

2106-01169

LPAW



20060630000904720 06/30/2006 03:27:27 PM D1 1/7

"Notice of Confidentiality rights: If you are a Natural Person, you may remove or strike any or all 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 Number."

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF COLLIN §

THAT Eldorado-Collin, L.P, a Texas limited partnership, of Collin County, Texas (hereinafter referred to as "Grantor"), for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged, and the further consideration of the execution and delivery to American National Bank of Texas by Grantee of Grantee's promissory note of even date herewith in the principal amount of Seven Million three hundred thirty five thousand and no/100 (\$7,335,000.00) bearing interest as therein specified, payable as therein specified, the payment of which note is secured by the Vendor's Lien herein retained, and is additionally secured by a Deed of Trust of even date herewith to John Davidson, Trustee, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto Cornerstone EBP, LP, a Texas limited partnership, whose mailing address is 5440 Harvest Hill Road, Suite 166, Dallas, Texas 75230 (herein referred to as "Grantee"), all of the real property in Collin County, Texas described on Exhibit A attached hereto (hereinafter referred to as the "Property").

This conveyance shall include all and singular the rights and appurtenances pertaining to the Property; including all buildings, structures, fixtures, and improvements located thereon.

GRANTEE ACKNOWLEDGES THAT GRANTOR HAS NOT MADE AND DOES NOT MAKE ANY REPRESENTATIONS AS TO THE PHYSICAL CONDITION, OR ANY OTHER MATTER AFFECTING OR RELATED TO THE PROPERTY OR ANY IMPROVEMENTS THEREON (OTHER THAN WARRANTIES OF TITLE AS PROVIDED AND LIMITED HEREIN). GRANTEE EXPRESSLY AGREE THAT TO THE MAXIMUM EXTENT PERMITTED BY LAW THE PROPERTY AND ANY IMPROVEMENTS THEREON ARE CONVEYED "AS IS" AND "WITH ALL FAULTS", AND GRANTOR EXPRESSLY DISCLAIMS, AND GRANTEE ACKNOWLEDGE AND ACCEPT THAT GRANTOR HAS DISCLAIMED, ANY AND ALL REPRESENTATIONS, WARRANTIES, OR GUARANTIES, OF ANY KIND, ORAL OR WRITTEN, EXPRESS OR IMPLIED, (EXCEPT AS TO TITLE AS HEREAFTER PROVIDED AND LIMITED) CONCERNING THE PROPERTY AND ANY IMPROVEMENTS THEREON, INCLUDING WITHOUT LIMITATION, (i) THE VALUE, CONDITION, MERCHANTABILITY, HABITABILITY, MARKETABILITY, PROFITABILITY, SUITABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE, OF THE PROPERTY AND ANY IMPROVEMENTS THEREON, (ii) THE MANNER OR QUALITY OF THE CONSTRUCTION OR MATERIALS INC ORP ORA TED INTO ANY SUCH IMPROVEMENTS AND (iii) THE MANNER OF REPAIR, QUALITY, STATE OR REPAIR OR LACK OF REPAIR OF ANY SUCH IMPROVEMENTS.

This conveyance additionally includes any interest of Grantor, if any, in and to any land lying in any street, road, accessway, or easement, open or proposed, in front of, or adjoining, or within the Property.

TO HAVE AND TO HOLD the above described Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, his heirs and assigns; and Grantor does hereby bind itself, its successors or assigns to WARRANT AND FOREVER DEFEND all and singular the said Property unto the said Grantee, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under it, but not otherwise, subject, however, to the exceptions as described in Exhibit "B".

But it is expressly agreed that the VENDOR'S LIEN, as well as the Superior Title in and to the above described Property, is retained against the above described Property, premises and improvements until the above described note and all interest are fully paid according to the face, tenor, effect, and reading thereof, when this Deed shall become absolute.

American National Bank of Texas, at the instance and request of the Grantee herein, having advanced and paid in cash to the Grantor herein, that portion of the purchase price of the herein described Property as is evidenced by the hereinbefore described Seven million three hundred thirty five thousand and no/100 Dollars (\$7,335,000.00) note, the Vendor's Lien, together with the Superior Title to said Property is retained herein for the benefit of the said American National Bank of Texas and the same are hereby TRANSFERRED AND ASSIGNED to the said American National Bank of Texas and American National Bank of Texas, its successors or assigns shall have the right to release said Vendor's Lien upon the payment of said note.

