

069082

SPECIAL WARRANTY DEED AND
ASSIGNMENT OF LANDSCAPING EASEMENTS

THE STATE OF TEXAS §
 §
COUNTY OF DENTON §

KNOW ALL MEN BY THESE PRESENTS:

That **STEWART PENINSULA DEVELOPMENT PARTNERS**, a Texas general partnership ("**Grantor**"), for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration paid by **STEWART PENINSULA SOUTHSORE HOMEOWNERS ASSOCIATION, INC.**, a Texas non-profit corporation ("**Grantee**"), whose address is c/o Stewart Peninsula Development Partners, 4809 Cole Avenue, Suite 145, LB #123, Dallas, Texas 75205, the receipt and sufficiency of which are hereby acknowledged and confessed, has **GRANTED, BARGAINED, SOLD and CONVEYED**, and by these presents does hereby **GRANT, BARGAIN, SELL and CONVEY**, unto Grantee, subject to the Permitted Exceptions, as hereinafter defined, those certain tracts or parcels of land situated in Denton County, Texas, and being more particularly described on Exhibit "A" attached hereto and made a part hereof for all purposes, together with all and singular the rights, benefits, privileges, easements, improvements, tenements, hereditaments and appurtenances thereon or in anywise appertaining thereto, but excluding any rights or appurtenances pertaining to Grantor's contiguous or adjacent property, other than to the centerline of any dedicated roads, streets, alleys and ways separating such land from Grantor's contiguous or adjacent property (said land, improvements, rights, benefits, privileges, easements, tenements, hereditaments, and appurtenances being conveyed hereby, subject to the Permitted Exceptions, are hereinafter collectively referred to as the "**Property**").

This conveyance is made subject and subordinate to those encumbrances and exceptions (the "**Permitted Exceptions**") set forth on Exhibit "B" attached hereto and made a part hereof for all purposes, but only to the extent they affect or relate to the Property.

TO HAVE AND TO HOLD the Property, subject to the Permitted Exceptions, as aforesaid, unto Grantee, its successors and assigns, forever, and Grantor does hereby bind itself, its successors and assigns, to **WARRANT AND FOREVER DEFEND** all and singular the Property unto 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.

Pursuant to the terms of a certain Developer's Contract (herein so called) between Grantor and the City of The Colony ("**City**") dated as of August 13, 1996, the City granted to Grantor certain landscaping easements ("**Assigned Easements**") on, over and across the Landscaped Area (herein so called) more particularly described on Exhibit "C" attached hereto. Grantor hereby assigns to Grantee all of Grantor's right, title and interest in and to the Assigned Easements, and

Grantee, by its acceptance of this Deed, assumes all of Grantor's obligations with respect to the Assigned Easements arising under the Developer's Contract from and after the date hereof.

IN WITNESS WHEREOF, this Special Warranty Deed and Assignment of Landscaping Easements has been executed by Grantor as of the 16th day of August, 1996.

GRANTOR:

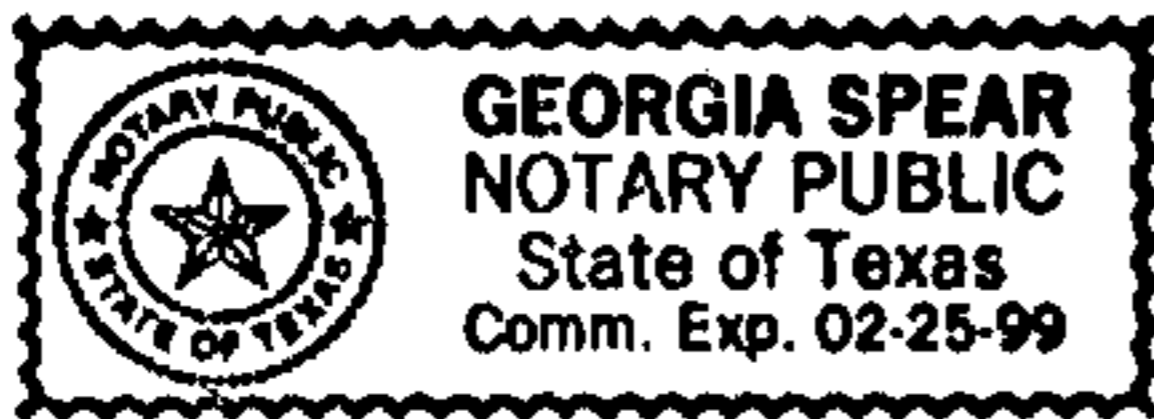
STEWART PENINSULA DEVELOPMENT PARTNERS, a Texas general partnership

By: Stewart Peninsula, Inc., a Texas corporation and its Managing General Partner

By: *Rudolf Sieber*
Rudolf Sieber, President

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

The foregoing instrument was acknowledged before me on August 16th, 1996, by Rudolf Sieber, President of Stewart Peninsula, Inc., a Texas corporation and Managing General Partner of STEWART PENINSULA DEVELOPMENT PARTNERS, a Texas general partnership.



