its hereunto duly authorized officers (hereinafter called the "Grantor"), for and in consideration of TEN DOLLARS (\$10.00) cash and other good and valuable consideration this day in hand paid to the Grantor by WOODS AT HUDSON, LTD., a Texas limited partnership (hereinafter called the "Grantee"), the receipt and sufficiency of which consideration are acknowledged by the Grantor, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these present, does GRANT, BARGAIN, SELL and CONVEY, unto the Grantee that certain tract or parcel of land, together with the improvements thereon, lying and being situated in the John D. Taylor Survey, Abstract 72, Harris County, Texas more particularly described in Exhibit A attached hereto and made a part hereof (herein sometimes called the "Property"):

PROVIDED, that the above described Property is conveyed by Grantor and accepted by Grantee subject to the following restrictions which shall constitute covenants running with the land and shall be binding upon Grantee, its successors and assigns:

1. The Property is hereby restricted to use for residential purposes.
2. The Property shall be used and occupied only for the construction, operation and occupancy of for sale residential units containing not more than 80 units together with such recreational, management and sales facilities as are customarily incorporated in similar residential developments.
3. No improvements shall be commenced or constructed on the Property unless the plans and specifications therefor (including plot plans, exterior elevations, structural plans and all specifications) have been submitted to and approved by Grantor or such other approving authority as Grantor shall designate by written instrument referring to this Deed and filed for record in the Official Public Records of Real Property

of Harris County, Texas. Grantor hereby designates Martin Fenton, Jr., as the officer authorized to approve plans and specifications on behalf of Grantor and he shall continue to serve in such capacity unless notice to the contrary is either filed for record in the Official Public Records of Real Property of Harris County, Texas, or is delivered to Grantee, its successors and assigns.

Any plans and specifications delivered to Grantor's designated approving representative shall be deemed approved unless notice of disapproval is sent to the party submitting such plans and specifications within five (5) days after receipt thereof by Grantor at the following address: Christiana Southwest, Inc., c/o The Christiana Companies, Inc., 3025 Olympic Blvd., Santa Monica, California 90404.

Unless Grantor specifically agrees to the contrary, any plans and specifications for proposed improvements on the Property shall provide for exterior finishes substantially similar to those existing in The Oaks of Woodlake, Houston, Texas, or Hudson Oaks Townhomes, Section 1-A on the date hereof.

4. Grantor agrees, from time to time, to execute such certificates in recordable form as the owner or holder of any interest in the Property might reasonably request regarding satisfaction and compliance with the restrictions set forth herein. Grantor further agrees that from and after such date as all improvements are completed on the Property in accordance with plans and specifications approved by Grantor, all restrictions set forth in this Deed shall terminate and be of no further force and effect, except that thereafter the Property shall be used solely for residential purposes and attendant recreational, management and sales facilities in connection therewith, and Grantor shall execute an appropriate instrument evidencing the termination of such restrictions upon request.

5. Grantor shall have the right to enforce the restrictions set forth herein in any manner provided by law, including proceedings to enjoin violations of these restrictions or actions for damages.

The conveyance of the Property by Grantor is further made by Grantor, and accepted by Grantee, subject to (i) the exceptions, if any, referred to in Exhibit A attached hereto and (ii) the map or plat of ~~Hudson Oaks Section One~~ ^{Woods at Hudson Section One}, a subdivision in Harris County, Texas, recorded in Volume 278, Page ¹³~~20~~ of the Map Records of Harris County, Texas, to the extent the same affect the Property. *R.H.*

It is expressly stipulated that the restrictions contained in this Deed shall not affect or in any way restrict, expressly or by implication, any property or premises owned by Grantor and not conveyed hereby.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the Grantee, its successors and assigns, forever; and the Grantor hereby binds itself, its successors and assigns, TO WARRANT AND FOREVER DEFEND the Property unto the Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor, but not otherwise.

The amount equal to the entire consideration for this Deed has been loaned to the Grantee by Houston National Bank (hereinafter called the "Mortgagee"), and has been paid over directly to the Grantor by the Mortgagee at the special direction and request of the Grantee with the understanding and stipulation that the express vendor's lien and superior title shall be retained in favor of and transferred to the Mortgagee to secure the indebtedness for such loan. The indebtedness for such loan (and for certain additional borrowings) is evidenced by two certain promissory notes of even date herewith (the "Subject Notes") made by the Grantee payable to the order of the Mortgagee in the aggregate principal sum of \$7,706,250.00 and being payable, all as more fully set out and stated in that certain Deed of Trust and Security Agreement of even date herewith executed by the Grantee to Douglas L. Rivette, Trustee. The express vendor's lien on, and superior title to, all the Property ~~SAID AND EXCEPT the portion of the Property described in Exhibit B hereto (as to which no lien, express or implied is retained herein)~~ are hereby retained in favor of and transferred to the Mortgagee without recourse against, or personal, corporation or other liability of, the Grantor to secure that portion of the indebtedness evidenced by the Subject Notes equal to the entire consideration for this Deed.

