

# ZONING CHANGE, OVERLAY OR ESTABLISHMENT OF A HISTORIC DISTRICT/LANDMARK APPLICATION

Updated: March, 2023



## CONTACT INFORMATION

Applicant's Name	Shelton Eubanks DBA SMTX Rentals LLC	Property Owner	same as applicant
Company	SMTX Rentals	Company	
Applicant's Mailing Address	136 Iron Horse New Braunfels Texas 78132	Owner's Mailing Address	
Applicant's Phone #		Owner's Phone #	
Applicant's Email		Owner's Email	

## PROPERTY INFORMATION

Subject Property Address(es): 1521,1523,1525,1529,1531,1533,1535 Post Rd. SMTX  
Legal Description: Lot 6-12 Block 1 Subdivision Wm Goforth  
Total Acreage: 3.70 Tax ID #: R 28253-28259 & 201585  
Preferred Scenario Designation: Mixed Use Low Existing Zoning: SF 6  
Existing Land Use(s): mostly vacant with three smaller pier and beam homes

## DESCRIPTION OF REQUEST

Proposed Zoning District(s): CD-4  
Proposed Land Uses / Reason for Change: requesting a CD-4 zoning change to allow for the construction of condos

## AUTHORIZATION

*I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.*

Filing Fee\* \$1,000 plus \$150 per acre Technology Fee \$15 MAXIMUM COST \$5,015

*\*Existing Neighborhood Regulating Plan Included.*

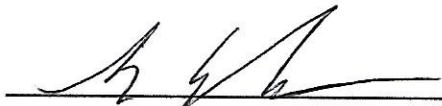
Submittal of this digital Application shall constitute as acknowledgment and authorization to process this request.

**APPLY ONLINE – [WWW.MYGOVERNMENTONLINE.ORG/](http://WWW.MYGOVERNMENTONLINE.ORG/)**

PROPERTY OWNER AUTHORIZATION

I, Shelton Eubanks (owner name) on behalf of  
SMTX Rentals LLC (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
1521-1235 Post Rd SMTX (address).

I hereby authorize \_\_\_\_\_ (agent name) on behalf of  
\_\_\_\_\_ (agent company) to file this application for  
\_\_\_\_\_ (application type), and, if necessary, to work with  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 12/3/2024  
Printed Name, Title: Shelton Eubanks, Owner

Signature of Agent: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name, Title: \_\_\_\_\_

Form Updated October, 2019

**AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS  
AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS**

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***
- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be \$91 plus a \$13 technology fee.***
- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be \$91 plus a \$13 technology fee.***

*I have read the above statements and agree to the required public notification, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.*

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

10/24/2024

Print Name: \_\_\_\_\_

Shelton Eubanks

Form Updated October, 2019

Commissioners,

I would like to take a second to add some background about this project. My wife Cheryl and I both went to South West Texas State and got our degrees in 2000 and 2002. After graduation we decided to stay in San Marcos. I ended up getting a job with the Austin Police Department where I recently retired after 22 years of service. Even though I worked in Austin we continued to live in San Marcos.

In 2001, I purchased a small house in the 1500 blk of Post Rd where I lived for 10 years. While living there, my wife and I had our daughter. We loved living in San Marcos and took our daughter to the parks and river. I started to believe that this area of Post Rd. was not what it should/could be and that if we could purchase enough of the lots we could transform it into something really nice. I was not sure what that would look like yet but thought it could be an opportunity to clean up the area and add some value to the city. Most of the lots were vacant, overgrown and had small houses that were in disrepair.

Over the past 20+ years I have been buying properties along this 1500 Blk of Post rd. I have acquired 7 adjacent residential lots and a tract of land behind the lots. The combined total is just under four acres. I purchased these properties with the intention of eventually being able to combine and develop them into one parcel. Most of the properties are currently vacant or have structures that are in poor condition. I am looking to combine the below listed properties and build a new townhome community. The area is in dire need of redevelopment, and I strongly feel that with a large part of it being under one ownership, this would be the time to start the process. If the lots were sold back into individual parcels under different ownership, I don't believe the area will ever change.

The lots are currently zoned SF6 and not much has ever been done with them. This area of Post road is a high traffic area on a busy higher speed throughfare. The vacant lots are all grown up with weeds and a couple of the structures that are in need of being demolished. The train tracks are directly across the street and the trains honk their horns all hours of the day. It doesn't make any sense to build nice single-family homes on these properties and it is not really an established neighborhood. The properties are one lot in depth and along a larger thoroughfare with a large ranch behind them. This area is not the kind of location where families would prefer to build a single family home. This location makes more sense to be some sort of multifamily or commercial use.

In May of 2023 we worked with city staff and proposed an amendment to the new/proposed Comprehensive Plan changing the area from City Limits/Stabilization Zone to a Mixed Use Low designation. On May 9<sup>th</sup> P&Z commissioners approved the amendment, and the area got moved to a Mixed Use Low designation.

On November 15, 2023 we had a pre-development meeting with planning staff. In the meeting we discussed moving to a CD-4 zone and what would be involved. We were advised to wait until the new Comprehensive Plan was adopted so that the new Mixed Use designation would be more in-line with our CD-4 request. I kept up with the process of the comp plan and listened to the concerns as it went through Council. One of the major topics of discussion was how to create more diverse housing types to fill in what is referred to as "The Missing Middle". I looked into this concept and found that San Marcos does not really have any alternatives between large apartment complexes and standalone single family homes. While travelling in the Seattle area this summer, I noticed that townhomes were commonplace there and that everyone seemed to love them. I think San Marcos could benefit from this type of housing and that this is a good location to build them.

I would like to mention that an old filling station named the Bismark is located on this tract. The structure is currently dilapidated and is beyond repair as the roof has been leaking for many years, rotting out the ceiling and floors. The construction techniques used back when it was originally built (wall studs connecting directly to the floor joists) make any rehab virtually impossible. Even though the structure is beyond repair we plan to remove the front and side signs. I have only owned the structure for two years and it was allowed to deteriorate long before I came into possession of it. We do plan to name the new development after it and incorporate the old signage into the plan. I am aware the building has historical significance and plan to memorialize it within the new development.

I have attached a basic site plan of what we would like to build to this application for you to review. The site plan is in no way finished but gives staff an idea of what we are looking to do. I appreciate your consideration and look forward to my chance to appear before you.

Thanks

Shelton Eubanks

Residents at 1531, 1533 and 1535 have been notified of the zoning change request. All three are renters of ours and we are in contact with them.

Subject Properties:

1. 1521, 1523, 1525, 1529, 1531, 1533, 1535 Post Rd.

WM Goforth Addn Block 1 Lots 6 thru 12

2. Back portion behind the lots. Legal is A0017-2 Juan M. Veramendi Survey #2 Tract PT 367 Acres 1.645. County id number is R201585.





