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WARRANTY DEED

FILM CODE

00005860690

THE STATE OF TEXAS                    }  
  } KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF TRAVIS                    }

That TERRA EQUITIES CORP., a Texas corporation, hereinafter called "GRANTOR", for Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has GRANTED, SOLD and CONVEYED, and by these presents does hereby GRANT, SELL and CONVEY, unto LARRY WHITAKER and wife, MARY L. WHITAKER, whose mailing address is 16002 Fontaine Avenue, Austin, Travis County, Texas 78734-2646, hereinafter collectively called "GRANTEE", the following described real estate, together with all improvements, if any, thereon situated in Travis County, Texas:

A 15.274 acre tract of land, more or less, located in the G. H. Cox Survey No. 42, A-2431, and the G.H. Cox Survey No. 46, A-2430, in Travis County, Texas; said 15.274 acre tract more particularly being a portion of that certain 648.658 acre tract conveyed to Travis Cove Joint Venture by deed recorded in Volume 12236, Page 1483 of the Real Property Records of Travis County, Texas; said 15.274 acre tract being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all purposes (the "Property").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the GRANTEE, his heirs 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, his heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof,



METES AND BOUNDS DESCRIPTION

BEING A 15.274 ACRE TRACT OF LAND LOCATED IN THE G.H. COX SURVEY NO. 42, A-2431, AND THE G.H. COX SURVEY NO. 46, A-2430) IN TRAVIS COUNTY, TEXAS; SAID 15.274 ACRE TRACT MORE PARTICULARLY BEING A PORTION OF THAT CERTAIN 648.658 ACRE TRACT CONVEYED TO TRAVIS COVES JOINT VENTURE BY DEED RECORDED IN VOLUME 12236, PAGE 1483 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 15.274 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING FOR REFERENCE at a 1/2-inch iron rod found for the north corner of Lot 43, The Coves on Lake Travis Phase One, Section A recorded in Volume 94, Pages 396-401 of the Plat Records of Travis County, Texas, same being the east corner of the herein described tract, said iron rod also being in the south line of Thurman Bend Road (ROW Varies);

THENCE N 78°34'17" W a distance of 1573.04 feet to a 1/2-inch iron rod set for corner in said south line of Thurman Bend Road for the northeast corner and POINT OF BEGINNING of the herein described tract;

THENCE southerly, westerly and northerly through the interior of said 648.658 acre tract the following seventeen (17) courses:

1. S 20°07'41" W a distance of 187.11 feet to a 1/2-inch iron rod set for corner;
2. S 16°51'51" W a distance of 367.32 feet to a 1/2-inch iron rod set for corner;
3. S 10°13'30" W a distance of 220.10 feet to a 1/2-inch iron rod set for corner;
4. S 26°56'58" W a distance of 119.97 feet to a 1/2-inch iron rod set for corner;
5. S 00°50'03" E a distance of 324.16 feet to a point for corner which is inundated by the water of Lake Travis;
6. N 76°44'12" W a distance of 267.68 feet to a point for corner which is inundated by the water of Lake Travis;
7. N 56°01'50" W a distance of 167.19 feet to a point for corner which is inundated by the water of Lake Travis;
8. N 22°44'44" W a distance of 174.40 feet to a 1/2-inch iron rod set for corner;
9. N 07°03'26" W a distance of 47.73 feet to a 1/2-inch iron rod set for corner;
10. N 18°03'30" W a distance of 41.38 feet to a 1/2-inch iron rod set for corner;
11. N 21°49'44" W a distance of 44.25 feet to a 1/2-inch iron rod set for corner;
12. N 46°00'36" E a distance of 20.02 feet to a 1/2-inch iron rod set for corner;
13. N 25°35'35" E a distance of 182.17 feet to a 1/2-inch iron rod set for corner;
14. N 08°50'27" E a distance of 92.27 feet to a 1/2-inch iron rod set for corner;

15. N 03°14'03" E a distance of 152.44 feet to a 1/2-inch iron rod set for corner;
16. N 16°23'43" E a distance of 287.68 feet to a 1/2-inch iron rod set for corner;
17. N 07°55'52" W a distance of 336.64 feet to a 1/2-inch iron rod found for the beginning of a curve to the right in the aforementioned south line of Thurman Bend Road;