Georgia Spear
Notary Public, State of TEXAS

My Commission Expires:

Georgia Spear
Printed Name of Notary

EXHIBIT "A"

Property Description

Each of the parcels designated as a "Common Area" on the Plat of Stewart Peninsula, Southshore, Phase II, an Addition to the City of The Colony, Denton County, Texas, recorded in Cabinet L, Page 314, of the Map Records of Denton County, Texas.

EXHIBIT "B"

Permitted Exceptions

1. **Plat of Stewart Peninsula Southshore, Phase II, an Addition to the City of The Colony, Texas, recorded in Cabinet L, Slide 314, Map Records of Denton County, Texas.**
2. **Declaration of Covenants and Restrictions of Stewart Peninsula Southshore dated as of November 7, 1994, by and among Stewart Peninsula Development Partners, Hampton Enterprises, Inc., and Goodman Homes, Inc., and filed of record as Document 085840 in the real estate records of Denton County, Texas.**
3. **Real estate taxes for the year 1996 and subsequent years.**

EXHIBIT "C"

BEING A 0.022 ACRE TRACT OF LAND SITUATED IN THE B.B.B. & C.R.R. SURVEY, ABSTRACT NO. 181, DENTON COUNTY, TEXAS AND BEING A PORTION OF STEWART BOULEVARD (A VARIABLE WIDTH R.O.W.), IN STEWART PENINSULA, SOUTHSHORE, PHASE 2, AN ADDITION TO THE CITY OF THE COLONY, DENTON COUNTY, TEXAS, AS RECORDED IN VOLUME , PAGE , OF THE PLAT RECORDS OF DENTON COUNTY, TEXAS. SAID 0.022 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 5/8" IRON ROD CAPPED "CARTER & BURGESS" FOUND FOR THE NORTH CORNER OF LOT 1, BLOCK H, OF SAID ADDITION, SAID POINT BEING IN THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID STEWART BOULEVARD;

THENCE, N 55°18'52" E, A DISTANCE OF 31.12 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE BACK OF CURB;

THENCE ALONG SAID BACK OF CURB AND A CURVE TO THE RIGHT HAVING A RADIUS OF 9.50 FEET, A DELTA ANGLE OF 180°00'00", A LONG CHORD THAT BEARS N 49°47'50" E A DISTANCE OF 19.00 FEET, AN ARC DISTANCE OF 29.85 FEET TO A POINT FOR CORNER;

THENCE S 33°53'47" E, ALONG SAID BACK OF CURB, A DISTANCE OF 70.61 FEET TO A POINT FOR CORNER;

THENCE ALONG SAID BACK OF CURB AND A CURVE TO THE RIGHT HAVING A RADIUS OF 2.00 FEET, A DELTA ANGLE OF 167°46'58", A LONG CHORD THAT BEARS S 49°59'42" W A DISTANCE OF 3.98 FEET, AN ARC DISTANCE OF 5.86 FEET TO A POINT FOR CORNER;

THENCE N 46°06'48" W, ALONG SAID BACK OF CURB, A DISTANCE OF 70.55 FEET THE POINT OF BEGINNING, AND CONTAINING 0.022 ACRES OF LAND, MORE OR LESS.

