

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

THE STATE OF TEXAS

COUNTY OF HARRIS

PINEMONT INVESTMENTS, LTD., a Texas limited partnership (hereinafter called the "Grantor"), for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, to the undersigned in hand paid by the Grantee herein named, the receipt of which is hereby acknowledged has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto **SMART LIVING ON PINEMONT, LTD., a Texas limited partnership** (hereinafter called the "Grantee", whether one or more), whose address for notice hereunder is 4808 Gibson Street, Houston, Texas 77007-6480, its successors and assigns forever, the real property located in Harris County, Texas described in Exhibit "A" attached hereto and incorporated herein by this reference (the "Property"), together with (i) all buildings, improvements, and fixtures, and (ii) all rights, privileges, and appurtenances pertaining to the Property, including Grantor's right, title and interest in any subsurface water, minerals, utilities, adjacent streets (including specifically, Poppy Street to the extent the same lies within the boundaries of the property described on Exhibit "A", but excluding any interest whatsoever in Lockfield Street), alleys, strips, gores, and rights of way.

This Special Warranty Deed and the conveyance hereinabove set forth is executed by Grantor and accepted by Grantee subject to the matters described in Exhibit "B" attached hereto and incorporated herein by this reference to the extend the same are validly existing and applicable to the Property (hereinafter referred to collectively as the "Permitted Exceptions").

As a material part of the consideration for this Agreement, Grantor and Grantee agree that Grantee is taking the property "AS IS" with any and all latent and patent defects and that there is no warranty by Grantor that the property is fit for a particular purpose. Grantee acknowledges that it is not relying upon any representation, statement or other assertion with respect to the property's condition, but is relying upon its personal, on-site examination of the property. GRANTEE ACKNOWLEDGES THAT EXCEPT AS EXPRESSLY STATED IN THE CONTRACT BETWEEN THE PARTIES GRANTOR SPECIFICALLY DISCLAIMS, AND NEITHER GRANTOR NOR ANY OF GRANTOR'S AFFILIATES NOR ANY OTHER PERSON IS MAKING, ANY REPRESENTATION, WARRANTY, STATEMENTS OR ASSURANCE WHATSOEVER TO GRANTEE AND NO WARRANTIES, REPRESENTATIONS, STATEMENTS OR ASSURANCES OF ANY KIND OR CHARACTER, EITHER EXPRESS OR IMPLIED, ARE MADE BY GRANTOR OR RELIED UPON BY GRANTEE WITH RESPECT TO THE MAINTENANCE, REPAIR, CONDITION,

DESIGN OR MARKETABILITY OF THE PROPERTY, OR ANY PORTION THEREOF, INCLUDING BUT NOT LIMITED TO (a) ANY IMPLIED OR EXPRESS WARRANTY OF MERCHANTABILITY, (b) ANY IMPLIED OR EXPRESS WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE, (c) ANY IMPLIED OR EXPRESS WARRANTY OF CONFORMITY TO MODELS OR SAMPLES OF MATERIALS, (d) ANY RIGHTS OF GRANTEE UNDER APPROPRIATE STATUTES TO CLAIM DIMINUTION OF CONSIDERATION, (e) ANY CLAIM BY GRANTEE FOR DAMAGES BECAUSE OF DEFECTS, WHETHER KNOWN, OR UNKNOWN, OR LATENT, WITH RESPECT TO THE PROPERTY, (f) THE FINANCIAL CONDITION OR PROSPECTS OF THE PROPERTY AND (g) THE COMPLIANCE OR LACK THEREOF OF THE PROPERTY WITH GOVERNMENTAL LAWS, IT BEING THE EXPRESS INTENTION OF GRANTOR AND GRANTEE THAT THE PROPERTY WILL BE CONVEYED AND TRANSFERRED TO GRANTEE IN ITS PRESENT CONDITION AND STATE OF REPAIR, "AS IS" AND "WHERE IS", WITH ALL FAULTS. Provisions of this paragraph shall survive closing and shall not merge.

TO HAVE AND TO HOLD, the Property unto the Grantees and their heirs, successors and assigns forever. The Grantor shall warrant and forever defend title to the Property unto the Grantees, against every person lawfully claiming or to claim the whole or any part thereof by, through, or under the Grantor, but not otherwise; provided that Grantor's covenant to warrant and defend title to the Property shall not extend to the Permitted Exceptions.

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed as of January 29, 2019.

