

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

GENERAL WARRANTY DEED

Date: August 17, 2005

Grantor: ESTATE OF ROBERT ALLEN BURNS, DECEASED
BY ROBIN V. DWYER, INDEPENDENT EXECUTOR

Grantor's Mailing Address (including county):

109 W. Court Street
Seguin, Texas 78155
Guadalupe County

Grantee: THE CITY OF SEGUIN

Grantee's Mailing Address (including County):

205 N. River Street
Seguin, Texas 78155
Guadalupe County

Consideration: TEN AND NO/100 DOLLARS and other good and valuable cash consideration.

Property (including any improvements):

A 0.231 acre tract situated in and being part of Lots 1, 2, 3 and 4, of Inner Block 22, NCB 167, H. Branch Survey, A-6, City of Seguin, Guadalupe County, Texas. Said **0.231 ACRE TRACT** is that tract called 0.229 acres in conveyance from Yolanda S. Rockhold to Robert A. Burns recorded in Volume 1387 at page 755 (description in error-refer to Volume 1029 at page 595) of the Official Records of Guadalupe County, Texas and being more particularly described by metes and bounds in Exhibit "A", attached hereto and made a part hereof.

Reservations From and Exceptions to Conveyance and Warranty:

This conveyance is made and accepted subject to the following:

1. Terms and provisions of Settlement Agreement, by and between Robert L. Blevins, Jr.; and Yolanda S. Rivas and William A. Rockhold, dated October 20, 1997, recorded in Volume 1321, Page 645, Official Records of Guadalupe County, Texas.

2. Visible and apparent easements on or across the property described herein;
3. Zoning laws and other restrictions, regulations, ordinances and statutes of municipalities or other governmental authorities applicable to and enforceable against the above-described premises;
4. Any discrepancies, conflicts, shortages in area or boundary lines, or any encroachments or any overlapping of improvements, including, but not limited to the protrusion of a concrete pad/building onto Lot 6 and the fact that a portion of the property lies in the bed of Walnut Branch and duties imposed, if any, and correlative rights of others arising from a portion of the property encompassing a portion of the dam located in the bed of Walnut Branch as shown on Survey dated June 1, 2005 prepared by Bettersworth & Associates, Job No. 22518-B-G;
5. Any and all restrictions, reservations, exceptions, rights-of-way, covenants, liens, mineral leases and reservations, leases, assessments, conditions and easements, if any, relating to the hereinabove described property, to the extent, and only to the extent, that the same may still be in force and effect and shown of record in the office of the County Clerk of Guadalupe County, Texas.
6. The property being, and it is sold, AS IS, WHERE IS, WITH ALL FAULTS, LATENT OR PATENT, INCLUDING ENVIRONMENTAL OR SAFETY HAZARDS, INCLUDING BUT NOT LIMITED TO LEAD BASED PAINT AND ASBESTOS ENVIRONMENTAL AND SAFETY HAZARDS, AND WITHOUT WARRANTY OR MERCHANTABILITY OR FITNESS OF ANY KIND, EXPRESS OR IMPLIED.
7. Taxes for 2005 have been pro-rated, the payment of which Grantee assumes.

Grantor, for the consideration, receipt of which is acknowledged, and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executor, administrators, successors or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

RESTRICTIONS: This property is restricted in its use for public park purposes of the "Walnut Branch Restoration Project" and for the public uses of the Grantee's Walnut Branch Project.

Grantor, as the fee simple owner of the Property, and in accordance with the last will and testament of Robert A. Burns, establishes the Restrictions as covenants, conditions, and restrictions, whether mandatory, prohibitive, permissive, or administrative, to regulate the uses of the Property and the improvements located or placed thereon. Grantor and Grantee stipulate that (a) the Restrictions touch and concern the Property; (b) privity of estate exists by reason of the ownership of the Property; (c) notice is given by filing this instrument in the real property records of Guadalupe

County; and (d) the Restrictions are reasonable , their purposes being for the common benefit of Grantor, Grantee, and the adjoining property owners and as expressed in the last will and testament of Robert A. Burns, No. 2004-PC-13587, Guadalupe County , Texas. The restrictions run with the land making up the property, are binding on Grantee and Grantee's successors and assigns forever, and inure to the benefit of Grantor, Grantee, affected property owners and their successors and assigns forever.