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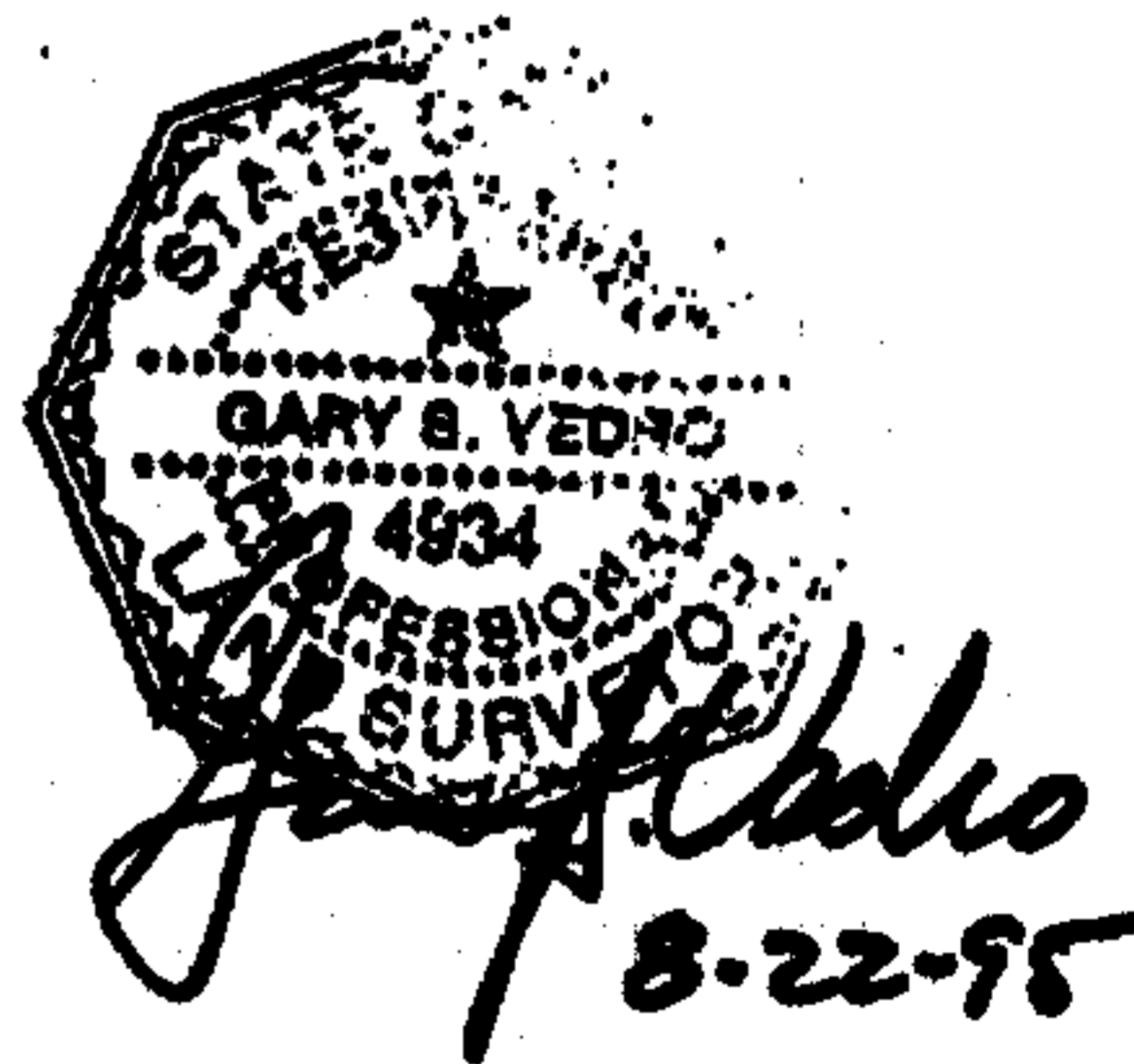


EXHIBIT "C" (CONTINUED)

BEING A 0.129 ACRE TRACT OF LAND SITUATED IN THE SAMUEL CHOWNING SURVEY, ABSTRACT NO. 244 AND THE B.B.B. & C.R.R. SURVEY, ABSTRACT NO. 181, DENTON COUNTY, TEXAS AND BEING A PORTION OF NORTH COLONY BOULEVARD (A VARIABLE WIDTH R.O.W.) AND A PORTION OF STEWART BOULEVARD (A VARIABLE WIDTH R.O.W.), IN STEWART PENINSULA, SOUTHSHORE, PHASE 2, AN ADDITION TO THE CITY OF THE COLONY, DENTON COUNTY, TEXAS, AS RECORDED IN VOLUME , PAGE , OF THE PLAT RECORDS OF DENTON COUNTY, TEXAS. SAID 0.129 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD CAPPED "CARTER & BURGESS" FOUND FOR THE NORTH CORNER OF LOT 1, BLOCK H, OF SAID ADDITION, SAID POINT BEING IN THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID STEWART BOULEVARD;