THENCE easterly along said south line of Thurman Bend Road the following three (3) courses:

1. a distance of 217.59 feet along the arc of said curve to the right having a central angle of 48°19'58", a radius of 257.94 feet and a chord which bears S 80°03'57" E a distance of 211.20 feet to a 1/2-inch iron rod found for the end of said curve;
3. S 55°59'06" E a distance of 455.04 feet to a 1/2-inch iron rod found for corner;
4. S 71°27'39" E a distance of 27.00 feet to the POINT OF BEGINNING of the herein described tract and containing 15.274 acres of land.

I HEREBY CERTIFY THAT THIS METES AND BOUNDS WAS PREPARED FROM A SURVEY PERFORMED ON THE GROUND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

  
STEVEN R. McANGUS, R.P.L.S. # 3680



(The bearings shown hereon are referenced to deed recorded in Volume 12236, Page 1483 of the Real Property Records of Travis County, Texas.)

**EXHIBIT "B"**  
**RESTRICTIONS**

- a) No subdivision of any tract shall be permitted if such subdivision creates or causes a tract or any portion thereof to be less than four (4) acres in size. In addition, no subdivision of any tract fronting on the 681' Mean Sea Level ("MSL") elevation shall create a tract that contains less than 200 feet of frontage on the 681' MSL contour line.
- b) Primary residences will contain air-conditioned, heated and finished floor space of no less than 2,000 square feet for single-story homes and 2,400 square feet for two-story homes. Any residence, a portion of which is located within 200 feet of the 715' MSL, shall contain no less than 2,400 square feet of air-conditioned, heated and finished floor space.
- c) Guest houses which are smaller than that required by item (b) above, will be allowed provided that such guest houses are constructed simultaneously with or after the construction of the primary residence on a lot or tract. No more than one (1) guest house may be constructed on any lot or tract; provided, however, that one (1) additional guest house may be constructed on each tract or lot containing a complying primary residential structure for every four (4) acres contained within such tract or lot in excess of the minimum tract or lot size. The provisions of the foregoing sentence may not be defeated by the subdivision of any portion of the Property, whether by plat or conveyance.
- d) All residences, a portion of which is located within 200 feet of the 715' MSL must have at least a 75% masonry exterior (brick, stone, and stucco); all others must have at least a 50% masonry exterior (brick stone and stucco). "Hardy board" or other masonry wood siding look-a-like products are specifically excluded.
- e) All roofs to be constructed of materials with no glare or shine.
- f) No tents, campers, trailers, motorhomes or mobile homes may be used on the Property for residential purposes, whether on a temporary or permanent basis. No pre-manufactured, modular, trailer, mobile home or other structure not built on site shall be permitted.
- g) No more than one animal unit per four (4) acres shall be permitted. No swine or exotic animals that may adversely affect the health, safety and welfare of neighboring owners shall be permitted. Property owners shall be responsible for the installation of adequate fencing prior to permitting any animals on the Property.
- h) The Property shall be used for residential purposes only. No commercial uses shall be permitted.

- i) No more than one (1) dock for every 200 feet of frontage on the 681' MSL contour line shall be permitted.
- j) Grantee agrees not to harm or take any endangered plant, bird or its habitat without first discussing the matter with and obtaining the consent of (if necessary) the U.S. Fish and Wildlife Department. Grantee will be solely responsible for any endangered plants, birds or their habitat found on Grantee's Property.

CHARGE TO: Gracy Title Company

AFTER RECORDING RETURN TO:  
David P. Crist  
7200 North MoPac, Suite 440  
Austin, Texas 78759

**FILED**  
99 JAN 15 PM 3:22  
DANA DEBEAUVOIR  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

STATE OF TEXAS COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED on  
the date and at the time stamped herein by me, and  
was duly RECORDED, in the Volume and Page of the  
General RECORDS of Travis County, Texas, on \_\_\_\_\_

JAN 15 1999

 *Dana Debeauvoir*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS