



Control Number: 42899



Item Number: 46

Addendum StartPage: 0

PUC DOCKET NO. 42899

1. Documentation as evidence that all assets have been transferred to the acquiring entity.
2. Concerning Deposits, there were no deposits held.

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PUBLIC UTILITY COMMISSION
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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.

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

STATE OF TEXAS)
) **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF EL PASO)

That **TERRY A. BOURBON A/K/A TERRY ALLEN BOURBON and TERREL BOURBON A/K/A TERREL LEE BOURBON** ("Grantor"), in consideration of the following sums paid and secured to be paid by **BRENDA LOPEZ**, a married woman, whose address is 4869 Titanic, El Paso, Texas 79904 ("Grantee"):

- (a) The sum of \$10.00 cash and other valuable consideration to Grantor in hand paid, the receipt of which is hereby acknowledged; and
- (b) The further sum of \$150,000.00 evidenced by one Note in that amount of even date herewith, signed by Grantee and payable to the order of GRANTOR said Note bearing interest and being payable as set forth therein and containing the usual acceleration of maturity and attorney's fee clauses secured by a Deed of Trust to Taffy Bagley, as Trustee;

have **GRANTED, SOLD and CONVEYED**, and by these presents do **GRANT, SELL and CONVEY**, unto the said Grantee the following described property situated in El Paso County, Texas:

PARCEL 1: Tract 9M49, Block 18, UPPER VALLEY SURVEYS, in El Paso County, Texas, according to a resurvey made for tax purposes and being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all purposes intended.

PARCEL 2: Tracts 10B2G, and 10C8 and 10C8A, Block 20, UPPER VALLEY SURVEYS, in El Paso County, Texas, according to a resurvey made for tax purposes.

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SUBJECT, HOWEVER, to:

- (i) Standby fees, taxes and assessments by any taxing authority for the year 2015 and thereafter, together with subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership;
- (ii) Easements, restrictions, reservations, covenants, and rights-of-way of record and/or apparent on the property;
- (iii) Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments, protrusions or any overlapping of improvements;
- (iv) Liens securing the Note described above;
- (v) Any and all claims of right, title and interest to the land, including but not limited to any right of possession or claim for damages relating to the land which has been asserted or may be asserted, of record or not, by or on behalf of any Indian or Indian Tribe, including but not limited to the Tigua Indian Tribe of El Paso, Texas, also known as Pueblo De La Ysleta del Sur, also known as the Ysleta del Sur Pueblo Indian Tribe, also known as the Tigua Indian Community, including but not limited to claims appearing in Affidavit of Julian Granillo, filed for record April 16, 1993, recorded in Volume 2553, Page 1958, Real Property Records of El Paso County, Texas;
- (vi) All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records.

PARCEL 1:

- (vii) Utility easements and prescriptive rights visible and apparent on the ground, including easements, or claims of easements, which are not recorded in the public records.
- (viii) Transfer of water rights to City of El Paso, dated July 13, 1996, for a term specified therein, of record in Volume 3093, Page 443, Real Property Records, El Paso County, Texas.
- (ix) Terms, conditions and stipulations of Sanitary Control Easement between Terry Bourbon and Larry Breese and Terri Breese, dated January 4, 2000, recorded in Volume 3718, Page 575, Real Property Records of El Paso County, Texas.
- (x) Burdens and benefits of all easements and rights-of-way granted and

reserved by Terry A. Bourbon and Terrel Bourbon, of record in Volume 2130, Page 393, Real Property Records of El Paso County, Texas.

- (xi) All easements, contracts, levees, laterals, roads, ditches, drains, and other claims or interest resulting directly or indirectly from the inclusion of the subject property or a part thereof in an irrigation, reclamation or water improvement district or project.
- (xii) Subject to all matters, contracts, taxes, construction charges, and rights-of-way for irrigation and drainage ditches applicable to property in the El Paso County Water Improvement District No. 1.
- (xiii) Easement and right-of-way granted to COUNTY OF EL PASO, recorded in Volume 1158, Page 748, Real Property Records, El Paso County, Texas, for the operation of a public road over a portion of subject property.
- (xiv) Easement to El Paso Electric Company and Mountain State Telephone and Telegraph Company recorded in Volume 540, Page 717, Real Property Records, El Paso County, Texas, with Mountain States Telephone and Telegraph Company's interest therein granted, sold and quit claimed to Southwestern Bell Telephone Company recorded in Volume 1231, Page 646, Real Property Records, El Paso County, Texas.

