

2004- 0175053

"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 Number."

GF NO. 1412000810

**SPECIAL WARRANTY DEED
WITH VENDOR'S LIEN**

COUNTY CLERK'S MEMO
PORTIONS OF THIS
DOCUMENT NOT
REPRODUCIBLE
WHEN RECORDED

5810 01635

THE STATE OF TEXAS §
§
COUNTY OF COLLIN §

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, JAMES WILLIAM BOGARD of Irving, Texas; BEVERLY HANEY CRECELIUS of Las Vegas, Nevada; DEBBIE HANEY of Las Vegas, Nevada; and MOZELLE BOGARD, of McKinney, 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 NORTH DALLAS BANK & TRUST COMPANY by Grantee of Grantee's promissory note of even date herewith in the principal amount of ONE HUNDRED FIFTEEN THOUSAND AND NO/100 DOLLARS (\$115,000.00) 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 LARRY A. MILLER, Trustee, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto ELDORADO - COLLIN, L.P., whose mailing address is 802 E. 15th Street, Plano, Texas 75074 (herein referred to as "Grantee"), all of the following described real property in Collin County, Texas (hereinafter referred to as the "Property"),
to-wit:

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TRACT ONE: Being a 18.00 acre tract of land in the Samuel McFarland Survey, Abst. No. 558, in the City of McKinney, Collin County, Texas, and being more fully described in Exhibit "A" attached hereto and incorporated herein by reference.

TRACT TWO: Being a 16.938 acre tract of land in the Samuel McFarland Survey, Abst. No. 558, in the City of McKinney, Collin County, Texas, and being more fully described in Exhibit "A" attached hereto and incorporated herein by reference.

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

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.

This conveyance is expressly made subject to the exceptions listed on Exhibit "B" attached hereto and incorporated herein by reference.

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, its successors and assigns; and Grantor does hereby themselves, their heirs and assigns to WARRANT AND FOREVER DEFEND all and singular the said Property unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise, subject, however, to the aforesaid exceptions.

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.

NORTH DALLAS BANK & TRUST COMPANY, 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

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the herein described Property as is evidenced by the hereinbefore described ONE HUNDRED FIFTEEN THOUSAND AND NO/100 DOLLARS (\$115,000.00) note, the Vendor's Lien, together with the Superior Title to said Property is retained herein for the benefit of the said NORTH DALLAS BANK & TRUST COMPANY and the same are hereby TRANSFERRED AND ASSIGNED to the said NORTH DALLAS BANK & TRUST COMPANY and NORTH DALLAS BANK & TRUST COMPANY, its successors or assigns shall have the right to release said Vendor's Lien upon the payment of said note.

EXECUTED on the dates of the acknowledgments, but to be EFFECTIVE on the 3rd day of December, 2004.

James William Bogard
JAMES WILLIAM BOGARD

Beverly Haney Grececius
BEVERLY HANEY GRECELIUS

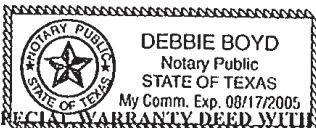
Debbie Haney
DEBBIE HANEY

Mozelle Bogard
MOZELLE BOGARD

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on the 3 day of December, 2004, by JAMES WILLIAM BOGARD.

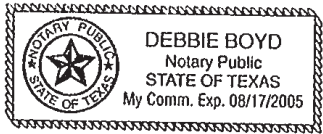
Debbie Boyd
NOTARY PUBLIC STATE OF TEXAS



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STATE OF TEXAS §
§
COUNTY OF COLLIN §

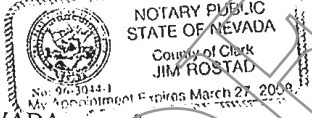
This instrument was acknowledged before me on the 3 day of December, 2004, by
MOZELLE BOGARD.



Debbie Boyd
NOTARY PUBLIC STATE OF TEXAS

STATE OF NEVADA §
§
COUNTY OF §

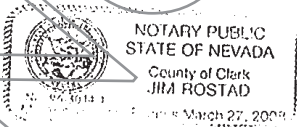
This instrument was acknowledged before me on the 4th day of December, 2004, by
BEVERLY HANEY CRECELIOUS.



