



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR PLANNING AND ZONING COMMISSION MEETING

WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676

THURSDAY, JULY 11, 2024 - 6:00 PM

AGENDA

1. **CALL TO ORDER** July 11, 2024, at 6:00 PM
2. **CALL OF ROLL**
3. **CITIZENS COMMUNICATIONS**
This provides an opportunity for the citizens to comment on agenda and non-agenda items in advance of the regular business of the Planning and Zoning Commission. Those wishing to speak must sign-in before the meeting begins and observe a three-minute time limit when addressing the Board. Speakers will have one opportunity to speak during the time period. Comments from speakers should not be directed towards any specific member of the Board or City staff. Comments should not be accusatory, derogatory or threatening in nature.
4. **ELECTION OF OFFICERS**
 - 4.1. Consider the appointment of a Chairperson to the Planning and Zoning Commission with a term ending June 30, 2025.
 - 4.2. Consider the appointment of a Vice-Chairperson to the Planning and Zoning Commission with a term ending June 30, 2025.
5. **MINUTES**
 - 5.1. Consider approval of the June 13, 2024 Regular Planning & Zoning Commission meeting minutes.
6. **PUBLIC HEARING AND POSSIBLE ACTION**
 - 6.1. Hold a public hearing and consider making a recommendation to City Council regarding case ZA-24-002, an application for a Zoning Amendment to change the zoning from Residential Acreage (RA) to Single-Family Residential (R2) for a property located at 300 Sunrise Dr, Wimberley, TX.
7. **BOARD MEMBER REPORTS**
 - 7.1. Announcements
 - 7.2. Future Agenda Items

8. ADJOURNMENT

EXECUTIVE SESSION NOTE: The Planning and Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The City Council may also publicly discuss any item listed on the agenda for Executive Session

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum. The members of the boards, commissions and/or committees may be permitted to participate in discussion on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless item and action is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at Wimberley City Hall, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofwimberley.com, in compliance with Chapter 551, Texas Government Code, on July 5, 2024, by 12:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Nathan Glaiser
Director of Planning & Public Works

The City of Wimberley is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact City Secretary Tammy Heller at (512) 648-2403 two business days in advance of the meeting for appropriate arrangements.





AGENDA ITEM:	1. Consider the appointment of a Chairperson to the Planning and Zoning Commission with a term ending June 30, 2025.
SUBMITTED BY:	Nathan Glaiser
DATE SUBMITTED:	06/26/2024
MEETING DATE:	July 11, 2024

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The Planning and Zoning Commission Code of Ordinance outlines the purpose, duties, composition and officers of the board. The staff is seeking appointment of the Chair.

REQUESTED ACTION

Motion

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None



AGENDA ITEM:	2. Consider the appointment of a Vice-Chairperson to the Planning and Zoning Commission with a term ending June 30, 2025.
SUBMITTED BY:	Nathan Glaiser
DATE SUBMITTED:	06/26/2024
MEETING DATE:	July 11, 2024

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The Planning and Zoning Commission Code of Ordinance outlines the purpose, duties, composition and officers of the board. The staff is seeking the appointment of a vice-chair.

REQUESTED ACTION

Motion

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

None



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR PLANNING AND ZONING COMMISSION MEETING

WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676

THURSDAY, JUNE 13, 2024 - 6:00 PM

MINUTES

1. **CALL TO ORDER** June 13, 2024, at 6:00 PM

Chair Austin Weeks called the meeting to order at 6:01 pm

2. **CALL OF ROLL**

Commissioners Present:

Austin Weeks, Chair

Matt Joyce

Vance McCracken

Jerry Lunow

Michael Rambo

Commissioners Absent:

Anne Ulfelder, Vice Chair

David Hester

Staff Present:

Nathan Glaiser, Planning and Public Works Director

Alexis Evans, Permit Coordinator

3. **CITIZENS COMMUNICATIONS**

This provides an opportunity for the citizens to comment on agenda and non-agenda items in advance of the regular business of the Planning and Zoning Commission. Those wishing to speak must sign-in before the meeting begins and observe a three-minute time limit when addressing the Board. Speakers will have one opportunity to speak during the time period. Comments from speakers should not be directed towards any specific member of the Board or City staff. Comments should not be accusatory, derogatory or threatening in nature.

There were no citizen comments this evening.

4. **MINUTES**

4.1. Consider approval of the May 9, 2024 Regular Planning & Zoning Commission meeting minutes.

A motion was made by Commissioner McCracken, seconded by Commissioner Lunow, to approve the May 9, 2024, Regular Planning & Zoning Commission meeting minutes. The motion carried Unanimously (5-0).

5. PUBLIC HEARING AND POSSIBLE ACTION

- 5.1.** Hold a public hearing and consider possible action on a request for a Certificate of Appropriateness for exterior modifications, signage, and new construction at a property located at 13904 Ranch Road 12, Wimberley.

Nathan Glaiser, Planning and Public Works Director, gave a brief presentation regarding the request for a Certificate of Appropriateness for exterior modifications, signage, and new construction at a property located at 13904 Ranch Road 12, Wimberley.

Harlen Scott, spoke in favor of the request and answered any questions presented by the Commissioners.

Chair Weeks opened the public hearing at 6:26 p.m. There being no comments, Chair Weeks closed the public hearing at 6:26 p.m.

Upon completion of discussion, a motion was made by Commissioner Lunow, seconded by Commissioner Joyce, to approve the request for a Certificate of Appropriateness for exterior modifications, signage, and new construction at a property located at 13904 Ranch Road 12, Wimberley, with the condition of maintaining a similar style of the existing building and the cedar siding be horizontal on the new construction. The motion carried unanimously (5-0).

6. BOARD MEMBER REPORTS

- 6.1.** Announcements

Nathan Glaiser, Planning and Public Works Director, gave a few announcements. The announcements are as follows:

This would have been David Hesters' last meeting. He unfortunately could not attend the meeting but sent his highest regards to his fellow P&Z members. It was his honor and pleasure to work with such an impressive group of people over the past 3 years.

Nathan continues to introduce one of the newest members, Matt Joyce, who is taking the place of Bob Clark, now serving on City Council.

This meeting was also Austin Weeks' last meeting. Chair Weeks thanks the board for allowing him to serve as the Chair and wishes the members luck with the future.

The last announcement made was regarding an August Planning and Zoning Commission Training session in Austin hosted by TML.

- 6.2.** Future Agenda Items

There are no future agenda items.

7. ADJOURNMENT

Chair Weeks adjourned the meeting at 6:37 p.m.

RECORDED BY:

Planning & Zoning Commission Staff Liaison



APPROVED BY:

Planning & Zoning Commission Chairperson



AGENDA ITEM:	ZA-24-001 – Zoning Change R1 to R2
SUBMITTED BY:	Nathan Glaiser, Planning and Public Works Director
DATE SUBMITTED:	January 4, 2023
MEETING DATE:	February 8, 2024 (P&Z) / February 15, 2024 (City Council)

REPORT

ITEM

The applicants, Jon Thompson, representing the owners Gaylynn and Murphy Clevenger, have requested a zoning change for approximately 11.5 acres of property located at 300 Sunrise Dr, Wimberley, Texas 78676. The request is to change the zoning from Rural Acreage (RA) to Single-family Residential 2 (R2). The property consists of two unplatted tracts totaling 10.7 acres and Lot 38 of Paradise Hills which is approximately .8 acres. There are two residences currently on the property.

[Residential Acreage](#) is designed to permit the use of land for the propagation and cultivation of crops and similar uses of vacant land. Single-family uses on large lots are also appropriate for this district. Territory that has been newly annexed into the city is given the RA classification until it is assigned another more permanent zoning district.

[Single-Family Residential 2](#) is intended to provide for development of primarily detached, single-family residences on lots of not less than 20,000 square feet.