PARCEL 2:

- (xv) Utility easements and prescriptive rights visible and apparent on the ground.
- (xvi) Easement to El Paso Electric Company and Mountain States Telephone and Telegraph Company recorded in Volume 605, Page 1287, Real Property Records, El Paso County, Texas, with Mountain States Telephone and Telegraph Company's interest therein granted, sold and quit claimed to Southwestern Bell Telephone Company recorded in Volume 1231, Page 646, Real Property Records, El Paso County, Texas.
- (xvii) Subject to all matters, contracts, taxes, construction charges, and rights-of-way for irrigation and drainage ditches applicable to property in the El Paso County Water Improvement District No. 1.
- (xviii) Terms, conditions and stipulations of Sanitary Control Easement between Richard Craig Crowther and Maev Ellen Crowther and John H. Livingston d/b/a Livingston and Associates, Inc., dated May 9,

1975, recorded in Volume 629, Page 1281, Real Property Records of El Paso County, Texas.

- (xix) Transfer of Water Rights to City of El Paso (Public Service Board), dated July 13, 1996, for a term specified therein, of record in Volume 3093, Page 446, (Tract 10B2G), Volume 3093, Page 449 (Tract 10C8), and in Volume 3093, Page 452, (Tract 10C8A), Real Property Records of El Paso 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 the said Grantee, her heirs and assigns forever; and the said Grantors do hereby bind themselves, their heirs, successors and assigns, to warrant and forever defend, all and singular, the said premises unto the said Grantee, her heirs and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, except as to those items to which this Deed is above made subject, by, through and under Grantors but not otherwise.

IT IS EXPRESSLY AGREED AND STIPULATED that the Vendor's Lien is hereby retained in favor of Lender against the above described property, premises and improvements until the above described Note and all interest thereon be fully paid according to its face and tenor, reading and effect, when this Deed shall become absolute, and Grantor does hereby transfer Superior Title to Lender.

IT IS EXPRESSLY AGREED that the Grantors make no warranty, either express or implied, as to the physical condition of the Property herein conveyed. Property is conveyed in "AS IS CONDITION," after inspection of the Property by Grantees. This provision is part of the consideration for the execution of this Special Warranty Deed by the Grantors herein and such Special Warranty Deed would not be executed but for this provision. The recordation of this instrument by the Grantee, or anyone acting in her behalf, conclusively evidences the acceptance of this conveyance subject to the provisions of this paragraph.

EXECUTED this 31st day of December, 2014.

Terry A. Bourbon

TERRY A. BOURBON A/K/A
TERRY ALLEN BOURBON

Terrel Bourbon

TERREL BOURBON A/K/A
TERREL LEE BOURBON

ACCEPTED:

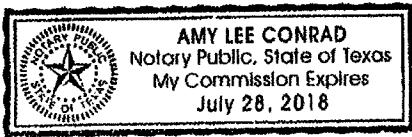
Brenda Lopez
BRENDA LOPEZ

STATE OF TEXAS

COUNTY OF EL PASO

This instrument was acknowledged before me on this 31st day of December 2014 by TERRY A. BOURBON A/K/A TERRY ALLEN BOURBON.

Notary's Official Seal:



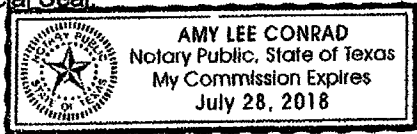
Amy Lee Conrad
Notary Public in and for the State
of Texas

STATE OF TEXAS

COUNTY OF EL PASO

This instrument was acknowledged before me on this 31st day of December, 2014 by TERREL BOURBON A/K/A TERREL LEE BOURBON.

Notary's Official Seal:



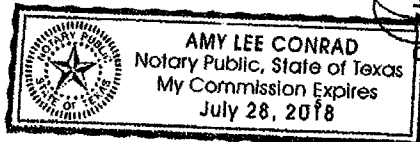
Amy Lee Conrad
Notary Public in and for the State
of Texas

STATE OF TEXAS

COUNTY OF EL PASO

This instrument was acknowledged before me on this 31st day of December, 2014 by BRENDA LOPEZ.

Notary's Official Seal:



Amy Lee Conrad
Notary Public in and for the State
of Texas