THENCE N 86°27'40" W, ALONG THE NORTH LINE OF COMMON AREA 2, OF SAID ADDITION AND THE SOUTH RIGHT-OF-WAY LINE OF NORTH COLONY BOULEVARD, A DISTANCE OF 16.91 FEET TO A POINT FOR CORNER;

THENCE ALONG SAID NORTHWEST LINE, SAID SOUTHWEST RIGHT-OF-WAY LINE AND A CURVE TO THE LEFT HAVING A RADIUS OF 489.50 FEET, A DELTA ANGLE OF 46°35'53", A LONG CHORD THAT BEARS S 26°32'50" W A DISTANCE OF 387.22 FEET, AN ARC DISTANCE OF 398.10 FEET TO A POINT FOR CORNER IN A SOUTH LINE OF SAID ADDITION;

THENCE S 85°56'30" W, ALONG SAID SOUTH LINE A DISTANCE OF 13.10 FEET TO THE BACK OF CURB;

THENCE ALONG SAID BACK OF CURB AND A CURVE TO THE RIGHT HAVING A RADIUS OF 502.50 FEET, A DELTA ANGLE OF 46°27'00", A LONG CHORD THAT BEARS N 26°16'59" E A DISTANCE OF 396.31 FEET, AN ARC DISTANCE OF 407.38 FEET TO A POINT FOR CORNER;

THENCE ALONG SAID BACK OF CURB AND A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, A DELTA ANGLE OF 84°22'42", A LONG CHORD THAT BEARS S 88°18'10" E A DISTANCE OF 33.58 FEET, AN ARC DISTANCE OF 36.82 FEET TO A POINT FOR CORNER;

THENCE S 46°06'48" E, ALONG SAID BACK OF CURB A DISTANCE OF 3.03 FEET TO A POINT FOR CORNER;

THENCE S 54°00'49" W, DEPARTING SAID BACK OF CURB A DISTANCE OF 10.16 FEET THE POINT OF BEGINNING, AND CONTAINING 0.129 ACRES OF LAND, MORE OR LESS.

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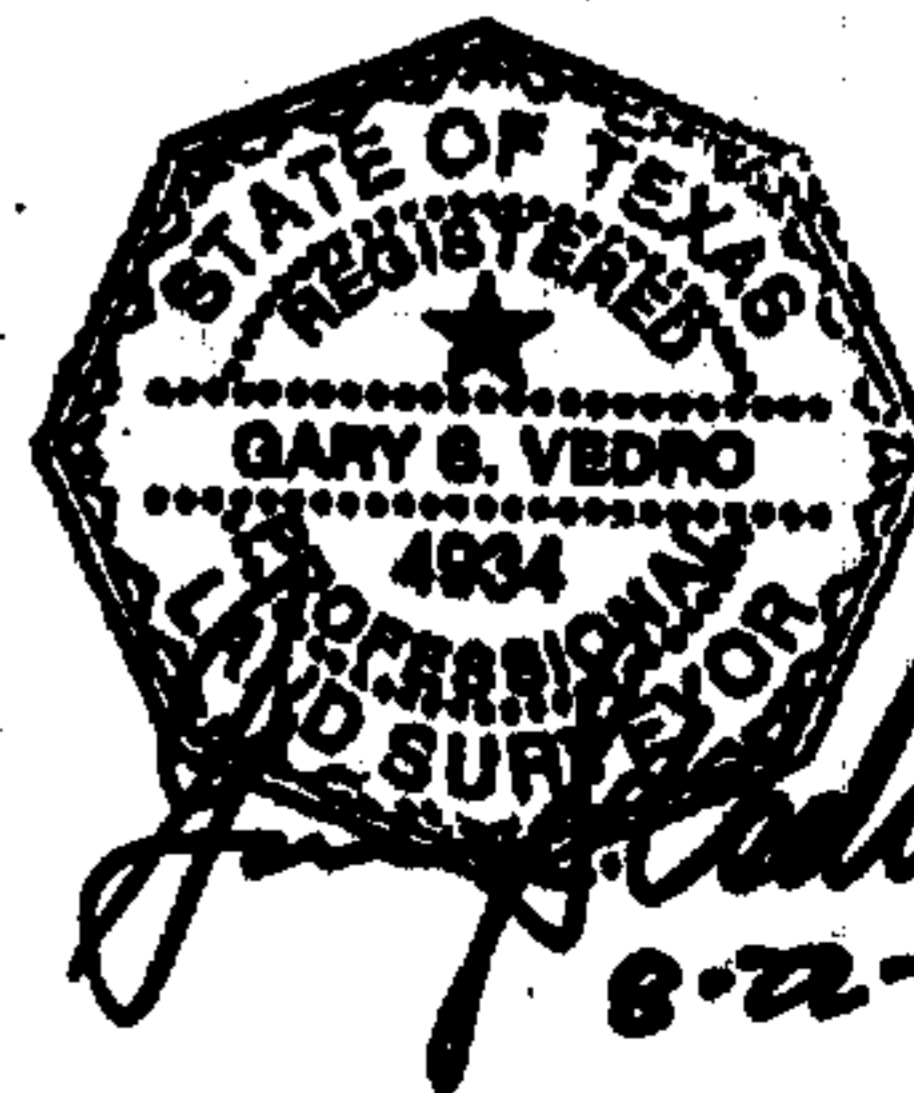