THIS DOCUMENT IS PROVIDED AS AN INSTRUMENT OF SERVICE AND IS INTENDED FOR USE ON THIS PROJECT ONLY. THE DRAWING REMAINS THE PROPERTY OF LPRG. ALL DRAWINGS, SPECIFICATIONS, IDEAS, AND DESIGNS, INCLUDING THE OVERALL FORM ARRANGEMENT, AND COMPOSITION OF THE SPACES, AND ELEMENTS APPEARING HEREIN, CONSTITUTES THE COPYRIGHT WORK OF LPRG. ANY REPRODUCTION, USE, OR DISCLOSURE OF INFORMATION CONTAINED HEREIN WITHOUT PRIOR WRITTEN CONSENT OF LPRG IS STRICTLY PROHIBITED.

EUBANKS DEVELOPMENT  
1517 POST ROAD, SAN MARCOS - TX 78666

PROPOSED SITE PLAN (OPTION D)

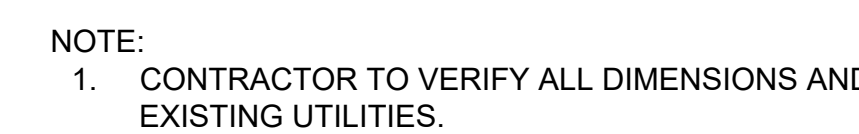
SAN MARCOS, TX

[illegible]

AREAS	
INFO.	DRAWN BY: CJL
	CHECKED BY:
	APPROVED BY:
	QA/QC BY:
	PROJECT NO.: 23SERJ001
	DRAWING NO.:
DATE: JAN 2023	

SHEET

C1.0



Nov. 12th, 1920, with interest from date until paid at rate of 8% per annum: On same interest is paid in full to Nov. 12th, 1922, but no interest accrued since that date and no part of the principal thereof has been paid.

Now hereby I the said Miguel Mercado do expressly acknowledge, declare and show that I am due and owing on said note No. 5, the just and full sum of Eleven Hundred and Thirty (\$1130.00) principal, together with interest thereon according to its terms and reading from and after Nov. 12th, 1922, and I do hereby expressly, agree, promise and bind myself to pay said note and said amounts to the said Mrs. Armand, or order, at office of State Bank & Trust Co. in San Marcos, Texas, on Nov. 12th, 1924, and I agree that all terms and provisions of said note shall continue in full force and effect, (except same is to mature Nov. 12th, 1924) and that same shall continue to be secured by the Vendor's Lien upon and against said land and also by an express contract lien thereon which is hereby granted.

Witness my signature at San Marcos, Texas, this Sept. 13, 1924.

Miguel Mercado

THE STATE OF TEXAS  
COUNTY OF HAYS

Before the undersigned a Notary Public in and for said County and State on this day personally appeared Miguel Mercado known to me to be the person whose name is subscribed to the foregoing instrument and he to me acknowledged that he had executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office at San Marcos, Texas, this Sept. 13th, 1924.

T.C. Johnson, Jr.,

(SEAL)

Notary Public in and for Hays Co., Texas.

Filed for record Sept. 13, A.D., 1924 at 4:50 o'clock P. M.

Recorded Sept. 15, A.D., 1924 at 4:40 o'clock P. M.

CLERK COUNTY COURT, HAYS COUNTY, TEXAS.

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**Legal description note: Beginning of W.N Goforth Plat declaration as recorded in Hays County Clerk Records**

THE STATE OF TEXAS  
COUNTY OF HAYS

By a deed dated on August 6th, 1924, now of record in Book 88 Pages 10 to 12 of the Hays County Deed Records, W.C. Williams and T. Z. Williams conveyed to William N. Goforth a tract of land in Hays County, Texas, containing one hundred forty-two and 95/100 (142.95) acres facing from the North Western side upon the public road leading from Austin to San Antonio via San Marcos, and known as the Post Road, and it being the same tract of land therefore conveyed to W.C. Williams and T. Z. Williams by the State Bank & Trust Company and Will G. Barber.

That deed to said Goforth, together with the said record thereof, is referred to and made part hereof for fuller description of that entire tract of one hundred forty-two and 95/100 (142.95) acres which is out of the J. M. Veramendi Survey No. 2 and the T.J. Chambers Survey.

Desiring to plat into a Suburban Addition to the City of San Marcos a portion of that entire tract of land, I, the said William N. Goforth, have caused a strip thereof off the



South Eastern end thereof one hundred sixty (160) feet in depth and lying across the entire South Eastern end thereof to be sub-divided into lots which I have numbered consecutively from No. 1 to No. 19.

The strip of ground thus sub-divided into nineteen lots begins at the original most Southern corner of that entire tract in the most North Western line of said Post Road and runs thence North 52° and 30' West with the original most Western or South Western line of the entire tract and with North East line of what is known as the Lime Kiln Road one hundred sixty-one and five-tenths (161.5) feet to a point for corner; thence North 45° and 10' East parallel with and one hundred sixty (160) feet from the most North Western line of said Post Road a distance of fifteen hundred forty (1540) feet to a point in the original most Eastern or North Eastern line of that entire tract; thence South 52° and 30' East with that last named line one hundred sixty-one and 5/10ths (161.5) feet to the most Eastern corner of the entire tract at a point in that most North Western line of said Post Road; thence with that line of said Post Road South 45° and 10' West fifteen hundred twenty-eight (1528) feet to the place of beginning.

The above described strip of ground I have so subdivided into nineteen lots with No. 1 at the most North Eastern end thereof and same then numbered consecutively to No. 19 which is at the most South Western end thereof. Of those lots No. 1 faces eighty-eight (88) feet on said Post Road and at the other end is seventy (70) feet in width, and Lot No. 19 faces eighty (80) feet on said Post Road and at the other end is one hundred ten (110) feet in width; and each of the other seventeen lots being No. 2 to No. 18, both inclusive, front eighty (80) feet on said Post Road and run back between parallel lines a depth of one hundred and sixty feet (160 ft.).

The sub-division so made by me I have designated as "W. N. GOFORTH'S FIRST SUBURBAN ADDITION TO SAN MARCOS, TEXAS," and a plat showing the location and dimensions of each of said lots is hereto attached and marked "EXHIBIT A" and referred to and made part hereof, and I now execute this instrument for purpose of evidencing of record in an appropriate way the sub-division so made by me and each and all of those lots may be hereafter appropriately conveyed by reference to their number upon such plat.

Witness my signature at San Marcos, Texas, on this September 13th, A.D., 1924.

Wm. N. Goforth

THE STATE OF TEXAS  
COUNTY OF HAYS

Before the undersigned, a Notary Public, in and for said County and State, on this day personally appeared William N. Goforth, known to me to be the person whose name is subscribed to the foregoing instrument, and he to me acknowledged that he had executed the same for the purposes and consideration therein stated.