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

EXECUTED on the dates of the acknowledgments, but to be EFFECTIVE on the 30th day of June, 2006.

Grantor:

ELDORADO COLLIN, L.P.

By: Sugar Holdings, LLC, a Texas limited liability company, its general partner

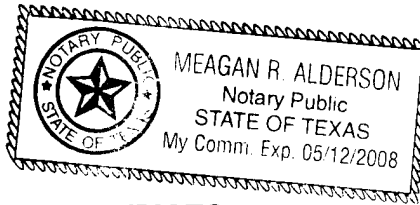
By: 
Howard Hamilton, Manager

STATE OF TEXAS

§

COUNTY OF COLLIN §
§

This instrument was acknowledged before me on the 27 day of June, 2006, by Howard Hamilton, Manager of Sugar Holdings, LLC, a Texas limited liability company, General Partner of Eldorado-Collin, L.P., a Texas limited partnership, on behalf of such limited liability company and limited partnership.



[Signature]
NOTARY PUBLIC STATE OF TEXAS

AFTER RECORDING, RETURN TO:
Cornerstone EBP, LP
5440 Harvest Hill Road, Suite 166
Dallas, Texas 75230

Return To:
Chicago Title Insurance Company
Southwest Region Commercial Center
2001 Bryan Street, Suite 1700
Dallas, Texas 75201 214-303-5300

UNOFFICIAL

Exhibit A

Tract One.

Being a 13.532 acre tract of land situated in the Samuel McFarland Survey, Abstract No. 558, in the City of McKinney, Collin County, Texas, and being a portion of that certain 18.000 acre tract of land conveyed to Eldorado-Collin, L.P. by deed recorded in Volume 5810, Page 1635, Deed Records, Collin County, Texas, said 13.532 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch steel rod found for corner in the northerly right of way line of Eldorado Parkway (having a 120 foot wide right-of-way), said point being the southwest corner of the aforementioned Eldorado Tract and also being the southeast corner of a tract conveyed to the City of McKinney by deed recorded in Volume 2921, Page 326, Deed Records, Collin County, Texas;

THENCE, North 01 degree 21 minutes 11 seconds West, along the west line of said Eldorado Tract, a distance of 588.97 feet to a 5/8-inch steel rod found for corner in a south line of Park Place, an addition to the City of McKinney, Texas, according to the plat thereof, recorded in Cabinet F, Page 366, Plat Records, Collin County, Texas;

THENCE, East, along the common line of said Eldorado Tract and said Park Place, at 175.74 feet pass the southeast corner of said Park Place, same being the southwest corner of Lot 1, City of McKinney Municipal Facilities Complex Addition, an addition to the City of McKinney, Texas, according to the plat thereof, recorded in Cabinet H, Page 502, Plat Records, Collin County, Texas, and continuing along the common line of said Eldorado Tract and said Lot 1, a total distance of 1095.86 feet to a 5/8-inch steel rod with plastic cap stamped "JDJR" set for corner in the westerly right of way line of College Street (having a 60 foot wide right-of-way), said point being the southeast corner of said Lot 1;

THENCE, along the westerly right of way line of said College Street, the following four courses;

South 15 degrees 32 minutes 06 seconds West, a distance of 245.79 feet to a 5/8-inch steel rod with plastic cap stamped "JDJR" set for corner, same being the beginning of a curve to the left having a radius of 480.00 feet, a tangent of 76.49 feet and a long chord that bears South 06 degrees 28 minutes 50 seconds West, a distance of 151.08 feet;

Southwesterly, along said curve to the left, thru a central angle of 18 degrees 06 minutes 34 seconds, an arc distance of 151.71 feet to a 5/8-inch steel rod with plastic cap stamped "JDJR" set for corner;

South 02 degrees 34 minutes 28 seconds East, a distance of 143.15 feet to an "X" set in concrete for corner;

South 42 degrees 25 minutes 32 seconds West, a distance of 17.68 feet to a 5/8-inch steel rod with plastic cap stamped "JDJR" set for corner in the northerly right of way line of said Eldorado Parkway, same being the south line of said Eldorado Tract;

THENCE, South 87 degrees 25 minutes 32 seconds West, along the northerly right of way line of said Eldorado Parkway, a distance of 1020.88 feet to the PLACE OF BEGINNING.