The major difference between the two zoning districts is the minimum lot size. RA is 5 acres and R2 is 20,000 square feet (.47 acres). Agricultural uses are also permitted in RA and not R2. RA also allows for two single family residences instead of just one in R2. Please see ordinances linked above for specifics.

Attachments: Application

PROPERTY INFORMATION

Property Description

Applicant(s):	Jon Thompson
Property Address:	300 Sunrise Dr
Property Owner:	Gaylynn and Murphy Clevenger
Legal Description:	Paradise Hills Sec 2, Lot 38 & two tracts out of the Thomas Carothers Survey Abstract 106

Property Size: ~11.5 acres
Existing Use of Property: Residential
Existing Zoning: RA
Planning Area: I
Overlay District: None

Utilities

Water: Wimberley Water Supply Corporation
Wastewater: Individual on-site sewage facilities
Electricity: Pedernales Electric Corporation

Surrounding Property:

Frontage: Sunrise Dr

		Current Zoning:	Existing Land Use:
Surrounding Zoning & Land Use	North of Property	R2	Residential
	South of Property	ETJ	Residential
	East of Property	RA	Residential
	West of Property	R2, R3	Residential

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): June 20, 2024
Published Legal Notice (Wimberley View): June 27, 2024

PUBLIC COMMENTS

There is currently no written opposition to this request.

RECOMMENDATION

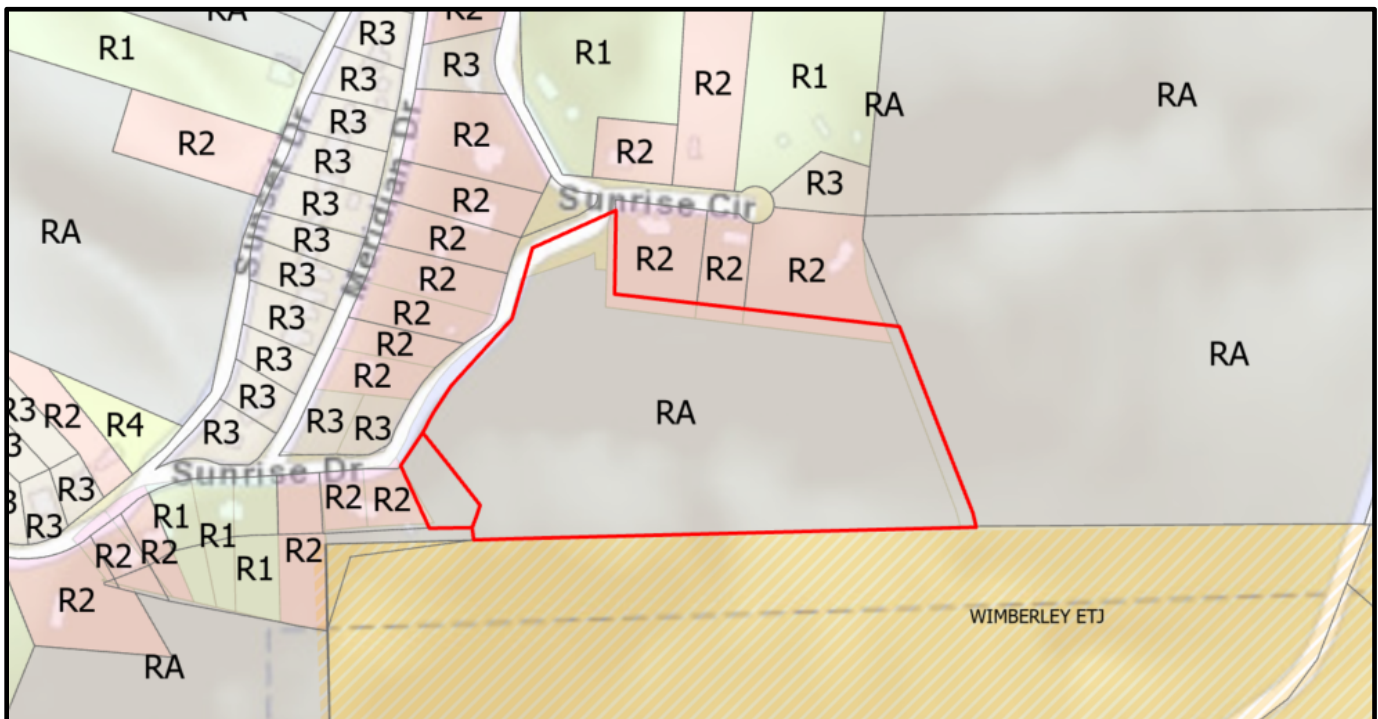
Staff defers to the Planning & Zoning Commission for their recommendation.