Given under my hand and seal of office at San Marcos, Texas, on this September 13th, A.D., 1924.

Will G. Barber

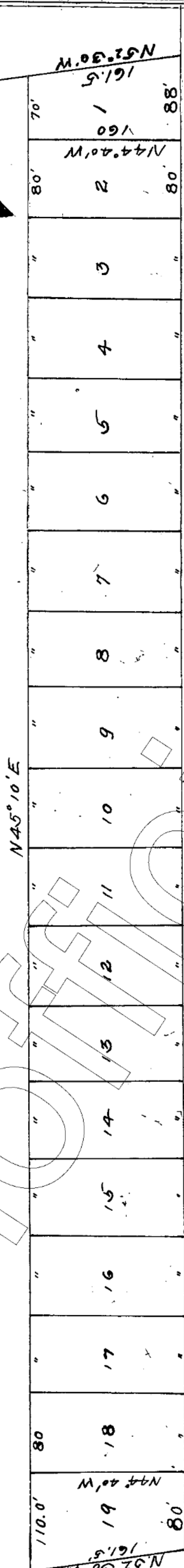
Notary Public in and for Hays County, Texas.

(SEAL)



W.N.GOFORTH'S  
FIRST SUBURBAN ADDITION  
TO

San Marcos, Texas  
Scale: One Inch = 100 Ft.



San Antonio - Austin Post Road.

Umland  
Road

Exhibit 9

Legal description note: Zoning change boundary includes lots 6-12 only.

Filed for record Sept. 13, A.D., 1924.  
at 5 o'clock P. M.  
Recorded Sept. 16, A.D., 1924.  
at 10:10 o'clock A. M.

CLERK COUNTY COURT, HAYS COUNTY, TEXAS.

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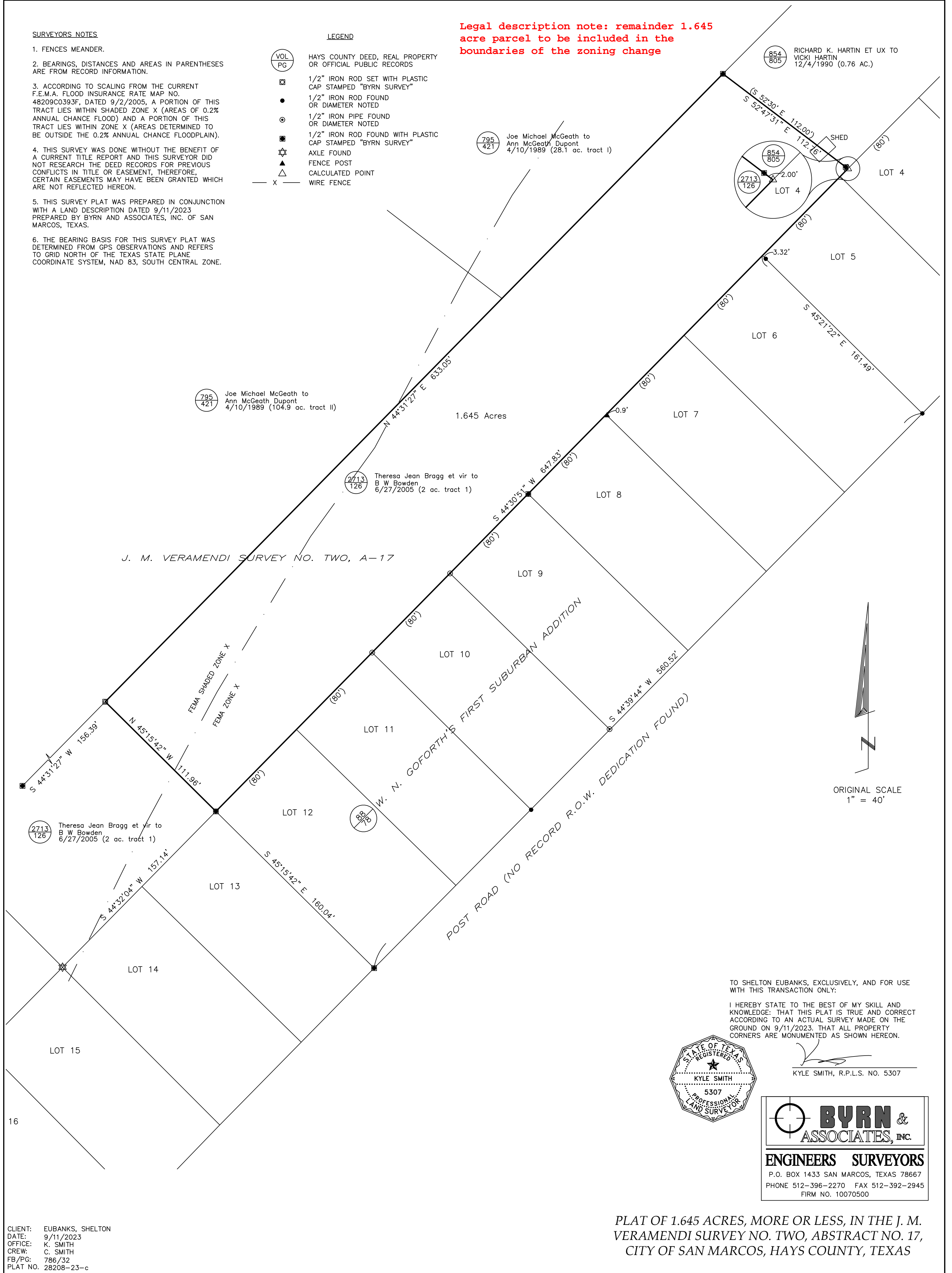
SURVEYORS NOTES

1. FENCES MEANDER.
2. BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.
3. ACCORDING TO SCALING FROM THE CURRENT F.E.M.A. FLOOD INSURANCE RATE MAP NO. 48209C0393F, DATED 9/2/2005, A PORTION OF THIS TRACT LIES WITHIN SHADED ZONE X (AREAS OF 0.2% ANNUAL CHANCE FLOOD) AND A PORTION OF THIS TRACT LIES WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).
4. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE OR EASEMENT, THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON.
5. THIS SURVEY PLAT WAS PREPARED IN CONJUNCTION WITH A LAND DESCRIPTION DATED 9/11/2023 PREPARED BY BYRN AND ASSOCIATES, INC. OF SAN MARCOS, TEXAS.
6. THE BEARING BASIS FOR THIS SURVEY PLAT WAS DETERMINED FROM GPS OBSERVATIONS AND REFERS TO GRID NORTH OF THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, SOUTH CENTRAL ZONE.