CONTAINING a computed area of 589,463 square feet or 13.532 acres of land.

Tract Two:

Being a 3.720 acre tract of land situated in the Samuel McFarland Survey, Abstract No. 558, in the City of McKinney, Collin County, Texas, and being a portion of that certain 18.000 acre tract of land conveyed to Eldorado-Collin, L.P. by deed recorded in Volume 5810, Page 1635, Deed Records, Collin County, Texas, said 3.720 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch steel rod found for corner at the intersection of the northerly right of way line of Eldorado Parkway (having a 120 foot wide right-of-way) and the westerly right of way line of Kentucky Street (having a variable width right-of-way), said point being the southeast corner of the aforementioned Eldorado Tract and also being the beginning of a curve to the right having a radius of 990.00 feet, a tangent of 137.06 feet and a long chord that bears South 79 degrees 40 minutes 39 seconds West, a distance of 271.53 feet;

THENCE, Southwesterly, along the northerly right of way line of said Eldorado Parkway and along said curve to the right, thru a central angle of 15 degrees 45 minutes 51 seconds, an arc distance of 272.39 feet to a 5/8-inch steel rod found for corner;

THENCE, South 87 degrees 25 minutes 32 seconds West, along the northerly right of way line of said Eldorado Parkway, a distance of 52.67 feet to a 5/8-inch steel rod with plastic cap stamped "JDJR" set for corner in the easterly right of way line of College Street (having a 60 foot wide right-of-way);

THENCE, along the easterly right of way line of said College Street the following four courses:

North 47 degrees 34 minutes 28 seconds West, a distance of 14.14 feet to a 5/8-inch steel rod with plastic cap stamped "JDJR" set for corner;

North 02 degrees 34 minutes 28 seconds West, a distance of 145.65 feet to a 5/8-inch steel rod with plastic cap stamped "JDJR" set for corner, same point being the beginning of a curve to the right having a radius of 420.00 feet, a tangent of 66.93 feet and a long chord that bears North 06 degrees 28 minutes 50 seconds East, a distance of 132.20 feet;

Northeasterly, along said curve to the right, thru a central angle of 18 degrees 06 minutes 34 seconds, an arc distance of 132.75 feet to a 5/8-inch steel rod with plastic cap stamped "JDJR" set for corner;

North 15 degrees 32 minutes 06 seconds East, a distance of 262.50 feet to a 1/2-inch steel rod found for corner in the north line of said Eldorado Tract, said point being the southwest corner of Lot 2, Block A, The Action Two Addition, an addition to the City of McKinney, Texas, according to the plat thereof, recorded in Cabinet J, Page 286, Plat Records, Collin County, Texas;

THENCE, East, along the common line of said Eldorado Tract and said Lot 2, a distance of 287.52 feet to a 5/8-inch steel rod found for corner, said point being the most northerly-northeast corner of said Eldorado Tract;

THENCE, South 15 degrees 45 minutes 15 seconds West, along an easterly line of said Eldorado Tract, a distance of 230.81 feet to a 5/8-inch steel rod with plastic cap stamped "JDJR" set for corner, said point being the northwest corner of a tract conveyed to Erwin Ray Bogard and Mildred Bogard by deed recorded in Volume 687, Page 435, Deed Records, Collin County, Texas;

THENCE, South 15 degrees 12 minutes 37 seconds West, along the common line of said Eldorado Tract and said Bogard Tract, a distance of 115.33 feet to a 5/8-inch steel rod found for corner, said point being an interior corner of said Eldorado Tract and also being the southwest corner of said Bogard Tract;

THENCE, South 89 degrees 59 minutes 19 seconds East, along the common line of said Eldorado Tract and said Bogard Tract, a distance of 100.00 feet to a 5/8-inch steel rod with plastic cap stamped "JDJR" found for corner in the westerly right of way line of said Kentucky Street, said point being the southeast corner of said Bogard Tract and also being the most easterly-northeast corner of said Eldorado Tract;

THENCE, South 15 degrees 33 minutes 00 seconds West, along the westerly right of way line of said Kentucky Street and an east line of said Eldorado Tract, a distance of 160.69 feet to the PLACE OF BEGINNING.