EXHIBIT "C" (CONTINUED)

BEING A 0.244 ACRE TRACT OF LAND SITUATED IN THE B.B.B. & C.R.R. SURVEY, ABSTRACT NO. 181, DENTON COUNTY, TEXAS AND BEING A PORTION OF NORTH COLONY BOULEVARD (A VARIABLE WIDTH R.O.W.) AND STEWART BOULEVARD (A VARIABLE WIDTH R.O.W.), IN STEWART PENINSULA, SOUTHSHORE, PHASE 2, AN ADDITION TO THE CITY OF THE COLONY, DENTON COUNTY, TEXAS, AS RECORDED IN VOLUME , PAGE OF THE PLAT RECORDS OF DENTON COUNTY, TEXAS. SAID 0.244 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD CAPPED "CARTER & BURGESS" FOUND FOR THE NORTHWEST CORNER OF LOT 1, BLOCK D, OF SAID ADDITION, SAID POINT BEING IN THE EAST RIGHT OF WAY LINE OF SAID STEWART BOULEVARD;

THENCE S 58°58'07" W, A DISTANCE OF 9.28 FEET TO THE BACK OF CURB;

THENCE ALONG SAID BACK OF CURB AND A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, A DELTA ANGLE OF 86°46'38", A LONG CHORD THAT BEARS N 17°15'06" E A DISTANCE OF 34.35 FEET, AN ARC DISTANCE OF 37.86 FEET TO A POINT FOR CORNER;

THENCE ALONG SAID BACK OF CURB AND A CURVE TO THE RIGHT HAVING A RADIUS OF 793.00 FEET, A DELTA ANGLE OF 28°29'58", A LONG CHORD THAT BEARS N 74°53'24" E A DISTANCE OF 390.39 FEET, AN ARC DISTANCE OF 394.45 FEET TO A POINT FOR CORNER;

THENCE N 89°08'23" E, ALONG SAID BACK OF CURB, A DISTANCE OF 245.49 FEET TO A POINT FOR CORNER IN THE WEST LINE OF SAID ADDITION;

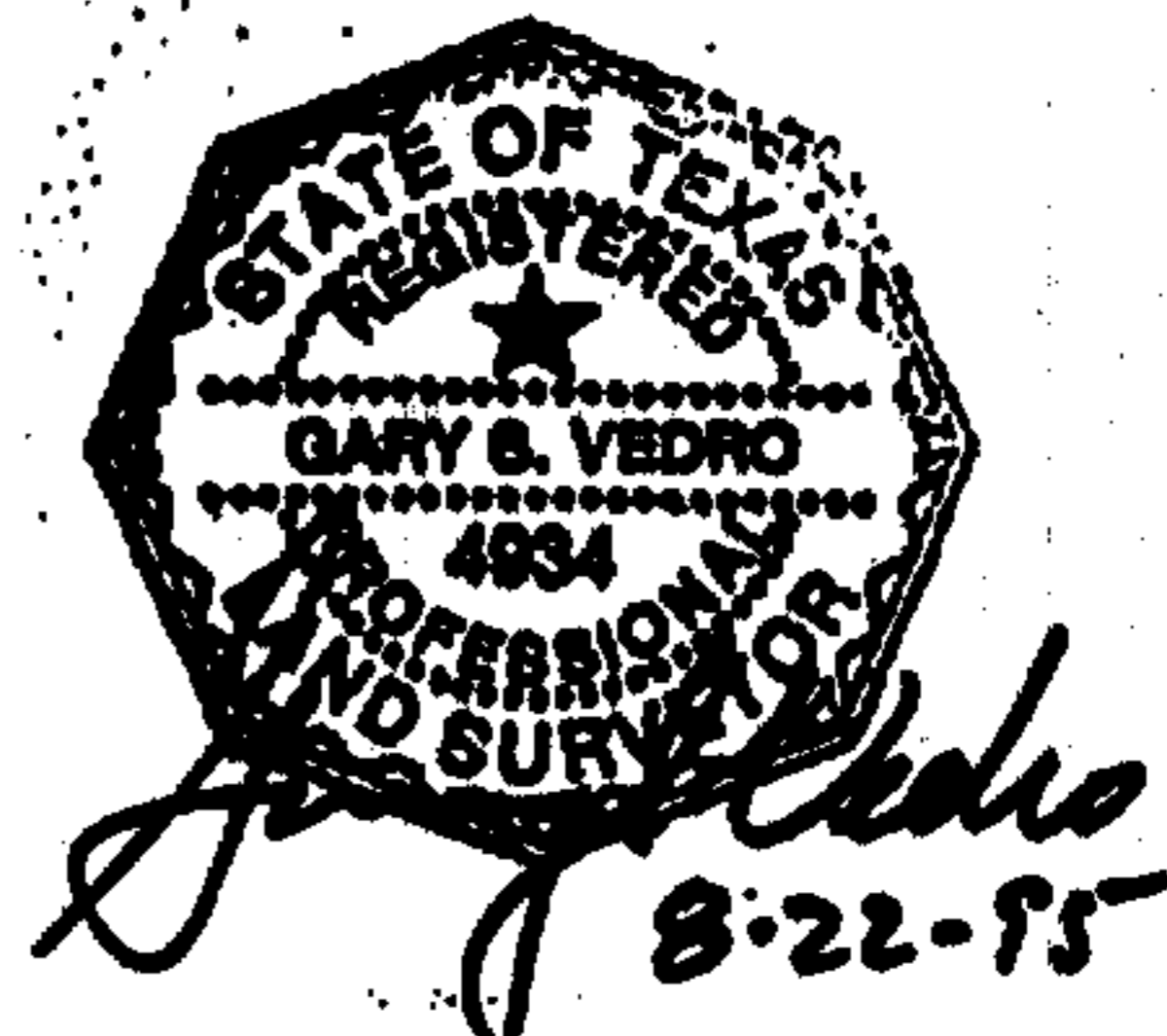
THENCE S 00°51'37" E, ALONG SAID WEST LINE A DISTANCE OF 17.50 FEET TO A POINT FOR CORNER IN THE SOUTH RIGHT-OF-WAY LINE OF SAID NORTH COLONY BOULEVARD AND THE NORTH LINE OF COMMON AREA 1, OF SAID ADDITION;

THENCE S 89°08'23" W, ALONG SAID SOUTH RIGHT-OF-WAY LINE AND SAID NORTH, LINE A DISTANCE OF 253.82 FEET TO A POINT FOR CORNER;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, SAID NORTH LINE AND A CURVE TO THE LEFT HAVING A RADIUS OF 780.00 FEET, A DELTA ANGLE OF 28°18'07", A LONG CHORD THAT BEARS S 75°00'20" W A DISTANCE OF 380.95 FEET, AN ARC DISTANCE OF 384.84 FEET TO THE INTERSECTION OF SAID SOUTH RIGHT-OF-WAY LINE AND EAST RIGHT-OF-WAY LINE OF SAID STEWART BOULEVARD;

THENCE S 12°47'15" W, ALONG SAID EAST RIGHT-OF-WAY LINE AND SAID NORTH LINE A DISTANCE OF 13.94 FEET THE POINT OF BEGINNING, AND CONTAINING 0.244 ACRES OF LAND, MORE OR LESS.

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FOLLOWING RECORDATION, RETURN TO:

DON S. JACKSON
5264 FARM TO MARKET
WHITEFISH, MT. 59937

Filed for Record in:
DENTON COUNTY, TX
HONORABLE TIM HODGES/COUNTY
CLERK

On Oct 01 1996
At 11:18am

Doc/Num : 96-R0069082
Doc/Type : WD
Recording: 17.00
Doc/Mgmt : 6.00
Receipt #: 30713
Deputy - CASSY