LEGEND

	HAYS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
	1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "BYRN SURVEY"
	1/2" IRON ROD FOUND OR DIAMETER NOTED
	1/2" IRON PIPE FOUND OR DIAMETER NOTED
	1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "BYRN SURVEY"
	AXLE FOUND
	FENCE POST
	CALCULATED POINT
	WIRE FENCE

Legal description note: remainder 1.645 acre parcel to be included in the boundaries of the zoning change



HCAC  
2439  
6/28/05  
16.000

Bk Vol Pg  
05017977 OPR 2713 126

**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.**

20506050

**GENERAL WARRANTY DEED**

**Date:** June 27, 2005

**Grantor:** THERESA JEAN BRAGG, now known as THERESA TONG, and MICHAEL TONG, spouses

**Grantor's Mailing Address:**

P.O. Box 725  
Herlong, CA 96113

**Grantee:** B W BOWDEN

**Grantee's Mailing Address:**

1503 Post Road  
San Marcos, TX 78666

**Consideration:** TEN AND NO/100 DOLLARS (\$10 00) and other good and valuable consideration

**Property (including any improvements):**

Tract 1 Being two (2) acres of land, more or less, out of the J M VERAMENDI LEAGUE NO 2, Hays County, Texas, and being the same two (2) acre tract described in Deed dated June 11, 1993 from Fredrick Allan Bragg to Nolen G Bragg, recorded in Volume 1004, page 417, Hays County Official Public Records

Tract 2 Being all of Lots Nos Thirteen (13) and Fourteen (14), W N GOFORTH'S FIRST SUBURBAN ADDITION TO THE CITY OF SAN MARCOS, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 88, pages 78-80, Hays County Deed Records

**Reservations from Conveyance:** None

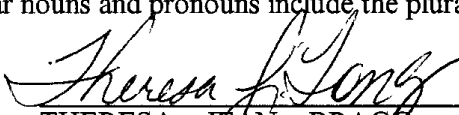
**Exceptions to Conveyance and Warranty:** Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken, validly existing easements, rights-of-way, and prescriptive rights, whether of record or not, all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property, and taxes for 2005, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes

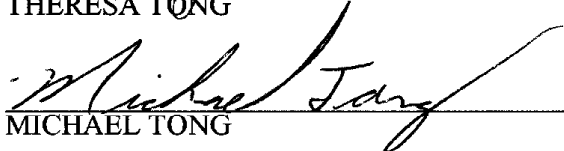
Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together



with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty

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

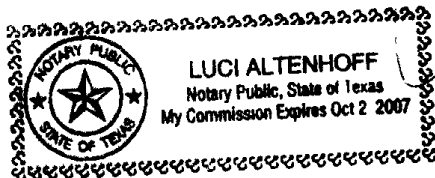
  
\_\_\_\_\_  
THERESA JEAN BRAGG, now known as  
THERESA TONG

  
\_\_\_\_\_  
MICHAEL TONG

STATE OF TEXAS )

COUNTY OF HAYS )

This instrument was acknowledged before me on June 27, 2005, by THERESA JEAN BRAGG, now known as THERESA TONG, and MICHAEL TONG, spouses



  
\_\_\_\_\_  
Notary Public, State of Texas

Filed for Record in:  
Hays County  
On: Jun 28, 2005 at 11:33A  
Document Number: 05017977  
Amount: 16.00  
Receipt Number - 127570  
By,  
Patricia Lackey, Deputy  
Lee Carlisle, County Clerk  
Hays County

PREPARED IN THE OFFICE OF  
FITZGERALD, MAJORS & STEVENS, L L P  
POST OFFICE BOX 653  
SAN MARCOS, TEXAS 78667-0653

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

**GENERAL WARRANTY DEED**

STATE OF TEXAS

§

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HAYS

§

That effective as of February 1, 2024, B.W. BOWDEN ("Grantor"), for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration to the undersigned paid by SMTX RENTALS LLC, a Texas limited liability company ("Grantee"), the receipt of which is hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto Grantee the following described real property (the "Property"), to-wit:

Being 1.645 acres of land, more or less, in the J.M. VERAMENDI SURVEY, ABSTRACT NUMBER 17, situated in Hays County, Texas, being a portion of that tract described as 2 acres in a Deed from Theresa Jean Bragg et vir to B.W. Bowden, dated June 27, 2005 and recorded in Volume 2713, Page 126, of the Official Public Records of Hays County, Texas and as more particularly described by metes and bounds in Exhibit "A" attached hereto.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, Grantee's heirs, executors, successors and assigns forever; and Grantor does hereby bind Grantor, Grantor's heirs, executors, successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the said premises unto Grantee, Grantee's heirs, executors, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

This conveyance, however, is made and accepted subject to any and all restrictions, reservations, easements, exceptions, covenants and conditions, if any, applicable to and enforceable against the Property as shown by the records of Hays County, Texas.

CAROL BOWDEN, spouse of B.W. BOWDEN, joins in this conveyance, pro forma.

Current ad valorem taxes on the Property having been prorated, the payment thereof is assumed by Grantee.

Corridor Title GF# 23-1361-C

GRANTOR:

B.W. Bowden  
B.W. BOWDEN

Carol Bowden  
CAROL BOWDEN, pro forma

Address of Grantee:

136 Iron Horse  
New Braunfels, TX 78132

STATE OF TEXAS

COUNTY OF Hays §  
§  
§

This instrument was acknowledged before me this 1st day of February <sup>(TV)</sup> 2024 by B.W. BOWDEN AND CAROL BOWDEN.



Tiffani Contreras  
Notary Public, State of Texas

AFTER RECORDING, RETURN TO:

CORRIDOR TITLE, LLC

23-1361-C



## Exhibit "A"

DESCRIPTION OF 1.645 ACRES, MORE OR LESS, OF LAND AREA IN THE J. M. VERAMENDI SURVEY, ABSTRACT NUMBER 17, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT DESCRIBED AS 2 ACRES IN A DEED FROM THERESA JEAN BRAGG ET VIR TO B. W. BOWDEN, DATED JUNE 27, 2005 AND RECORDED IN VOLUME 2713, PAGE 126 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found with a plastic cap stamped "Byrn Survey" in the southeast line of the Bowden tract, for the common north corner of Lot 13 and west corner of Lot 12, W. N. Goforth's First Suburban Addition, as recorded in Volume 88, Page 78 of the Hays County Deed Records, from which an axle found for the south corner of the Bowden tract bears S 44° 32' 04" W 157.14 feet, and from which a 1/2" iron rod found with a plastic cap stamped "Byrn Survey" in the northwest line of Post Road, for the common east corner of Lot 13 and south corner of Lot 12, W. N. Gorth's First Suburban Addition bears S 45° 15' 42" E 160.04 feet;