CONTAINING a computed area of 162,049 square feet or 3.720 acres of land.

Tract Three:

Being a 0.256 acre tract of land situated in the Samuel McFarland Survey, Abstract No. 558, in the City of McKinney, Collin County, Texas, and being all of that certain tract conveyed to Erwin Ray Bogard and wife, Mildred Bogard by deed recorded in Volume 687, Page 4357 of the Deed Records of Collin County, Texas, and also being a portion of that certain 8.91 acre tract of land conveyed to W.R. Bogard by deed recorded in Volume 323, Page 101, Deed Records, Dallas County, Texas, said 0.256 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch steel rod with plastic cap stamped "JDJR" found for corner in the west right of way line of Kentucky Street (having a variable width right-of-way), said point being the southeast corner of the aforementioned Erwin and Mildred Bogard Tract and also being the southeast corner of the aforementioned 8.91 acre Bogard Tract, said point also being the most easterly-northeast corner of that certain 18.000 acre tract conveyed to Eldorado-Collin, L.P. by deed recorded under Document No. 2004-0175053 (Tract 1) in the Official Public Records of Collin County, Texas;

THENCE, North 89 degrees 59 minutes 19 seconds West, along the south line of said Erwin and Mildred Bogard Tract, same being the south line of said 8.91 acre Bogard Tract and a north line of said Eldorado-Collin Tract, a distance of 100.00 feet to a 5/8-inch steel rod found for corner, said point being the southwest corner of said Erwin and Mildred Bogard Tract and also being an interior corner of said Eldorado-Collin Tract;

THENCE, North 15 degrees 12 minutes 37 seconds East, along the west line of said Erwin and Mildred Bogard Tract, same being an east line of said Eldorado-Collin Tract, a distance of 115.33 feet to a 5/8-inch steel rod with plastic cap stamped "JDJR" found for corner, said point being the northwest corner of said Erwin and Mildred Bogard Tract and also being the southwest corner of that certain tract conveyed to James W. Bogard by deed recorded in Volume 861, Page 312, Deed Records, Collin County, Texas;

THENCE, South 89 degrees 53 minutes 08 seconds East, along the north line of said Erwin and Mildred Bogard Tract, same being the south line of said James Bogard Tract, a distance of 100.66 feet to a 1/2-inch steel rod found for corner in the west right of way line of said Kentucky Street;

THENCE, South 15 degrees 33 minutes 00 seconds West, along the west right of way line of said Kentucky Street, a distance of 115.33 feet to the PLACE OF BEGINNING, containing a computed area of 11.160 square feet or 0.256 acres of land, more or less.

EXHIBIT "B"

1. Easement granted by W.R. Bogard to the City of McKinney, dated October 7, 1964, filed for record on October 7, 1964 and recorded in Volume 641, Page 555, Deed Records, Collin County, Texas;
2. Easement granted by W.R. Bogard and wife, Sarah Bogard to the City of McKinney, dated December 31, 1953, filed for record on January 7, 1954 and recorded in Volume 479, Page 308, Deed Records, Collin County, Texas;
3. Easement granted by W.R. Bogard, et ux to the City of McKinney, dated March 24, 1950, filed for record on March 24, 1950 and recorded in Volume 412, Page 170, Deed Records, Collin County, Texas;
4. Easement granted by W.R. Bogard, et ux to the City of McKinney, dated March 24, 1950, filed for record on March 24, 1950 and recorded in Volume 412, Page 169, Deed Records, Collin County, Texas;
5. Easement granted by Erwin Ray Bogard, et al to the City of McKinney, dated June 1, 2001, filed for record on June 13, 2001 and recorded in Volume 4959, Page 3595, Land Records, Collin County, Texas;
6. Easement granted by Earl Milstead and wife, Lanie Milstead to Texas Power & Light Company, dated November 10, 1938, filed for record on January 18, 1939 and recorded in Volume 313, Page 379, Deed Records, Collin County, Texas;

UNOFFICIAL

Filed and Recorded
Official Public Records
Brenda Taylor, County Clerk
Collin County, TEXAS
06/30/2006 03:27:27 PM
\$40.00 TFOSTER
20060630000904720



Brenda Taylor