Jim Rostad
NOTARY PUBLIC STATE OF NEVADA

STATE OF NEVADA §
§
COUNTY OF §

This instrument was acknowledged before me on the 4th day of December, 2004, by
DEBBIE HANEY.



Jim Rostad
NOTARY PUBLIC STATE OF NEVADA

AFTER RECORDING, RETURN TO:
ELDORADO - COLLIN, L.P.
802 E. 15th Street
Plano, Texas 75074

1412000810.db

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Exhibit A

Tract 1:

BEING a 18.000 acre tract of land situated in the Samuel McFarland Survey, Abstract Number 558 in the City of McKinney, Collin County, Texas and being a portion of a 29.27 acre tract of land described by deed to W.R. Bogard as recorded in Volume 318, Page 248 of the Deed Records of Collin County Texas (DRCCT) and also being a portion of a 8.91 acre tract of land described by deed to W.R. Bogard as recorded in Volume 323, Page 101 (DRCCT) and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod set in the west line of said 29.27 acre tract of land and being located in the north right-of-way line of Eldorado Parkway (120' wide) as described in Volume 2896, Page 555 (DRCCT);

THENCE along the west line of said 29.27 acre tract of land, NORTH 01°08'13" EAST a distance of 590.72 feet to a 5/8 inch iron rod set for the northwest corner of said 29.27 acre tract of land and being located in the south line of Park Place an addition to the City of McKinney according to the plat recorded in Cabinet F, Page 366 of the Plat Records of Collin County Texas (PRCCT);

THENCE along the north line of said 29.27 acre tract of land and the north line of said 8.91 acre tract of land, NORTH 90°00'00" EAST a distance of 1,445.66 feet to a 5/8 inch iron set for corner;

THENCE departing the northerly line of said 29.27 acre tract of land SOUTH 15°45'15" WEST a distance of 230.81 feet to a 5/8 inch iron rod set for corner;

THENCE SOUTH 15°12'37" WEST a distance of 115.33 feet to a 5/8 inch iron rod set for corner;

THENCE SOUTH 89°59'19" EAST a distance of 100.00 feet to a point for corner located on the west edge of a storm sewer manhole for the southeast corner of said 8.91 acre tract of land and being located in the east line of said 29.27 acre tract of land;

THENCE along the east line of said 29.27 acre tract of land, SOUTH 15°33'00" WEST a distance of 160.69 feet to a 5/8 inch iron rod set in the north right-of-way line of said Eldorado Parkway and being in a curve to the right having a radius of 990.00 feet and a chord bearing of South 79°37'02" West;

THENCE along the north right-of-way line of said Eldorado Parkway as follows:

Continuing along said curve to the right through a central angle of 15°45'51" for an arc length of 272.39 feet to a 5/8 inch iron rod set for corner;

SOUTH 87°29'58" WEST a distance of 1,155.34 feet to the POINT OF BEGINNING;
CONTAINING within these metes and bounds 18.000 acres or 784,067 square feet of land more or less

Tract 2:

BEING a 16.938 acre tract of land situated in the Samuel McFarland Survey, Abstract Number 558 in the City of McKinney, Collin County, Texas and being a portion of a 29.27 acre tract of land described by deed to W.R. Bogard as recorded in Volume 318, Page 248 of the Deed Records of Collin County Texas (DRCCT) and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod set in the west line of said 29.27 acre tract of land and being

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located in the south right-of-way line of Eldorado Parkway (120' wide) as described in Volume 2896, Page 555 (DRCCT);

THENCE along the south right-of-way line of said Eldorado Parkway as follows:

NORTH 87°29'58" EAST a distance of 1,162.97 feet to a 5/8 inch iron rod set for the beginning of a curve to the left having a radius of 1,110.00 feet and a chord bearing of North 81°36'03" East;

Continuing along said curve to the left through a central angle of 11°47'51" for an arc length of 228.55 feet to a 5/8 inch iron rod set in the east line of said 29.27 acre tract of land and being the west line of the old abandoned Texas Electric Railway;