THENCE leaving W. N. Goforth's First Suburban Addition and the PLACE OF BEGINNING as shown on that plat numbered 28208-23-c, dated September 11, 2023 as prepared for Shelton Eubanks by Byrn & Associates, Inc. of San Marcos, Texas, and crossing the Bowden tract, N 45° 15' 42" W 111.96 feet to a 1/2" iron rod set in the common northwest line of the Bowden tract and the southeast line of that tract described as 104.9 acre Tract II in a deed from Joe Michael McGeath to Ann McGeath Dupont, dated April 10, 1989 and recorded in Volume 795, Page 421 of the Hays County Real Property Records, from which a 1/2" iron rod found with a plastic cap for the west corner of the Bowden tract bears S 44° 31' 27" W 156.39 feet;

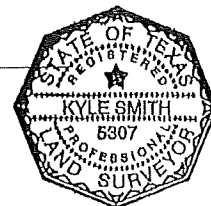
THENCE with said common line, N 44° 31' 27" E 633.05 feet to a 1/2" iron rod found with a plastic cap stamped "Byrn Survey" for the common north corner of the Bowden tract and the west corner of that tract described as 0.76 of an acre in a deed from Richard K. Hartin et ux to Vicki Hartin, dated December 4, 1990 and recorded in Volume 854, Page 805 of the Hays County Official Public records, and being in the southeast line of that tract described as 28.1 acre tract I in the previously mentioned deed to Ann McGeath Dupont;

THENCE leaving the Dupont 28.1 acre tract, with the common northeast line of the Bowden tract and the southwest line of the Hartin tract, S 52° 47' 31" E 112.76 feet to a calculated point in the northwest line of Lot 4, W. N. Goforth's First Suburban Addition, pass at 110.76 feet a 1/2" iron rod found with a plastic cap for reference;

THENCE leaving the Hartin tract, with the common southeast line of the Bowden tract and the northwest line of W. N. Goforth's First Suburban Addition, S 44° 30' 51" W 647.83 feet to the PLACE OF BEGINNING.

There are contained within these metes and bounds 1.645 acres, more or less, of land area as prepared from public records and a survey made on the ground on September 11, 2023, by Byrn & Associates, Inc. of San Marcos, Texas. All 1/2" iron rods set are capped with a plastic cap stamped "Byrn Survey". The Bearing Basis for this description was determined from GPS observations and refers to Grid North of the Texas State Plane Coordinate System, NAD 83, South Central Zone.

  
 Kyle Smith, R.P.L.S. #5307



Client: Eubanks, Shelton  
 Date: September 11, 2023  
 Surv.: Veramendi, J. M., A-17  
 County: Hays  
 Job No: 28208-23  
 FND 1.645

**THE STATE OF TEXAS  
COUNTY OF HAYS**

I hereby certify that this instrument was FILED on the  
date and the time stamped hereon by me and was duly  
RECORDED in the Records of Hays County, Texas.

24003577 DEED  
02/01/2024 01:48:01 PM Total Fees: \$33.00

Elaine H. Cárdenas, MBA, PhD, County Clerk  
Hays County, Texas



**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 WITH VENDOR'S LIEN**

**FROM: DAVID ROCKY MOSS, an unmarried person**  
**TO: SHELTON DWIGHT EUBANKS, an unmarried person**

---

**DATE:** November 10, 2004

**GRANTOR: DAVID ROCKY MOSS, an unmarried person**

Grantor's Mailing Address:

8239 Budge Street  
San Antonio, Texas 78240

**GRANTEE: SHELTON DWIGHT EUBANKS, an unmarried person**

Grantee's Mailing Address:

1533 Post Rd  
San Marcos, TX 78666

**CONSIDERATION:**

TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, and a Note of even date that is in the principal amount of **FORTY ONE THOUSAND AND NO/100 DOLLARS (\$41,000.00)**, and is executed by Grantee, payable to the order of **BANK OF AMERICA, N.A.** It is secured by a vendor's lien retained in this deed and by a Deed of Trust of even date from Grantee to **PRLAP, INC., TRUSTEE.**

**PROPERTY (including any improvements):**

All that certain tracts or parcels of land lying and being situated in Hays County, Texas, known and described in a Deed dated October 15, 1967, executed by R.R. Rush to Walter Jackson Moss and David Rocky Moss, recorded in Volume 220, Pages 245-247, of the Deed Records of Hays County, Texas, and more particularly described in Exhibit "A" attached hereto and incorporated herein.

**RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:**

This conveyance is made and accepted subject to any and all restrictions, covenants, conditions, reservations, set back lines and easements, if any, now



outstanding and of record in Hays County, Texas, and to all zoning laws, regulations, and ordinances of municipal and/or governmental authorities, if any, but only to the extent that they are still in effect relating to the hereinabove described property, including but not limited to Water Quality Control Zoning or ruling orders issued by the Water Quality Board of Texas, the Environmental Protection Agency, or any other governmental agencies having jurisdiction over subject property due to the location of subject property over the Edwards Underground Aquifer or its Recharge Zone.

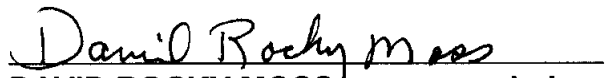
Current ad valorem taxes on said property having been prorated, the payment thereof is assumed by Grantee.

Grantor, for the consideration 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 anywise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, successors, or assigns, to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, or 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 warranty

**BANK OF AMERICA , N.A** , at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the property that is evidenced by the note described. The vendor's lien and superior title to the property are retained for the benefit of **BANK OF AMERICA , N.A** and are transferred to that party without recourse on Grantor.

The vendor's lien against and superior title to the property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute

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

  
**DAVID ROCKY MOSS, an unmarried person**

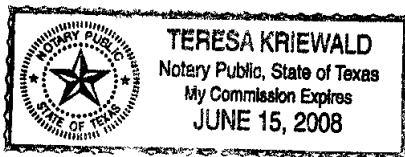
THE STATE OF TEXAS \*

COUNTY OF Harp \*

**BEFORE ME**, a Notary Public, on this day personally appeared **DAVID ROCKY MOSS**, known to me through Texas driver's license identification to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE** this 10<sup>th</sup> day of Nov., 2004.

Teresa Kriewald  
**NOTARY PUBLIC, STATE OF TEXAS**



WDVL DRM

EXHIBIT " A "

**TRACT ONE:** A strip of land 30 feet wide off the Southwest side of Lot No. Six (6) in what is known and designated as the W. N. Goforth First Suburban Addition to San Marcos, Texas, according to the plat of said addition recorded in Volume 88, page 80, Hays County Deed Records, and being the same real property conveyed by and described in the deed from William N. Goforth, et ux, to A. V. Jenkins and Irene Jenkins, such instrument being dated March 17, 1948, and of record in Volume 140, pages 522-3, Hays County Deed Records.