Criteria for Consideration

- a. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the city as a whole;
- b. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings;

- c. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances which may make a substantial part of that vacant land unavailable for development;
- d. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;
- e. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved;
- f. Any other factors which will substantially affect the public health, safety, morals, or general welfare; and
- g. Whether granting the request furthers the land use objectives and principles adopted by the city.

ZONING MAP





FOR OFFICE USE ONLY

Application Date: _____ File No.: _____ Fees: \$ _____ Paid: _____
Tentative P&Z Hearing: _____ Tentative City Council Hearing: _____
Planning Area: _____ Zoning Requested: _____ City Initiated: ☐ Yes ☐ No

PROPERTY INFORMATION

STREET ADDRESS OF PROPERTY TO BE ZONED: 300 Sunrise Drive, Wimberley, Texas

*New Street Addresses can be obtained by calling (512) 393-2160 HAYS COUNTY CAD PROPERTY ID #: R 13451

PLEASE PROVIDE DIRECTIONS TO YOUR PROPERTY: Turn off RR12 into Spoke Hollow Drive

turning into Anderson Ridge to E. Spoke Hill to Hilltop to Sunrise Dr.

NOTE: Please clearly mark your property so it is easily identifiable. Turn off RR12 to Valley Dr. Rt. onto Climbing Way, L on Hilltop, Rt. onto Sunrise Dr.

TOTAL AREA TO BE ZONED: ACRES 11.5 Acres (OR) SQ. FT. 10.42 TOTAL NO. of TRACTS: 2 3 lots

PLANNING AREAS: I-1000 REQUESTED ZONING CLASSIFICATION: R2

PROPOSED USE: Residential

EXISTING ZONING CLASSIFICATION(s) AND USES (if applicable): RA / Residential

OWNER'S INFORMATION Clevenger Murphy

Owner's Name: Gay Lynn & Joe Clevenger Phone No.: _____

Mailing Address: 244 300 Sunrise Dr. Wimberley, TX

Email Address: _____

REPRESENTATIVE'S INFORMATION

Representative Name: Jon Thompson, Prof. Consultant Phone No.: (512) 568.2184

Mailing Address: P.O. Box 172, Dripping Springs, Texas 78620

Email Address: jthompsonconsulting@gs@gmail.com

Name of Real Estate Company Involved: N/A

LEGAL DESCRIPTION

Street Address: 300 Sunrise Drive Subdivision: Paradise Hills, Sec 2, Lot 38, AD 106 Thomas Carothers Survey, 10418ec

Block(s) _____ Lot(s) _____ Plat Book: _____ Page Number: _____

DEED RECORDS: (REFERENCE OF DEED CONVEYING PROPERTY TO THE PRESENT OWNER):

VOLUME: 1 PAGE: 45-46 OF COUNTY PLAT RECORDS Inst. # 17008093



OTHER PROVISIONSIs Property in an Overlay District? _____ Yes ✓ No _____ Unknown _____TYPE OF OVERLAY ZONE(S) (if applicable) N/AFLOOD PLAIN (What, if any, flood zone does your property occupy?): N/AELECTRIC UTILITY PROVIDER: PEC

WATER UTILITY PROVIDER: _____

WASTEWATER UTILITY PROVIDER: OSSF

HAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): _____

SITE INSPECTION AUTHORIZATION

Applicant, Owner, or Applicant's authorized agent hereby authorizes the City of Wimberley representatives to visit and inspect the property for which this application is being submitted.