When the context requires, singular nouns and pronouns include the plural.

ESTATE OF ROBERT ALLEN BURNS, Deceased

by: Robin V. Dwyer
Robin V. Dwyer, Independent Executor

AGREED and ACCEPTED:
CITY OF SEGUIN, TEXAS

Jack Hamlett
By: Jack Hamlett, City Manager

STATE OF TEXAS

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COUNTY OF GUADALUPE

This instrument was acknowledged before me on this the 18th day of Aug., 2005, by ROBIN V. DWYER, as Independent Executor of The Estate of ROBERT ALLEN BURNS, deceased.

Barbara A. Warncke
Notary Public, State of Texas

PREPARED IN THE OFFICE OF:
PAPE & DWYER, L.L.P.
109 West Court Street
Seguin, Texas 78155

AFTER RECORDING RETURN TO:
City of Seguin
205 N. River Street
Seguin, Texas 78155

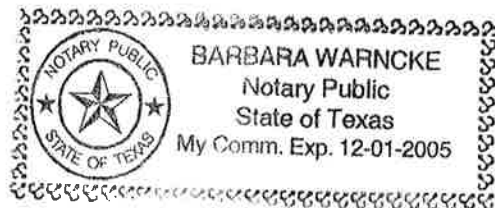


EXHIBIT A - 1

Being a **0.231 ACRE TRACT** situated in and being part of Lots 1, 2, 3 and 4 of Inner Block 22, NCB 167, H. Branch Survey, A-6, Seguin, Guadalupe County, Texas. Said **0.231 ACRE TRACT** is that tract Called 0.229 Acres in conveyance from Yolanda S. Rockhold to Robert A. Burns recorded in Volume 1387 at Page 755 (description in error – refer to Volume 1029 at Page 595) of the Official Records of said County and being described by metes and bounds as follows:

BEGINNING at a ½ inch diameter rebar found marking the northeast corner of the tract herein described, same being the northeast corner of said Burns tract, southeast corner of a tract Called 0.378 Acres in conveyance from Federal Deposit Insurance Corporation to Robin V. Dwyer in Volume 993 at Page 688, lying in the common line of Lot 4 and South Travis Street.

THENCE with the east line of the tract herein described, same being the east line of said Burns tract along a segment of the common line of Lot 4 and South Travis Street, S 00°20'49" E, 50.13 feet (called South 50.00 feet in Volume 1029 at Page 595) to a ½ inch diameter rebar found marking the southeast corner of the tract herein described, same being the southeast corner of said Burns tract, northeast corner of a tract called North 40 Feet of Lots 5, 6, 7 and 8 in conveyance from Robert L. Blevins, Jr. to Michael A. Glenewinkel in Volume 1426 at Page 250 (no description – see Volume 123 at Page 457);

THENCE with the south line of the tract herein described, same being the common line of said Burns tract and said Glenewinkel tract along the common line of Lots 4, 3, 2 and 1 with that of Lots 5, 6, 7 and 8, S 89°15'34" W at 148.05 feet a ½ inch diameter rebar found in the northeast face of a rock retaining wall, at 192.31 feet a lead plug and tack set in a concrete dam and at 200.49 feet (called West 200.00 feet) to the southwest corner of the tract herein described, same being the southwest corner of said tract in Volume 1029 at Page 595, being the southwest corner of Lot 1, northwest corner of Lot 8, lying in the east line of South Bowie Street (20 foot right of way unimproved);

THENCE with the west line of the tract herein described, same being the west line of said tract in Volume 1029, Page 595 along a segment of the common line of Lot 1 and said Bowie Street, N 00°20'49" W, 50.13 feet (called North 50.00 feet) to a ½ inch diameter rebar set with cap (B&A) marking the northwest corner of the tract herein described;

THENCE with the north line of the tract herein described, same being an extension of and the common line of said tract in Volume 1029, Page 585 with said 0.378 acre tract, N 89°15'34" E at 4.24 feet a ½ inch diameter rebar set with cap (B&A), lying in the northeast face of a concrete retaining wall, being the southwest corner of said 0.378 acre tract and at 200.49 feet (called East 200.00 feet) to the **PLACE OF BEGINNING** and containing **0.231 ACRE OF LAND.**

EXHIBIT A - 1