

MR-68/191

The State of Texas,

County of KAUFMAN

} Know All Men by These Presents:

2131

That WE, MORRIS E. TITTLE AND WIFE, NELL B. TITTLE,

of the County of BRAZOS State of TEXAS for and in consideration

of the sum of TWENTY-FOUR-THOUSAND-AND-NO/100-(\$24,000.00)-----

-----DOLLARS

to US paid, and secured to be paid, by -----

GLENN WHALEY AND WIFE, HELEN M. WHALEY as follows:

CASH IN THE SUM OF \$5,000.00 IN HAND PAID BY THE GRANTEEES HEREIN, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED; AND THE FURTHER CONSIDERATION OF THE EXECUTION AND DELIVERY BY THE GRANTEEES HEREIN OF THEIR ONE CERTAIN PROMISSORY NOTE OF EVEN DATE HEREWITH IN THE AMOUNT OF \$19,000.00 PAYABLE TO THE ORDER OF MORRIS E. TITTLE AND WIFE, NELL B. TITTLE AND DUE IN ACCORDANCE WITH THE TERMS AND AT THE INTEREST RATE THEREIN PROVIDED, SAID NOTE BEING SECURED BY THE VENDOR'S LIEN HEREIN RETAINED AND BEING ADDITIONALLY SECURED BY DEED OF TRUST OF EVEN DATE HEREWITH TO JACK C. MORGAN, TRUSTEE, AND FOR SUCH STATED CONSIDERATION WE

have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey, unto the said GLENN WHALEY AND WIFE, HELEN M. WHALEY

of the County of DALLAS State of TEXAS all that certain LOT, TRACT OR PARCEL OF LAND, DESCRIBED AS FOLLOWS, TO-WIT:

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LYING IN AND SITUATED IN THE A. HYER SURVEY, KAUFMAN COUNTY, TEXAS, BEING A PART OF A 31-1/10 ACRE TRACT OF LAND IN THE NAME OF NAN MCKELLAR SMITH AND HUSBAND EWELL SMITH, SR., AND OF RECORD IN VOLUME 128, PAGES 67 AND 69 OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN PUBLIC ROAD AND THE NORTH CORNER OF SAID 31-1/10 ACRE TRACT; THENCE SOUTH 44 DEG. 05' EAST 1148.6 FEET, 20 FEET NORTHEAST OF FENCE LINE AND ALONG THE NORTHEAST LINE OF LANE TO A STAKE IN ROAD AT THE INTERSECTION OF U. S. 80 HIGHWAY; THENCE NORTH 87 DEG. 42' WEST 29.8 FEET TO A RIGHT OF WAY MARKER; THENCE SOUTH 01 DEG. 00' WEST 86.3 FEET TO A RIGHT OF WAY MARKER IN THE NORTH LINE OF SAID HIGHWAY NO. 80; THENCE NORTH 87 DEG. 30' WEST 1022.5 FEET WITH THE NORTH LINE OF SAID HIGHWAY TO AN IRON PIN IN THE SOUTHEAST CORNER OF THE GAS COMPANY 1.2 ACRE TRACT; THENCE NORTH 2 DEG. 30' EAST 220 FEET TO AN IRON PIN FOR A CORNER; THENCE NORTH 87 DEG. 30' WEST 220 FEET TO AN IRON PIN FOR A CORNER; THENCE SOUTH 2 DEG. 30' WEST 220 FEET TO AN IRON PIN IN THE NORTH RIGHT OF WAY LINE OF SAID HIGHWAY;

THENCE NORTH 87 DEG. 30' WEST 200 FEET WITH SAID HIGHWAY TO AN IRON PIN IN THE SOUTHEAST CORNER OF A LOT CONVEYED TO ONE OF THEIR CHILDREN; THENCE NORTH 0 DEG. 30' EAST 204 FEET WITH FENCE LINE TO A IRON PIN AT THE BASE OF A LARGE CORNER POST; THENCE NORTH 78 DEG. 51' WEST 56 FEET TO A POINT IN PUBLIC ROAD FOR A CORNER; THENCE NORTH 48 DEG. 55' EAST 962.5 FEET WITH SAID ROAD TO THE PLACE OF BEGINNING, CONTAINING 16.465 ACRES OF WHICH THERE IS 0.44 ACRE IN PUBLIC ROAD AND 0.51 ACRES IN LANE, ACCORDING TO A SURVEY MADE UPON THE GROUND ON MARCH 24, 1965 BY R. E. L. HALFORD, ROCKWALL COUNTY SURVEYOR.