Date: 05/28/24

APPLICANT SIGNATURE

Laylorn Clewiger

WHEN APPLICABLE:

Date: 05/28/24

AGENT SIGNATURE

J. Thompson**ACKNOWLEDGMENT OF EXISTING**

Subdivision Plat Notes, Deed Restrictions Restrictive Covenants and/or
Zoning Conditional Use Permits

I, the Applicant herein, have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits prohibiting certain uses and/or requiring certain development restrictions (for example, height, access, screening) on the property now being zoned on my behalf and located at: 300 Sunrise Drive, and more particularly known as Lot 38, Block _____ of the Paradise Hills, Sec 2 Subdivision. and As per Thomas Carothers Survey, 10.418 ac

If a conflict should result with the request, I am submitting to the City of Wimberley due to subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits.

I understand that if requested, I must provide copies of all subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permit information, which may apply to this property.

Date: 05/28/24

APPLICANT SIGNATURE

Laylorn Clewiger

WHEN APPLICABLE:

Date: 05/28/24

AGENT SIGNATURE

J. Thompson

SUBMITTAL CHECKLIST

TO ENSURE THAT YOU HAVE COMPLIED WITH THE ZONING APPLICATION REQUIREMENTS, REVIEW THE FOLLOWING LIST. FAILURE TO COMPLETE THE NECESSARY STEPS CAN CAUSE A DELAY IN PROCESSING YOUR APPLICATION.

- ☒ Complete "Application for Zoning"
- ☒ Provide plat map of property to be zoned which includes all properties within 200 feet of any portion of Applicant's property; and which clearly indicates streets in surrounding area.
- ☒ Provide plat map of the specific property to be zoned.
- ☒ Provide names and addresses of property owners within 200 feet of any portion of Applicant's property.
- ☒ Provide a legal description of the property to be zoned.
- ☒ Sign/date Submittal Verification form.
- ☒ Sign/date Site Inspection Authorization form.
- ☒ Sign/date Acknowledgement Form.
- ☐ Pay Zoning Fee (this fee is based on the cost of services incurred by the City of Wimberley reviewing, processing, and recording the zoning request).
- ☒ Applicant ^{Agent} agrees to attend a pre-zoning conference prior to acceptance of Application.
- ☒ Applicant ^{Agent} agrees to attend Planning & Zoning Commission hearings scheduled for Applicant's proposed zoning.
- ☒ Applicant ^{Agent} agrees to attend City Council hearing scheduled for Applicant's proposed zoning or waives his/her rights of appearance (see below).

SUBMITTAL VERIFICATION AND/OR WAIVER OF APPEARANCE

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me, my firm, or representative, may delay the review of the Application.

I hereby waive my right to appear before the City of Wimberley City Council at the public hearing to be held concerning the zoning of my above-referenced property. I understand that my failure to appear allows the Council to consider my zoning request; however, if questions are raised that cannot be answered, the matter will be continued.