**TRACT TWO:** A strip of land 50 feet wide, a part of Lot No. Six (6) of W. N. Goforth's First Suburban Addition, extending from what is known as Old Post Road or State Highway No. 2, back between parallel lines a distance of 160 feet the full depth of said Lot, the Northeast line of said tract of land being the most Northeast line of said Lot No. Six (6) and the Southwest line thereof being parallel to that Northeast line, and then 50 feet Southwest of said Northeast line, and being the same real property conveyed by and described in the deed from R. F. Agnew, et ux, to A. V. Jenkins, such instrument being dated October 26, 1938, and of record in Volume 117, pages 378-9, Hays County Deed Records.

The two tracts of land described above are the same identical tracts as described in a Deed dated October 15, 1967, executed by R. R. Rush to Walter Jackson Moss and David Rocky Moss, recorded in Volume 220, Pages 245-247, of the Deed Records of Hays County, Texas.

Filed for Record in:  
Hays County  
On: Nov 12, 2004 at 01:45P  
Document Number: 04032720  
Amount: 20.00  
Receipt Number - 113164  
By,  
Lynn Curry, Deputy  
Lee Carlisle, County Clerk  
Hays County



151 ITC/LBA/1724822-SMA

**Special Warranty Deed With Vendor's Lien**

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

Date: September 20, 2017

Grantor: B.W. BOWDEN PROPERTIES, INC., a Texas corporation

Grantor's Mailing Address: 307 Hunters Glen Drive, San Marcos, Texas 78666

Grantee: DIVA PRAY, LLC, a Texas limited liability company

Grantee's Mailing Address: 229 Shorthorn Street, Cedar Park, Texas 78613

Consideration: TEN DOLLARS (\$10.00) cash, the receipt and sufficiency of which is hereby acknowledged, and a note of even date executed by Grantee and payable to the order of TexStar National Bank, in the principal amount of ONE MILLION TWO HUNDRED THOUSAND AND 00/100 DOLLARS (\$1,200,000.00). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Grantor, and by a first-lien deed of trust of even date from Grantee to Byron K. Bexley, as Trustee, for the benefit of TexStar National Bank. TexStar National Bank has at Grantee's request paid that portion of the purchase price of the Property to Grantor that is evidenced by the note. The first and superior vendor's lien against and superior title to the Property are retained for the benefit of TexStar National Bank and are transferred to TexStar National Bank. The vendor's lien against and superior title to the Property are retained until the note described is fully paid according to its terms, at which time this deed will become absolute.

Property (including any improvements):

Being a 0.653 of an acre of land, more or less, situated in the Juan Martin Veramendi Survey, Abstract No. 17, in Hays County, Texas; being all of Tract One: a 0.219 of an acre tract of land; Tract Two and Tract Three: a 0.218 of an acre tract of land described in General Warranty Deed recorded in Volume 373, Page 166, Deed Records, Hays County, Texas, and being all of Lot 18 and Lot 19, W.N. Goforth's First Suburban Addition to San Marcos, Texas, according to the map or plat thereof, recorded in Volume 88, Page 80, Deed Records, Hays County, Texas; said 0.653 of an acre being more particularly described by metes and bounds as set out in Exhibit "A" attached hereto and incorporated herein for all purposes.

Reservations from Conveyance: None.

Exceptions to Conveyance and Warranty: As described in Exhibit "B" attached hereto and incorporated herein for all purposes.

00043852.4

Grantor, for the Consideration and subject to the Reservations from Conveyance and the 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 way belonging, to have and to hold it to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS, WITH ALL FAULTS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES, EXCEPT THE WARRANTY OF TITLE CONTAINED HEREIN. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION.

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

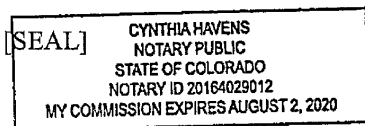
**GRANTOR:**

**B.W. BOWDEN PROPERTIES, INC.,**  
a Texas corporation

By: B.W. Bowden  
B.W. Bowden, President

STATE OF Colorado §  
§  
COUNTY OF Archuleta §

This instrument was acknowledged before me on the 21 day of September, 2017, by B. W. Bowden, President of B.W. BOWDEN PROPERTIES, INC., a Texas corporation, on behalf of said entity.



Suelette  
Notary Public, State of Colorado

00043852.3

GRANTEE:

DIVA PRAY, LLC,  
a Texas limited liability company

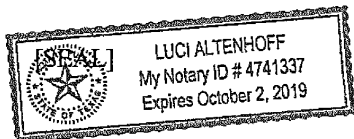
By:

[Signature]  
Printed Name: BHAVESH GAYRATH  
Title: MANAGER

STATE OF TEXAS

COUNTY OF HAYS

This instrument was acknowledged before me on the 20<sup>th</sup> day of September, 2017, by Bhavesh Parshotam Savatka, Manager of DIVA PRAY, LLC, a Texas limited liability company, on behalf of said limited liability company.



[Signature]  
Notary Public, State of Texas

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

| 00043852-300043852.4

**EXHIBIT "A"**  
**To**  
**Special Warranty Deed With Vendor's Lien**

**LEGAL DESCRIPTION OF**  
**A 0.653 OF AN ACRE TRACT**

BEING A 0.653 OF AN ACRE (28,460 SQUARE FEET), MORE OR LESS, TRACT OF LAND, SITUATED IN THE JUAN MARTIN VERAMENDI SURVEY, ABSTRACT NO. 17, HAYS COUNTY, TEXAS; BEING ALL OF TRACT ONE: A 0.219 OF AN ACRE TRACT OF LAND; TRACT TWO AND TRACT THREE: A 0.218 OF AN ACRE TRACT OF LAND, DESCRIBED IN GENERAL WARRANTY DEED RECORDED IN VOLUME 373, PAGE 166, DEED RECORDS, HAYS COUNTY, TEXAS AND BEING ALL OF LOT 18 AND LOT 19, W.N. GOFORTH'S FIRST SUBURBAN ADDITION TO SAN MARCOS, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME 88, PAGES 78-80, DEED RECORDS, HAYS COUNTY, TEXAS; SAID 0.653 OF AN ACRE, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1-inch Iron Pipe Found on the Northwesterly right of way line of Post Road, a Variable width public right of way, and being the most Easterly corner of said 0.219 Acre Tract;

**THENCE** S 44° 29' 22" W a distance of 160.00 feet, to a 1/2-inch Iron Rod with Cap Stamped "MBC Engineers" Set at the most Northerly intersection of said Post Road and Lime Kiln Road, a variable width public right of way;

**THENCE** N 55° 36' 27" W a distance of 163.93 feet, along the Northeasterly right of way line of said Lime Kiln Road, to a 1/2-inch Iron Rod with Cap Stamped "MBC Engineers" Set;

**THENCE** N 43° 59' 22" E a distance of 190.74 feet, departing said Lime Kiln Road right of way line to a 1/2-inch Iron Rod Found, being the most Westerly Corner of Lot 17, W.N. Goforth First Suburban Addition to the City of San Marcos, Hays County, Texas, according to plat recorded in Volume 88, Pages 78-80, Deed Records, Hays County, Texas, and being the most Northerly corner of said 0.219 Acre Tract;

**THENCE** S 44° 48' 38" E a distance of 163.07 feet along the common boundary line of said Lot 17 and said 0.219 Acre Tract to the **POINT OF BEGINNING** and containing 0.653 of an acre (28,460 Square Feet) of land, more or less as surveyed by Macina, Bose, Copeland, and Associates, Inc.