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Ad valorem taxes for the current year upon the Property have been prorated as of the date hereof, and the Grantee has assumed and agreed to pay and discharge such current year ad valorem taxes in full.

EXECUTED as of the 14th day of September, 1978.

CHRISTIANA SOUTHWEST, INC.

ATTEST:

[Signature]

By

[Signature: Raymond F. Logan]

Raymond F. Logan, President

THE STATE OF TEXAS §

COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Raymond F. Logan, President of CHRISTIANA SOUTHWEST, INC., a corporation, know to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 14th day of September, 1978.

[Signature: Roland H. F. ...]
Notary Public in and for
Harris County, Texas

ROLAND H. F. ...
Notary Public in and for Harris County, Texas
My Commission Expires June 5, 1980

Description of a 9.5878 acre tract of land out of the John D. Taylor Survey, Abstract 72, in the City of Houston, Harris County, Texas, and being more fully described as follows:

BEGINNING at a 1/2-inch iron rod found for corner in the northerly right-of-way line of Briarforest Drive (100 feet wide), a cut-back corner in the northerly line of said Briarforest Drive, and also being a point on the arc of a curve to the left;

THENCE, Southwesterly, along the North right-of-way line of Briarforest Drive and along the arc of said curve to the left having a radius of 1375.00 feet, a central angle of $35^{\circ} 24' 46''$, and a long chord bearing, S $69^{\circ} 29' 52''$ W, 836.38 feet, a total arc length of 849.85 feet to a 5/8-inch iron rod found for corner of herein described tract;

THENCE, N $84^{\circ} 08' 46''$ W, 14.32 feet to a 5/8-inch iron rod found for corner;

THENCE, N $39^{\circ} 52' 32''$ W, 15.01 feet to a 5/8-inch iron rod found for corner, and being the point-of-curvature of a curve to the right;

THENCE Northwesterly, along the arc of said curve to the right having a radius of 645.00 feet, a central angle of $30^{\circ} 20' 54''$, and a long chord bearing, N $24^{\circ} 42' 05''$ W, 337.66 feet, a total arc length of 341.64 feet to a 1/2-inch iron rod set for the point-of-tangency of said curve to the right and being the point-of-curvature of a curve to the right;

THENCE, Northeasterly, along the arc of said curve to the right having a radius of 40.00 feet, a central angle of $48^{\circ} 51' 50''$, and a long chord bearing N $14^{\circ} 54' 17''$ E, 33.09 feet, a total arc length of 34.11 feet to a 1/2-inch iron rod set for the point-of-tangency of said curve to the right and being the point-of-curvature of a curve to the left;

THENCE, Northwesterly, along the arc of said curve to the left having a radius of 60.00 feet, a central angle of, $111^{\circ} 23' 14''$, and a long chord bearing, N $16^{\circ} 21' 26''$ W, 99.12 feet, a total arc length of 116.64 feet to a 1/2-inch iron rod found for corner and being also a corner in the southerly boundary of Hudson Oaks, Section One, as recorded in Volume 252, Page 57 of the Harris County Map Records;

THENCE, N $42^{\circ} 24' 17''$ E, along a common line with the southeasterly boundary of said Hudson Oaks, 336.41 feet to a 1/2-inch iron rod set for corner;

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THENCE, S 77° 53' 55" E, 464.74 feet to a 1/2-inch iron rod set for corner;

THENCE, N 87° 52' 25" E, 285.00 feet to a 1/2-inch iron rod set for corner in the west right-of-way line of Memorial Drive (80 feet wide);

THENCE, S 02° 07' 35" E, along the west right-of-way line of Memorial Drive, 305.21 feet to a 1/2-inch iron rod set for corner marking the intersection of the west right-of-way line of Memorial Drive with the northerly right-of-way line of Briarforest Drive;

THENCE, S 42° 38' 27" W, along the northerly right-of-way of Briarforest Drive, 14.20 feet to the POINT OF BEGINNING and containing 9.5878 acres of land (417643 square feet).

The above described property being a part of Woods at Hudson Sec. One, a subdivision of a 10.4035 acre tract out of the John D. Taylor Survey, A-72, Houston, Harris County, Texas, and being recorded in Volume 278, Page 13, Map Records of Harris County, Texas.

The above described property is subject, however, to an easement ten (10) feet wide as granted to Southwestern Bell Telephone Company in instrument filed for record under Harris County Clerk's File No. F560292.

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Return to:
Investors Title Co.
P. O. Box 1111
HOUSTON, TEXAS 77255
H/226329F (8)