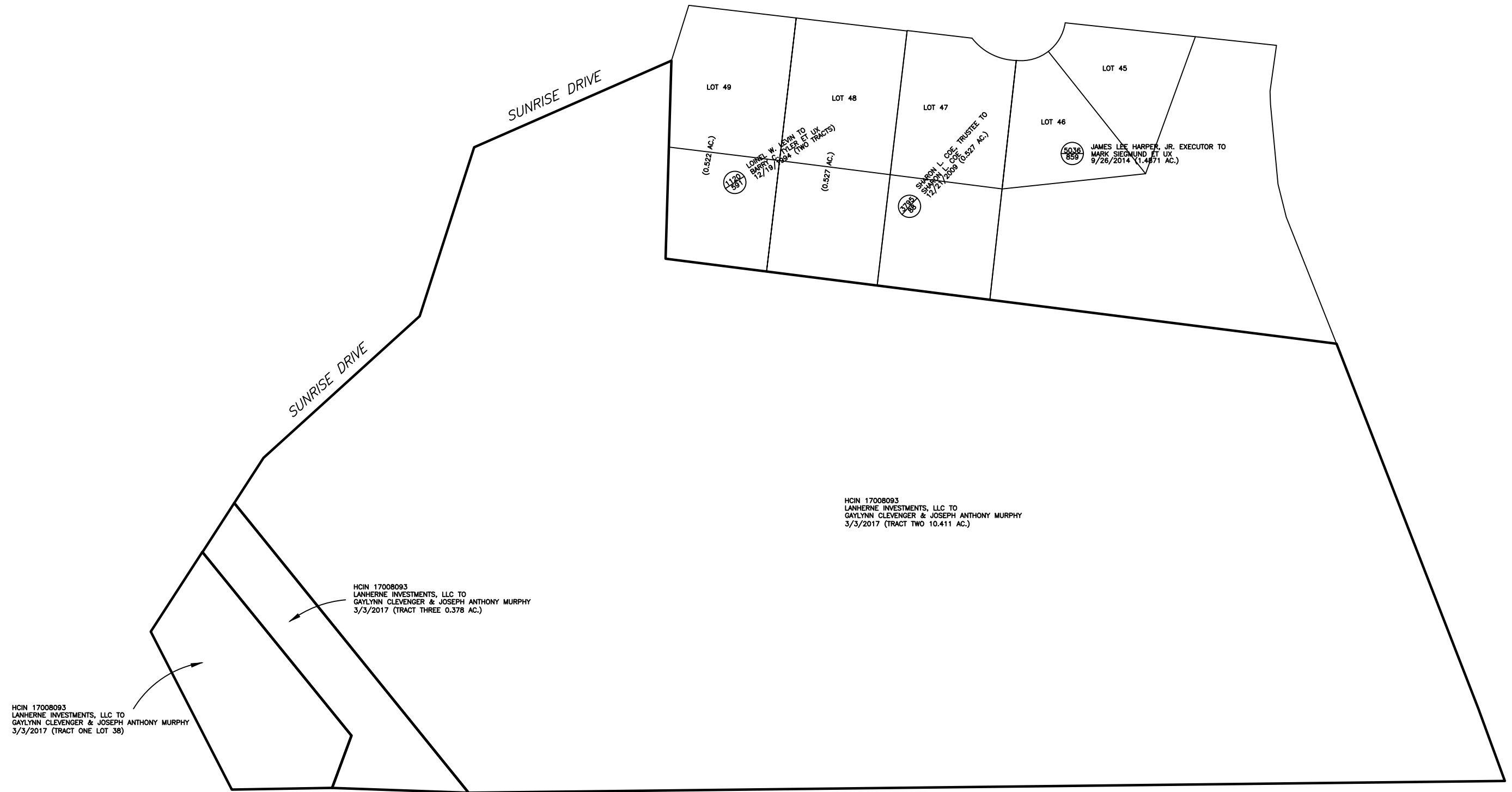
Date: 05/28/24

APPLICANT SIGNATURE Gaylyn Clinger

WHEN APPLICABLE:

Date: 05/28/24

AGENT SIGNATURE J. Thompson



PARADISE HILLS

SECTION #2 REVISED

A SUBDIVISION OF A PORTION
OF THE THOS. CAROTHERS SUR.
HAYS COUNTY
TEXAS

THE STATE OF TEXAS
COUNTY OF HAYS
KNOW ALL MEN BY THESE PRESENTS: That Carl N. Brinkley, Inc., a
Texas Corporation, acting herein by and through Dorothy Jane Brinkley White,
its Vice-President and Dorothy Jane White, Mary Ann Clancy and Julia Elizabeth
Stringfellow, individually and as Independent Co-Executives of the Estate
of Carl N. Brinkley, Deceased, owners of that tract of 303.88 acres of land
out of the Thomas Carothers Survey, Hays County, Texas, as conveyed to
Carl N. Brinkley, Inc., by Carl N. Brinkley, et al., by deed dated February 3,
1969 and recorded in Vol. 233, Pages 421-23, Hays County Deed Records, DO
HEREBY adopt this map as our revised subdivision of that portion
of said 303.88-acre tract designed by said map or plat said revised subdivi-
sion to be known as PARADISE HILLS SECTION #2 REVISED, and we
DO HEREBY dedicate to the subsequent owners, their heirs and assigns, of
said lots in PARADISE HILLS SECTION #2 REVISED, all streets as shown here-
on as far as our interest may extend.
WITNESS OUR HANDS this 24th day of November, A.D. 1974.

CARL N. BRINKLEY, INC.
By: Dorothy Jane Brinkley White
Dorothy Jane Brinkley White, Vice-President

ATTEST:
W. C. O'Bryan
W. C. O'Bryan, Assistant Secretary

Dorothy Jane White
Dorothy Jane White

Mary Ann Clancy
Mary Ann Clancy

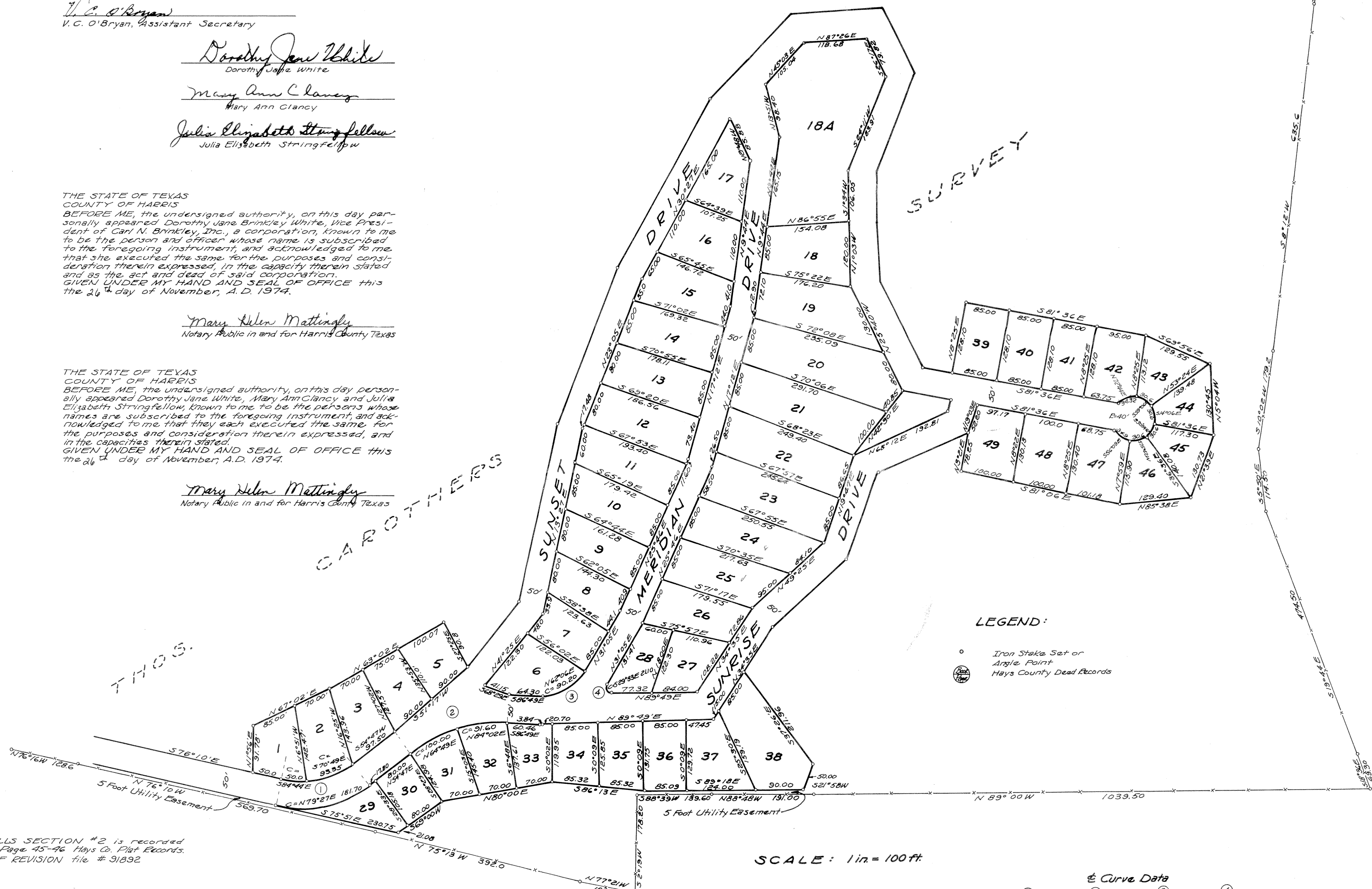
Julia Elizabeth Stringfellow
Julia Elizabeth Stringfellow