00043852.4

**EXHIBIT "B"**  
**To**  
**Special Warranty Deed With Vendor's Lien**

Exceptions to Conveyance and Warranty

1. Easement:

Recorded: Volume 195, Page 596, Deed Records, Hays County, Texas.  
To: LCRA  
Purpose: electric/telephone

Further affected by Transfer, Assignment, Grant Sal and Conveyance of Easement Rights as set out in Volume 634, Page 818, Real Property Records, corrected by Volume 1324, Page 857, Official Public Records, Hays County, Texas.

2. All leases, grants, exceptions or reservation of coal, lignite, oil, gas and other mineral, together with all rights, privileges, and immunities relating thereto appearing in the public records.
3. Easement rights associated with the location of the overhead utility, utility pole, guy wire anchor, electric meter, water meter, telecommunication box, buried gas sign, monument sign situated outside of a dedicated easement as shown on survey dated 6/29/2015, revised 6/30/2016 and prepared by Joel Christian Johnson, RPLS No. 5578.
4. Inclusion within the Edwards Underground Water District.
5. Inclusion within the Upper San Marcos Water Shed.
6. Taxes for the year 2017 and subsequent years, the payment of which Grantee assumes.

00043852.4



Instrument # 17033770 Number: 5 of 5 Filed and Recorded: 9/22/2017 3:14 PM  
Liz Q. Gonzalez, Hays County Clerk, Texas Rec \$42.00 Deputy Clerk: KHOBBS



70 2008 80030471

Hays County  
Linda C. Fritsche  
County Clerk  
San Marcos, Texas 78666

Instrument Number: 2008-80030471

As

Recorded On: October 10, 2008

OPR RECORDINGS

Parties: ELLIS TEX D

Billable Pages: 2

To EUBANKS SHELTON DWIGHT

Number of Pages: 3

Comment:

( Parties listed above are for Clerks reference only )

**\*\* Examined and Charged as Follows: \*\***

OPR RECORDINGS	20.00
Total Recording:	20.00

\*\*\*\*\* DO NOT REMOVE. THIS PAGE IT IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY  
because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2008-80030471  
Receipt Number: 204758  
Recorded Date/Time: October 10, 2008 11:28:51A  
Book-Vol/Pg: BK-OPR VL-3500 PG-275  
User / Station: A Herzog - Cashiering #5

Record and Return To:

ANDREW GARY  
P.O. BOX 727  
SAN MARCOS TX 78667



State of Texas |  
County of Hays

I hereby certify that this instrument was filed for record in my office on the date and  
time stamped hereon and was recorded on the volume and page of the named records  
of Hays County, Texas

*Linda C. Fritsche*

Linda C. Fritsche, County Clerk



THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF HAYS

**GENERAL WARRANTY DEED**

**Date:** October 10, 2008

**Grantor:** TEX D. ELLIS

**Grantor's Mailing Address:**  
8713 Lava Place  
West Hills, California 91304

**Grantee:** SHELTON DWIGHT EUBANKS and CHERYL LYNN EUBANKS

**Grantee's Mailing Address (including County):**  
1533 Post Road  
San Marcos, Hays County, Texas 78666

**Consideration:** TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration.

**Property (including any improvements):**  
LOT EIGHT (8), W.N. GOFORTH'S FIRST SUBURBAN ADDITION TO THE CITY OF SAN MARCOS, Hays County, Texas, according to the map or plat thereof recorded in Volume 88, Pages 78- 80, of the Deed Records of Hays County, Texas; SAVE AND EXCEPT a strip of land 30 feet wide off the most southwestern side thereof, conveyed in Deed recorded in Volume 206, Page 209 of the Deed Records of Hays County, Texas.

**Reservations from and Exceptions to Conveyance and Warranty:**


This conveyance is made and accepted subject to any and all restrictions, covenants, conditions, reservations, set back lines and easements, if any, now outstanding and of record in Hays County, Texas, and to all zoning laws, regulations and ordinances of municipal and/or governmental authorities, if any, but only to the extent that they are still in effect, relating to the herein above described property.

Current ad valorem taxes on said property having been prorated, the payment thereof is assumed by Grantee.

Grantor, for the consideration 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 to hold it

to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby 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.

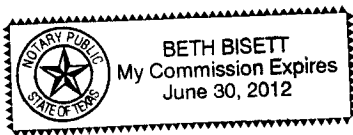
When the context requires, singular nouns and pronouns include the plural.

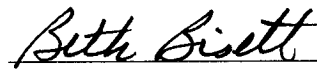
  
\_\_\_\_\_  
TEX D. ELLIS

THE STATE OF TEXAS

COUNTY OF HAYS

This instrument was acknowledged before me on the 10<sup>th</sup> day of October, 2008 by TEX D. ELLIS.



  
\_\_\_\_\_  
Notary Public, State of TEXAS

After Recording Return To:  
Andrew Gary  
P. O. Box 727  
San Marcos, Texas 78667

Hays County  
Linda C. Fritsche  
County Clerk  
San Marcos, Texas 78666



70 2008 80027351

Instrument Number: 2008-80027351

Recorded On: September 18, 2008

As  
OPR RECORDINGS

Parties: EUBANKS V DWIGHT

Billable Pages: 2

To EUBANKS SHELTON DWIGHT

Number of Pages: 3

Comment:

( Parties listed above are for Clerks reference only )

**\*\* Examined and Charged as Follows: \*\***

OPR RECORDINGS	20.00
Total Recording:	20.00

\*\*\*\*\* DO NOT REMOVE. THIS PAGE IT IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY  
because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2008-80027351  
Receipt Number: 203286  
Recorded Date/Time: September 18, 2008 10:11:12A  
Book-Vol/Pg: BK-OPR VL-3481 PG-524  
User / Station: A Herzog - Cashiering #5

Record and Return To:

ANDREW GARY  
P.O. BOX 727  
SAN MARCOS TX 78667-0727



State of Texas |  
County of Hays

I hereby certify that this instrument was filed for record in my office on the date and  
time stamped hereon and was recorded on the volume and page of the named records  
of Hays County, Texas

*Linda C. Fritsche*  
Linda C. Fritsche, County Clerk

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF HAYS

**GIFT DEED**

Date: September 16, 2008

**Grantor:** V. DWIGHT EUBANKS, not joined by his spouse for the reason that the property hereby conveyed constitutes his sole and separate property and estate

**Grantor's Mailing Address (including County):**

661 Carmel Drive  
Sandia, Jim Wells County, Texas 78383

**Grantee:** SHELTON DWIGHT EUBANKS, as his sole and separate property and estate

**Grantee's Mailing Address (including County):**

1533 Post Road  
San Marcos, Hays County, Texas 78666

**Consideration:** The love and affection provided to Grantor by Grantee.

**Property (including any improvements):**

Being all of Lot Seven (7), W.N. Goforth's First Suburban Addition to San Marcos, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 88, Page 80, Hays County Deed Records.