THENCE departing the south line of said Eldorado Parkway and following the east line of said 29.27 acre tract of land as follows:

SOUTH 14°30'18" WEST a distance of 6.83 feet to a 5/8 inch iron rod set for corner;

SOUTH 18°00'17" WEST a distance of 239.81 feet to a 5/8 inch iron rod set for corner;

SOUTH 29°16'14" WEST a distance of 223.98 feet to a 5/8 inch iron rod set for corner;

SOUTH 36°28'55" WEST a distance of 185.24 feet to a 5/8 inch iron rod set for corner;

SOUTH 34°13'31" WEST a distance of 167.65 feet to a 5/8 inch iron rod set for corner;

SOUTH 34°21'43" WEST a distance of 21.48 feet to a 5/8 inch iron rod set in the north line of Lot 1, Block A of Allen's Wholesale Meats Addition an addition to the City of McKinney according to the plat recorded in Cabinet P, Page 255 of the Plat Records of Collin County Texas (PRCCT);

SOUTH 89°14'40" WEST a distance of 52.27 feet to a 5/8 inch iron rod set for the northwest corner of said Lot 1;

SOUTH 00°36'58" EAST with the west line of said Lot 1 a distance of 74.58 feet to a 5/8 inch iron rod set for corner;

Departing the west line of said Lot 1, SOUTH 34°21'43" WEST a distance of 375.57 feet to a point for corner located in the north bank of Wilson Creek;

THENCE along the meanderings of the north bank of said Wilson Creek as follows:

NORTH 09°12'42" EAST a distance of 39.62 feet to a point for corner;
NORTH 26°12'16" WEST a distance of 18.88 feet to a point for corner;
NORTH 67°32'50" WEST a distance of 30.11 feet to a point for corner;
NORTH 81°03'10" WEST a distance of 54.66 feet to a point for corner;
NORTH 61°14'18" WEST a distance of 26.23 feet to a point for corner;
NORTH 32°53'12" WEST a distance of 20.09 feet to a point for corner;
NORTH 08°09'44" WEST a distance of 190.81 feet to a point for corner;
NORTH 36°07'11" EAST a distance of 106.43 feet to a point for corner;
NORTH 06°50'07" EAST a distance of 46.15 feet to a point for corner;
NORTH 29°53'41" WEST a distance of 70.54 feet to a point for corner;

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NORTH 54°25'57" WEST a distance of 52.29 feet to a point for corner;
NORTH 82°48'57" WEST a distance of 29.90 feet to a point for corner;
SOUTH 56°44'31" WEST a distance of 74.07 feet to a point for corner;
SOUTH 65°23'51" WEST a distance of 24.42 feet to a point for corner;
NORTH 71°12'20" WEST a distance of 64.57 feet to a point for corner;
NORTH 53°52'12" WEST a distance of 139.13 feet to a point for corner;
NORTH 19°31'08" WEST a distance of 27.43 feet to a point for corner;
NORTH 30°59'06" EAST a distance of 151.38 feet to a point for corner;
NORTH 20°55'39" EAST a distance of 78.97 feet to a point for corner;
NORTH 33°50'55" WEST a distance of 44.92 feet to a point for corner;
NORTH 69°29'32" WEST a distance of 39.40 feet to a point for corner;
SOUTH 88°03'14" WEST a distance of 31.17 feet to a point for corner;
SOUTH 48°43'47" WEST a distance of 111.07 feet to a point for corner;
SOUTH 68°42'20" WEST a distance of 37.14 feet to a point for corner;
SOUTH 86°35'36" WEST a distance of 46.84 feet to a point for corner;
NORTH 73°50'30" WEST a distance of 28.57 feet to a point for corner;
NORTH 52°46'51" WEST a distance of 52.83 feet to a point for corner;
NORTH 38°41'40" WEST a distance of 24.94 feet to a point for corner;
NORTH 10°09'57" WEST a distance of 45.96 feet to a point for corner;
NORTH 90°00'00" WEST a distance of 29.83 feet to a point for corner located in the
west line of said 29.27 acre tract of land,

THENCE along the west line of said 29.27 acre tract of land, NORTH 01°08'13" EAST a distance of
168.53 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds 16.938
acres or 737,813 square feet of land more or less.