PINEMONT INVESTMENTS, LTD.,
A Texas limited partnership

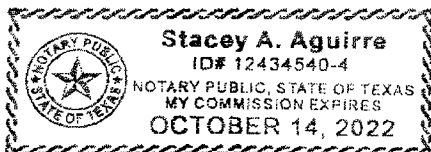
By: EEC Interests, L.L.C.
Its General Partner

By: Elmo C. Calmes
Elmo C. Calmes, Member-Manager

THE STATE OF TEXAS)

COUNTY OF HARRIS)

This instrument was acknowledged before me on January 29, 2019, by Elmo C. Calmes, Member-Manager of EEC Interests, L.L.C., the General Partner of Pinemont Investments, Ltd., on behalf of said entities and in the capacity therein stated.



Notary Public in and for
The State of Texas

EXHIBIT "A"

**METES AND BOUNDS DESCRIPTION
4.999 ACRES (217,742 SQUARE FEET)
OUT OF BLOCKS 39, 42 & POPPY AVENUE, ROSSLYN,
AND RESTRICTED RESERVE "B", BLOCK 1,
BINGLE AT PINEMONT COMMERCIAL RESERVE, SEC. 1
JOSEPH BAYS SURVEY, ABSTRACT NUMBER 127
CITY OF HOUSTON, HARRIS COUNTY, TEXAS**

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BEING all that certain 4.999 acres (217,742 square feet) of land situated in the Joseph Bays Survey, Abstract Number 127, City of Houston, Harris County, Texas, and being: (1) all of Lots 12 through 38, inclusive, Block 39, ROSSLYN, a plat of subdivision recorded in Volume 3, Page 7, Map Records of Harris County, Texas (M.R.H.C.); (2) all of Lots 13 through 24, Block 42 of said ROSSLYN; (3) an abandoned portion of Poppy Avenue, a 50-foot public roadway dedicated in Volume 3, Page 7, M.R.H.C.; (4) all of Restricted Reserve "B", Block 1, BINGLE AT PINEMONT COMMERCIAL RESERVE, SEC. 1, a plat of subdivision recorded under Film Code Number 614137, M.R.H.C.; (5) all that certain Tract D described in deed to Pinemont Investments, Ltd., as recorded under Clerk's File Number (C.F.N.) U804225, Official Public Records of Real Property of Harris County, Texas (O.P.R.R.P.H.C.), less and except an area defined by quitclaim deeds recorded under C.F.N. RP-2019-14079 and RP-2019-14080, O.P.R.R.P.H.C.; (6) all that certain Tract E described in deed to Pinemont Investments, Ltd., as recorded under C.F.N. U804225, O.P.R.R.P.H.C.; and (7) all that certain Tract B described in deed to Pinemont Investments, Ltd., as recorded under C.F.N. X646070, O.P.R.R.P.H.C.; the herein described 4.999 acre tract being more particularly described as follows (bearings herein are grid bearings based on the Texas State Plane Coordinate System, South Central Zone (NAD 83), as witnessed by bearings reflected on said BINGLE AT PINEMONT COMMERCIAL RESERVE, SEC. 1; distances are surface distances):

BEGINNING at a 5/8-inch iron rod with cap found marking the intersection of the west right-of-way (R.O.W.) line of Lockfield Street (formerly known as 12th Street), a 50-foot public roadway dedicated in Volume 3, Page 7, M.R.H.C., with the northeast R.O.W. line of Pinemont Drive, an 80-foot public roadway dedicated in Volume 3, Page 7, M.R.H.C., Volume 3071, Page 405 and Volume 3181, Page 727, Deed Records of Harris County, Texas; said iron rod also marking the southeast corner of said Restricted Reserve "B" and the herein described tract;

THENCE, North 73°23'03" West, with the northeast R.O.W. line of said Pinemont Drive, a distance of 316.52 feet to a 5/8-inch iron rod with cap found in the east R.O.W. line of an unnamed 50-foot wide street dedicated in Volume 3, Page 7, M.R.H.C., and marking the most southerly southwest corner of said Restricted Reserve "B" and the herein described tract;