**Reservations from and Exceptions to Conveyance and Warranty:**

Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for 2008, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, GIVES, GRANTS, and CONVEYS to Grantee, as his sole and separate property and estate, and to his sole and separate use and benefit, the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and to hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby 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, as his sole and separate property and estate, and to his sole and separate use and benefit.

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

V. Dwight Eubanks  
V. DWIGHT EUBANKS

THE STATE OF TEXAS

COUNTY OF HAYS

This instrument was acknowledged before me on the 16<sup>th</sup> day of September, 2008 by V. DWIGHT EUBANKS.



Beth Bisett  
Notary Public, State of Texas

After Recording Return To:  
Andrew Gary  
P. O. Box 727  
San Marcos, Texas 78667

## WARRANTY DEED WITH VENDOR'S LIEN

But it is expressly agreed that the Vendor's Lien, as well as Superior Title in and to the Property, is retained against the Property, premises and improvements until the Note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute.



THAT Lender, at the instance and request of Grantee, having advanced and paid in cash to Grantor herein that portion of the purchase price of the Property as is evidenced by the Note, the Vendor's Lien, together with the Superior Title to the Property, is retained herein for the benefit of Lender and the same are hereby TRANSFERRED AND ASSIGNED to Lender, its successors and assigns, without recourse on Grantor.

Current ad valorem taxes on the Property having been prorated, the payment thereof is assumed by Grantee.

EXECUTED effective as August 24, 2021.

GRANTOR:

Dorothy Lynn Rudisill Curry  
DOROTHY LYNN RUDISILL CURRY

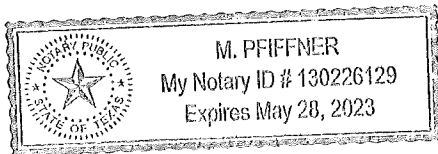
Address of Grantee:

136 Iron Horse  
NEW Braunfels, TX 78132

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me this 24 day of August, 2021 by DOROTHY LYNN RUDISILL CURRY.



M. Piffner  
Notary Public, State of Texas

AFTER RECORDING, RETURN TO:

CORRIDOR TITLE, LLC

21-2931-C

**THE STATE OF TEXAS  
COUNTY OF HAYS**

I hereby certify that this instrument was FILED on the  
date and the time stamped hereon by me and was duly  
RECORDED in the Records of Hays County, Texas.

21047126 DEED  
08/30/2021 09:12:17 AM Total Fees: \$30.00

Elaine H. Cárdenas, MBA, PhD, County Clerk  
Hays County, Texas

A handwritten signature in cursive script that reads "Elaine H. Cárdenas".

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

**WARRANTY DEED WITH VENDOR'S LIEN**

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

§

COUNTY OF HAYS

§

THAT THE UNDERSIGNED, WILLIAM (BILLY) RUDISILL ("Grantor"), for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration to the undersigned in hand paid by the Grantee herein named, the receipt of which is hereby acknowledged, and the further consideration of the execution and delivery by SMTX RENTALS LLC, a Texas limited liability company ("Grantee"), of that one certain promissory note of even date herewith (the "Note") in the principal sum of \$150,000.00, payable to the order of SCHERTZ BANK & TRUST ("Lender"), as therein specified, providing for acceleration of maturity and for attorney's fees, the payment of the Note being secured by the vendor's lien herein retained, and being additionally secured by a deed of trust of even date herewith to MARK SUNDERMAN, TRUSTEE, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto Grantee the real property (the "Property") described as follows, to-wit:

Lots 11 and 12, W.N. GOFORTH'S FIRST SUBURBAN ADDITION, a subdivision in Hays County, Texas, according to the map or plat of record in Volume 88, Page 80, of the Plat Records of Hays County, Texas.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, Grantee's heirs, executors, successors and assigns forever; and Grantor does hereby bind Grantor, Grantor's heirs, executors, successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the said premises unto Grantee, Grantee's heirs, executors, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

This conveyance, however, is made and accepted subject to any and all restrictions, reservations, easements, exceptions, covenants and conditions, if any, applicable to and enforceable against the Property as shown by the records of Hays County, Texas.

But it is expressly agreed that the Vendor's Lien, as well as Superior Title in and to the Property, is retained against the Property, premises and improvements until the Note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute.

Corridor Title Co. GF#

21-2931-C

THAT Lender, at the instance and request of Grantee, having advanced and paid in cash to Grantor herein that portion of the purchase price of the Property as is evidenced by the Note, the Vendor's Lien, together with the Superior Title to the Property, is retained herein for the benefit of Lender and the same are hereby TRANSFERRED AND ASSIGNED to Lender, its successors and assigns, without recourse on Grantor.

Current ad valorem taxes on the Property having been prorated, the payment thereof is assumed by Grantee.

EXECUTED effective as August 24, 2021.

GRANTOR:

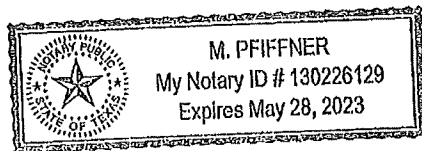
Billy Rudisill  
WILLIAM (BILLY) RUDISILL

Address of Grantee:

136 Inn Horse  
New Braunfels, TX 78132

STATE OF TEXAS §  
COUNTY OF TRAVIS §

This instrument was acknowledged before me this 24 day of August, 2021 by WILLIAM (BILLY) RUDISILL.



M. Piffner  
Notary Public, State of Texas

AFTER RECORDING, RETURN TO:

CORRIDOR TITLE, LLC

21-2931-C

**THE STATE OF TEXAS  
COUNTY OF HAYS**

I hereby certify that this instrument was FILED on the  
date and the time stamped hereon by me and was duly  
RECORDED in the Records of Hays County, Texas.

21047127 DEED  
08/30/2021 09:12:17 AM Total Fees: \$30.00

Elaine H. Cárdenas, MBA, PhD, County Clerk  
Hays County, Texas

