

**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 DRIVERS LICENSE**

**SPECIAL WARRANTY DEED**

CHICAGO TITLE  
GF CT121743729

**Date:** May 26, 2022

**Grantor:** Nolley Caribbean Properties, LLC,  
a Wyoming limited liability company

**Grantor's Mailing Address (including county):** 9370 McKnight Rd  
Pittsburgh, Allegheny County, PA 15237-5953

**Grantee:** HABI Land, LLC,  
a Texas limited liability company

**Grantee's Mailing Address (including county):** 7551 Callaghan Road  
San Antonio, Bexar County, TX 78229-2860

**Consideration:** Ten Dollars (\$10.00) and other valuable consideration

**Property (including any improvements):**

24.19 acres out of the Rafael Garza Survey No. 98, Abstract 138, City of Schertz, Guadalupe County and Comal County, Texas, being that 24.1784-acre tract of land described in deed of record in Document Number 2017013553 of the Official Public Records of Guadalupe County, Texas and in deed of record in Document Number 201706029109 of the Official Public Records of Comal County, Texas and being more particularly described by metes and bounds on Exhibit "A", attached hereto and incorporated herein by reference.

**Reservations from Conveyance:**

None.

**Reservations Exceptions to Conveyance and Warranty:**

See Exhibit "B," attached hereto and incorporated herein by reference.

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Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys unto Grantee, the Property, together with all and singular the rights and appurtenances thereto in any way belonging, TO HAVE AND TO HOLD it to Grantee, and Grantee's successors or assigns forever. Grantor binds Grantor and Grantor's successors to WARRANT AND FOREVER DEFEND all and singular the Property to Grantee, 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, when the claim is by, through, or under Grantor, but not otherwise.

Except as provided in the Reservations from Conveyance, above, if any, such Property is conveyed together with all of Grantor's right, title and interest in and to all and singular, the rights, benefits, privileges, easements, tenements, hereditaments, appurtenances and interests thereon or in anywise pertaining to the Property described herein and with all improvements located thereon, including (without limitation) (i) any right, title, and interest of Grantor in and to all strips and gores, and all abutting properties, adjacent streets, alleys or rights-of-way, if any, (ii) any right, title, and interest of Grantor in and to any development rights specifically tied to the Property, (iii) any right, title, and interest of Grantor all roads, alleys, rights-of-way, easements, streets and ways adjacent to or serving the Property, and rights of ingress and egress thereto, (iv) EDU rights related to sanitary sewer or water and any other water rights (surface, underground or otherwise), oil, gas, and other mineral rights, wind rights and solar rights of Grantor, and (v) all improvements on the Property, if any.

Except for the written representations and material facts contained in that certain Commercial Contract - Unimproved Property (With Special Provisions Addendum), dated effective May 25, 2021, as amended by that certain First Amendment, dated May 24, 2022 and as otherwise amended (collectively the "Contract"), and the warranties of title contained in the Special Warranty Deed, Grantee acknowledges, understands and agrees that (i) Grantee will accept (is accepting) the Property "AS IS" and "WHERE IS", "WITH ALL FAULTS," and (ii) neither Grantor nor any of its officers, managers, brokers, employees, attorneys or agents have made or given any warranties, guarantees, or representations, regarding any matter relating to the Contract or the Property.

Taxes having been prorated at Closing, all real property taxes and assessments as to the Property for the current year and subsequent years are the responsibility of Grantee and are assumed by Grantee [and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership, shall be allocated as provided in the Contract.]

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

*[signature on the following pages]*



**EXHIBIT "A" – PROPERTY**

24.19 acres out of the  
Rafael Garza Survey No. 98  
Abstract 138  
City of Schertz

THE STATE OF TEXAS  
COUNTIES OF GUADALUPE AND COMAL

METES AND BOUNDS DESCRIPTION OF A SURVEY OF

24.19 acres out of the Rafael Garza Survey No. 98, Abstract 138, City of Schertz, Guadalupe County and Comal County, Texas, being that 24.1784-acre tract of land described in deed of record in Document Number 2017013553 of the Official Public Records of Guadalupe County, Texas and in deed of record in Document Number 201706029109 of the Official Public Records of Comal County, Texas and being more particularly described by metes and bounds, as surveyed, as follows:

Beginning at an ½" iron bar with a red cap marked "Survey Ass." found set in the ground in the southwest right-of-way line of Columbia, an east corner of a 24.1784-acre tract of land described in deed of record in Document Number 2017013553 of the Official Public Records of Guadalupe County, Texas and in deed of record in Document Number 201706029109 of the Official Public Records of Comal County, Texas and the west corner of Block 16, The Fairways at Scenic Hills, Unit 3A as shown by plat of record in Volume 6 at page 762 of the Plat Records of Guadalupe County, Texas, for an east corner of this tract;

Thence S 14°44'52" W (called S 14°45'10" W) with the east boundary line of said 24.1784-acre tract and a west boundary line of said Block 16 a distance of 267.16 feet (called 267.10 feet) to an ½" iron bar with a yellow cap marked "Reg. No. 5464" set in the ground, a reentrant corner of said 24.1784-acre tract and a corner of said Block 16, for a reentrant corner of this tract;

Thence S 18°44'53" E (called S 18°41'26" E) with a northeast boundary line of said 24.1784-acre tract and a southwest boundary line of said Block 16 a distance of 31.65 feet (called 31.67 feet) to an ½" iron bar with an orange cap marked "SLS RPLS 5142" set in the ground, a corner of said 24.1784-acre tract and a corner of said Block 16, for a corner of this tract;

Thence S 25°24'20" E (called S 25°22'27" E) with a northeast boundary line of said 24.1784-acre tract and a southwest boundary line of said Block 16 a distance of 157.41 feet (called 157.55 feet) to an ½" iron bar with a yellow cap marked "Baker" found set in the ground, a corner of said 24.1784-acre tract and the south corner of said Block 16, for a corner of this tract;

Thence S 36°04'53" E (called S 36°43'13" E) with a northeast boundary line of said 24.1784-

acre tract a distance of 98.98 feet (called 100.40 feet) to an ½” iron bar with an orange cap marked “SLS RPLS 5142” set in the ground in the northwest boundary line of Block 21, The Ridge at Scenic Hills, Unit 1 as shown by plat of record in Volume 6 at page 763 of the Plat Records of Guadalupe County, Texas, the east corner of said 24.1784-acre tract, for the east corner of this tract;

Thence S 52°58'20" W (called S 53°03'32" W) with the southeast boundary line of said 24.1784-acre tract and the southwest boundary lines of said Block 21, and Block 1, Scenic Hills Community, Phase 1 as shown by plat of record in Volume 4 at pages 143-147 of the Plat Records of Guadalupe County, Texas a distance of 1,729.56 feet (called 1,729.56 feet) to an ½” iron bar with an orange cap marked “SLS RPLS 5142” set in the ground in the northeast right-of-way line of Country Club Blvd., the south corner of said 24.1784-acre tract and the west corner of said Block 1, for the south corner of this tract;

Thence N 30°23'09" W (called N 30°21'33" W) with the northeast right-of-way line of Country Club Blvd. and the southwest boundary line of said 24.1784-acre tract a distance of 560.34 feet (called 559.03 feet) to an ½” iron bar with an orange cap marked “SLS RPLS 5142” set in the ground, the west corner of said 24.1784-acre tract and the south corner of Block 14, Fairways at Scenic Hills, Section 2 as shown by plat of record in Volume 6 at page 745 of the Plat Records of Guadalupe County, Texas and Volume 15 at page 86 of the Plat Records of Comal County, Texas, for the west corner of this tract;

Thence N 53°30'56" E (called N 53°32'22" E) with the northwest boundary line of said 24.1784-acre tract and the southeast boundary line of said Block 14 a distance of 935.14 feet (called 935.05 feet) to an ½” iron bar with an orange cap marked “C&B” found set in the ground, a corner of said 24.1784-acre tract and a corner of said Block 14, for a corner of this tract;

Thence N 42°40'11" E (called N 42°37'53" E) with a northwest boundary line of said 24.1784-acre tract and a southeast boundary line of said Block 14 a distance of 348.59 feet (called 348.59 feet) to an ½” iron bar with an orange cap marked “SLS RPLS 5142” set in the ground, a corner of said 24.1784-acre tract and a corner of said Block 14, for a corner of this tract;