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THENCE, North 01°58'52" West, with the east R.O.W. line of said unnamed street and the west line of said Restricted Reserve "B", at 37.32 feet pass a 5/8-inch iron rod with cap found marking the most easterly southeast corner of Restricted Reserve "A", Block 1 of the aforesaid BINGLE AT PINEMONT COMMERCIAL RESERVE, SEC. 1, and marking the most easterly southeast corner of that certain tract described in deed to Bingle Place LLC (herein referred to as the "Bingle Place Tract"), as recorded under C.F.N. 20090266380, O.P.R.R.P.H.C.; continuing, with the common line of said Restricted Reserves "A" and "B", the east line of said Bingle Place Tract, and the west line of the aforesaid Tract B, at 212.32 feet pass a 5/8-inch iron rod with cap found marking the north common corner of Restricted Reserves "A" and "B", the south common corner of Lots 12 and 13 of the aforesaid Block 42, the most westerly southwest corner of the aforesaid Tract E, the northwest corner of the aforesaid Tract B, the northeast corner of said Bingle Place Tract, and the southeast corner of that certain tract described in deeds to Brookhollow Baptist Church (herein referred to as the "Church Tract-1"), as recorded under C.F.N. L911893, R805002, and re-filed under R821532, O.P.R.R.P.H.C.; continuing with the common line of said Lots 12 and 13, the most southerly east line of said Church Tract-1, the most northerly west line of said Tract E, a total distance of 337.32 feet to a 5/8-inch iron rod with plastic cap, stamped "TERRA SURVEYING", set in the south R.O.W. line of the aforesaid Poppy Avenue, and marking the north common corner of said Lots 12 and 13, the most easterly northeast corner of said Church Tract-1, the northwest corner of said Tract E, and an exterior corner of the herein described tract;

THENCE, North 87°41'08" East, with the south R.O.W. line of said Poppy Avenue, and the north line of said Block 42 and said Tract E, a distance of 1.70 feet to a 5/8-inch iron rod with plastic cap, stamped "TERRA SURVEYING", set in fence marking the southerly end of a line described in the aforesaid quitclaim deeds and marking an interior corner of the herein described tract;

THENCE, northerly and westerly, across the R.O.W. of said Poppy Avenue and the aforesaid Tract D with the lines of said quitclaim deeds and along said fence, the following courses:

North 01°46'32" West, departing said south R.O.W. line, a distance of 11.90 feet to a corner fence post found marking an interior corner of the herein described tract;

South 88°57'50" West, a distance of 48.83 feet to a corner fence post found marking an exterior corner of the herein described tract;

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North 03°35'59" West, a distance of 37.02 feet to a 5/8-inch iron rod with plastic cap, stamped "TERRA SURVEYING", set in the north R.O.W. line of said Poppy Avenue and marking an interior corner of the herein described tract;

THENCE, South 87°41'08" West, departing said fence line with the north R.O.W. line of said Poppy Avenue, a distance of 1.87 feet to a 5/8-inch iron rod with plastic cap, stamped "TERRA SURVEYING", set in the most northerly east line of the aforesaid Church Tract-1, the most southerly west line of the aforesaid Tract D, and marking the south common corner of Lots 38 and 39 of the aforesaid Block 39 and an exterior corner of the herein described tract;

THENCE, North 01°58'52" West, departing said north R.O.W. line with the common line of said Lots 38 and 39, the most northerly east line of said Church Tract-1, and the most southerly west line of said Tract D, a distance of 125.00 feet to a 5/8-inch iron rod with plastic cap, stamped "TERRA SURVEYING", set marking common corner of Lots 10, 11, 38, and 39 of said Block 39, and being in the south line of that certain tract described in deed to Brookhollow Baptist Church (herein referred to as "Church Tract-2"), as recorded under C.F.N. 20130596851, O.P.R.R.P.H.C.; said iron rod also marking the most northerly northeast corner of said Church Tract-1, and the most southerly northwest corner of said Tract D and the herein described tract;

THENCE, North 87°41'08" East, with the common line of Lots 11 and 38 of said Block 39, the south line of said Church Tract-2, and the most westerly north line of said Tract D, a distance of 25.00 feet to a 5/8-inch iron rod with plastic cap, stamped "TERRA SURVEYING", set marking the common corner of Lots 11, 12, 37, and 38 of said Block 39, the southeast corner of said Church Tract-2, and an interior corner of said Tract D and the herein described tract;

THENCE, North 01°58'52" West, with the common line of said Lots 11 and 12, the east line of said Church Tract-2, and the most northerly west line of said Tract D, a distance of 125.00 feet to a 5/8-inch iron rod with plastic cap, stamped "TERRA SURVEYING", set in the south R.O.W. line of Rena Avenue, a 50-foot public roadway dedicated in Volume 3, Page 7, M.R.H.C.; said iron rod also marking the north common corner of said Lots 11 and 12, the northeast corner of said Church Tract-2, and the most northerly northwest corner of said Tract D and the herein described tract, from which a found 5/8-inch iron rod bears North 78°22' East, 0.49 feet;

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THENCE, North 87°41'08" East, with the south R.O.W. line of said Rena Avenue and the north line of said Block 39, at 25.00 feet pass the most southerly southwest corner of Unrestricted Reserve "B", Block 1, BINGLE LOCKFIELD SUBDIVISION, a plat of subdivision recorded under Film Code Number 672259, M.R.H.C., from which a found 5/8-inch iron with cap bears South 04°00' East, 1.27 feet and from which another found 5/8-inch iron rod with cap bears South 01°12' West, 1.51 feet; continuing with the north line of said Block 39 and the most southerly south line of said Unrestricted Reserve "B", a total distance of 325.00 feet to a 5/8-inch iron rod found marking its intersection with the west R.O.W. line of the aforesaid Lockfield Street, and marking the northeast corner of said Block 39, the aforesaid Tract D, and the herein described tract;

THENCE, South 01°58'52" East, with the west R.O.W. line of said Lockfield Drive and the east line of said Block 39, at 250.00 feet pass a 5/8-inch iron rod with plastic cap, stamped "TERRA SURVEYING", set marking its intersection with the north R.O.W. line of the aforesaid Poppy Avenue, and marking the southeast corner of said Block 39; continuing across said Poppy Avenue, at 300.00 feet pass a 5/8-inch iron rod with plastic cap, stamped "TERRA SURVEYING", set marking its intersection with the south R.O.W. line of the aforesaid Poppy Avenue, the northeast corner of the aforesaid Block 42 and the aforesaid Tract E, and the southeast corner of said Tract D; continuing with said west R.O.W. line and the east line of said Block 42, at 425.00 feet pass the northeast corner of the aforesaid Restricted Reserve "B" and the southeast corner of said Block 42, from which a found 5/8-inch iron rod with cap bears North 27°33' West, 0.15 feet; continuing with said west R.O.W. line and the east line of said Restricted Reserve "B", a total distance of 740.01 feet to the **POINT OF BEGINNING** and containing 4.999 acres (217,742 square feet) of land.

EXHIBIT "B"

PERMITTED EXCEPTIONS

1. Rights of parties in possession pursuant to written leases as described on Exhibit "C", attached hereto and incorporated herein.
2. A 25' Building Line along Pinemont Drive as reflected by plat recorded in Film Code No. 614137 of the Map Records of Harris County, Texas.
3. A 10' Building Line along Lockfield Street, A.K.A. Paper Street as reflected by plat recorded in Film Code No. 614137 of the Map Records of Harris County, Texas.
4. Restricted Reserve "B" is denied access to Lockfield Street, A.K.A. Paper Street as reflected by plat recorded in Film Code No. 614317 of the Map Records of Harris County, Texas.
5. Terms, conditions and provisions of Easement Agreement dated June 11, 2009, filed under Harris County Clerk's File No. 20090278001.
6. Memorandum of Lease dated May 1, 1993, by and between Elmo E. Calmes, Jr. ("Landlord") and Houston Cellular Telephone Company ("Tenant") filed under Harris County Clerk's File No. P306782.

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EXHIBIT "C"

1. Lease Agreement dated May 1, 1993 between Elmo E. Calmes, Jr. and Houston Cellular Telephone Company as amended by First Amendment to Lease Agreement dated October 9, 2012 between Pinemont Investments, Ltd., successor-in-interest to Elmo E. Calmes, Jr., and New Cingular Wireless PCS, LLC successor-by-merger to Houston Cellular Telephone Company with a current expiration date of September 30, 2022 subject to exercise of renewal terms as provided in the lease.
2. Lease dated November 1, 2018 between Pinemont Investments, Ltd. and The Wood Chip on a month-to-month term.
3. Lease dated November 1, 2018 between Pinemont Investments, Ltd. and Ventura Transportation, Inc. on a month-to-month term.
4. Lease dated November 1, 2018 between Pinemont Investments, Ltd. and Johnson Dirt Yard on a month-to-month term.
5. Lease dated November 1, 2018 between Pinemont Investments, Ltd. and Robert Gomez Inc. on a month-to-month term.

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Pages 9
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e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
DIANE TRAUTMAN
COUNTY CLERK
Fees \$44.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.
THE STATE OF TEXAS
COUNTY OF HARRIS

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 Records of Real Property of Harris County, Texas.



Diane Trautman

COUNTY CLERK
HARRIS COUNTY, TEXAS