BEING THE SAME LAND CONVEYED BY NAN MCKELLAR SMITH AND HUSBAND, EWELL M. SMITH, SR., TO MORRIS E. TITTLE AND WIFE, NELL B. TITTLE BY WARRANTY DEED DATED AUGUST 5, 1966 AND RECORDED IN VOLUME 493, PAGE 131 OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS.

THIS CONVEYANCE IS MADE AND ACCEPTED SUBJECT TO ALL RESTRICTIONS, COVENANTS, CONDITIONS, RIGHTS OF WAY EASEMENTS AND OIL, GAS AND OTHER MINERAL RESERVATIONS, IF ANY, AFFECTING THE ABOVE DESCRIBED PROPERTY THAT ARE VALID, EXISTING AND PROPERLY OF RECORD, ALSO TO THE ZONING LAWS AND OTHER RESTRICTIONS, REGULATIONS, ORDINANCES AND STATUTES OF MUNICIPAL OR OTHER GOVERNMENTAL AUTHORITIES APPLICABLE TO OR ENFORCEABLE AGAINST THE ABOVE DESCRIBED PREMISES.

GRANTEES HEREIN ASSUME THE PAYMENT OF ALL TAXES FOR THE YEAR 1968 AND SUBSEQUENT YEARS.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said

GLENN WHALEY AND WIFE, HELEN M. WHALEY, OR THEIR

heirs and assigns forever and WE do hereby bind OURSELVES OR OUR heirs, executors and administrators, to Warrant and Forever Defend, all and singular the said premises unto the said

GLENN WHALEY AND WIFE, HELEN M. WHALEY, OR THEIR

heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

But it is expressly agreed and stipulated that the Vendor's Lien is retained against the above described property, premises and improvements, until the above described note, and all interest thereon are fully paid according to ITS face and tenor, effect and reading, when this deed shall become absolute.

WITNESS OUR hand S at KAUFMAN, TEXAS

this 21 day of MAY 19 68.

Morris E. Tittle

(MORRIS E. TITTLE)

Witness at request of Grantor:

Nell B. Tittle

(NELL B. TITTLE)

SINGLE ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF KAUFMAN

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared MORRIS E. TITTLE AND WIFE, NELL B. TITTLE,

known to me to be the persons whose names ARE subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 24 day of MAY A. D. 19 68

(L. S.)

J. B. Owens
Notary Public in and for KAUFMAN County, Texas

WIFE'S SEPARATE ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared _____, wife of _____, known

to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said _____, acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____ A. D. 19 _____

(L. S.)

Notary Public in and for _____ County, Texas

JOINT ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared _____ and _____, his wife, both

known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said _____, wife of the said _____,

having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said _____, acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____ A. D. 19 _____

(L. S.)

Notary Public in and for _____ County, Texas

THE STATE OF TEXAS,
COUNTY OF

I HEREBY CERTIFY that the foregoing instrument of writing with its certificate of authentication, was filed for record in my office on the _____ day of _____, A. D. 19 _____ at _____ o'clock _____ M., and was duly recorded by me on the _____ day of _____, A. D. 19 _____ in Vol. _____, page _____, of the Records of said County.

WITNESS MY HAND and the Seal of the County Court of said County, at my office in _____ the day and year last above written.

(L. S.)

County Clerk _____ County, Texas

By _____ Deputy.

FILED FOR RECORD AT 3:54 O'CLOCK P.M. May 24, 1968 JAMES K. GRAHAM
CLERK COUNTY COURT, KAUFMAN COUNTY, TEXAS - BY _____ DEPUTY

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