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EXHIBIT "B"

- a. Easement executed by W. R. Bogard and Sallie B. Bogard, to City of McKinney, dated October 7, 1964, filed October 7, 1964, recorded in/under Volume 641, Page 555 of the Real Property Records of COLLIN County, Texas, as noted on survey by Austin J. Bedford R.P.L.S. No. 4132, dated October 25, 2004, revised November 1, 2004, and further revised November 4, 2004.
- b. Easement executed by W.R.Bogard to City of McKinney, dated December 31, 1953, recorded in/under Volume 479, Page 308 of the Real Property Records of COLLIN County, Texas, as noted on survey by Austin J. Bedford R.P.L.S. No. 4132, dated October 25, 2004, revised November 1, 2004, and further revised November 4, 2004.
- c. Easement executed by W.R. Bogard and Mrs.W.R. Bogard, to City of McKinney, dated March 24, 1950, recorded in/under Volume 412, Page 170 of the Real Property Records of COLLIN County, Texas, as noted on survey by Austin J. Bedford R.P.L.S. No. 4132, dated October 25, 2004, revised November 1, 2004, and further revised November 4, 2004.
- d. Easement executed by W.R.Bogard and Mrs.W.R.Bogard, to City of McKinney, dated March 24, 1950, recorded in/under Volume 412, Page 169 of the Real Property Records of COLLIN County, Texas, as noted on survey by Austin J. Bedford R.P.L.S. No. 4132, dated October 25, 2004, revised November 1, 2004, and further revised November 4, 2004.
- e. Easement executed by Earl Milstead and wife, Lanie Milstead, to Texas Power and Light Company, dated November 10, 1938, filed January 18, 1939, recorded in/under Volume 313, Page 379 of the Real Property Records of COLLIN County, Texas, as noted on survey by Austin J. Bedford R.P.L.S. No. 4132, dated October 25, 2004, revised November 1, 2004, and further revised November 4, 2004.
- f. Easement executed by W.R.Bogard et ux Sara Bogard, to Texas Power and Light Company, dated November 10, 1938, recorded in/under Volume 313, Page 376 of the Real Property Records of COLLIN County, Texas, as noted on survey by Austin J. Bedford R.P.L.S. No. 4132, dated October 25, 2004, revised November 1, 2004, and further revised November 4, 2004.
- g. Easement executed by W.R. Bogard to City of McKinney, dated April 17, 1985, filed April 18, 1985, recorded in/under Volume 2112, Page 236 of the Real Property Records of COLLIN County, Texas, as shown on survey by Austin J. Bedford R.P.L.S. No. 4132, dated October 25, 2004, revised November 1, 2004, and further revised November 4, 2004. (Tract 2)
- h. Easement executed by Erwin Ray Bogard, James William Bogard, Debbie Haney and Beverly Haney Crecelius, to City of McKinney, dated June 1, 2001, filed July 13, 2001, recorded in/under CC# 01-85252 of the Real Property Records of COLLIN County, Texas, as shown on survey by Austin J. Bedford R.P.L.S. No. 4132, dated October 25, 2004, revised November 1, 2004, and further revised November 4, 2004. (Tracts 1 and 2)

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UNOFFICIAL

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS HEREBY DECLARED UNENFORCEABLE UNDER FEDERAL LAW. (COUNTY OF COLLIN) (THE STATE OF TEXAS)
I hereby certify that this instrument was filed in the File Number Sequence on the date and the time stamped hereon by me, and was duly RECORDED in the Official Public Records of Real Property of Collin County, Texas.

DEC 07 2004

Brenda Taylor



Filed for Record in:
Collin County, McKinney TX
Honorable Brenda Taylor
Collin County Clerk

On Dec 07 2004
At 10:47am

Doc/Num : 2004- 0175053

Recording/Type:D1 30.00
Receipt #: 47953