Thence N 41°39'37" E (called N 41°31'58" E) with a northwest boundary line of said 24.1784-acre tract and a southeast boundary line of said Block 14 a distance of 363.99 feet (called 364.04 feet) to an ½” iron bar with a yellow cap marked “Baker” found set in the ground, a corner of said 24.1784-acre tract and a corner of said Block 14, for a corner of this tract;

Thence N 56°01'58" E (called N 56°03'18" E) with a northwest boundary line of said 24.1784-acre tract and a southeast boundary line of said Block 14 a distance of 151.27 feet (called 151.28 feet) to an ½” iron bar with an orange cap marked “C&B” found set in the ground in the southwest right-of-way line of Columbia, the north corner of said 24.1784-acre tract and the east corner of said Block 14, for the north corner of this tract;

Thence S 54°25'16" E (called S 54°20'37" E) with a northeast boundary line of said 24.1784-acre tract a distance of 75.46 feet (called 75.87 feet) to an ½" iron bar with a yellow cap marked "Baker" found set in the ground, a reentrant corner of said 24.1784-acre tract, for a reentrant corner of this tract;

Thence N 44°58'13" E (called N 45°15'45" E) with a northwest boundary line of said 24.1784-acre tract a distance of 18.41 feet (called 18.40 feet) to an ½" iron bar with an orange cap marked "SLS RPLS 5142" set in the ground, in the southwest right-of-way line of Columbia, a north corner of said 24.1784-acre tract, for a north corner of this tract;

Thence S 67°23'54" E (called S 67°27'09" E) with the southwest right-of-way line of Columbia and the northeast boundary line of said 24.1784-acre tract a distance of 180.14 feet (called 180.08 feet) to the point of beginning.

Containing 24.19 acres of land, more or less

The bearings for this survey are based on the Texas State Plane Coordinate System Grid, South Central Zone (4204), North American Datum 1983.

SINCLAIR LAND SURVEYING, INC.

Lemuel T. Sinclair,  
Registered Professional Land  
Surveyor No. 5142

**EXHIBIT "B" – PERMITTED EXCEPTIONS**

1. Standby fees, taxes and assessments by any taxing authority for the year 2022 and subsequent years, not yet due and payable
2. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, to the extent appearing in Public Records and valid and existing.
3. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: New Braunfels Utilities  
Purpose: Electric Easement  
Recording Date: April 18, 1994  
Recording No: Volume 957, Page 488, Official Public Records, Comal County, Texas  
Recording Date: April 25, 1994  
Recording No: Volume 1093, Page 590, Official Public Records, Guadalupe County, Texas  
Affects: As described therein.

4. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: U.S. Home Corporation  
Purpose: 10' Water Line Easement  
Recording Date: October 24, 1994  
Recording No: Volume 1003, Page 707, Official Public Records, Comal County, Texas  
Recording Date: December 5, 1994  
Recording No: Volume 1126, Page 271, Official Public Records, Guadalupe County, Texas  
Recording Date: June 24, 1997  
Recording No: Volume 1276, Page 603, Official Public Records, Guadalupe County, Texas  
Affects: As described therein.

5. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Comal Power Company  
Purpose: Electric Easement  
Recording Date: June 12, 1925  
Recording No: Volume 85, Page 262, Deed Records, Guadalupe County, Texas  
Affects: As described therein

6. Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as of dedication, on the map of said tract/plat:

Purpose: 16' Utility Easement  
Affects: As depicted thereon.  
Recording No: Volume 4, Page 143-147, Map and Plat Records, Guadalupe County, Texas

7. Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as of dedication, on the map of said tract/plat:

Purpose: Variable Width Fill Easement  
Variable Width Fill and Drainage Easement  
10' Electric, Gas, Telephone and Cable TV Easement  
Affects: As depicted therein.  
Recording No: Volume 6, Page 762, Map and Plat Records, Guadalupe County, Texas

202299016900

I certify this instrument was ELECTRONICALLY FILED  
and RECORDED in the OFFICIAL PUBLIC RECORDS  
of Guadalupe County, Texas on  
05/27/2022 11:35:20 AM PAGES: 8 LEAH  
TERESA KIEL, COUNTY CLERK



*Teresa Kiel*