THE STATE OF TEXAS
COUNTY OF HARRIS
BEFORE ME, the undersigned authority, on this day personally appeared Dorothy Jane White, Vice Presi-
dent of Carl N. Brinkley, Inc., a corporation, known to me
to be the person and officer whose name is subscribed
to the foregoing instrument, and acknowledged to me
that she executed the same for the purposes and con-
sideration therein expressed, in the capacity therein stated
and as the act and deed of said corporation.
GIVEN UNDER MY HAND AND SEAL OF OFFICE this
the 24th day of November, A.D. 1974.

Mary Helen Mattingly
Notary Public in and for Harris County Texas

THE STATE OF TEXAS
COUNTY OF HARRIS
BEFORE ME, the undersigned authority, on this day personally appeared Dorothy Jane White, Mary Ann Clancy and Julia
Elizabeth Stringfellow known to me to be the persons whose
names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for
the purposes and consideration therein expressed, and
in the capacities therein stated.
GIVEN UNDER MY HAND AND SEAL OF OFFICE this
the 24th day of November, A.D. 1974.

Mary Helen Mattingly
Notary Public in and for Harris County Texas



NOTE:
PARADISE HILLS SECTION #2 is recorded
in Plat Book 1, Page 45-46 Hays Co. Plat Records.
AFFIDAVIT OF REVISION file # 31032

THE STATE OF TEXAS
COUNTY OF HAYS
I, Lydell B. Clayton, County Clerk of Hays County, Texas, do hereby
certify that on the 24th day of February, A.D. 1975, the Commi-
sioners Court of Hays County, Texas, passed an order authorizing
the filing for record of this plat and that said order has been
duly entered in the minutes of said Court in Book 2, Page 398
WITNESS MY HAND AND SEAL OF OFFICE, this the 24th day
of February, A.D. 1975.
Lydell B. Clayton, County Clerk, Hays County, Texas

Lydell B. Clayton
County Clerk

THE STATE OF TEXAS
COUNTY OF HAYS
I, Lydell B. Clayton, County Clerk of Hays County, Texas, do hereby
certify that the foregoing instrument of writing with its certificate
of authentication was filed for record in my office on the 14th day
of March, A.D. 1975 at 4:45 o'clock P.M. and duly
recorded on the 14th day of March, A.D. 1975 at 5:16 o'clock
P.M. in the Plat Records of said County in Book 1, Page 307-308
WITNESS MY HAND AND SEAL OF OFFICE this the 14th day of March,
A.D. 1975.
Lydell B. Clayton, County Clerk, Hays County, Texas.

Sharon Beckman
deputy

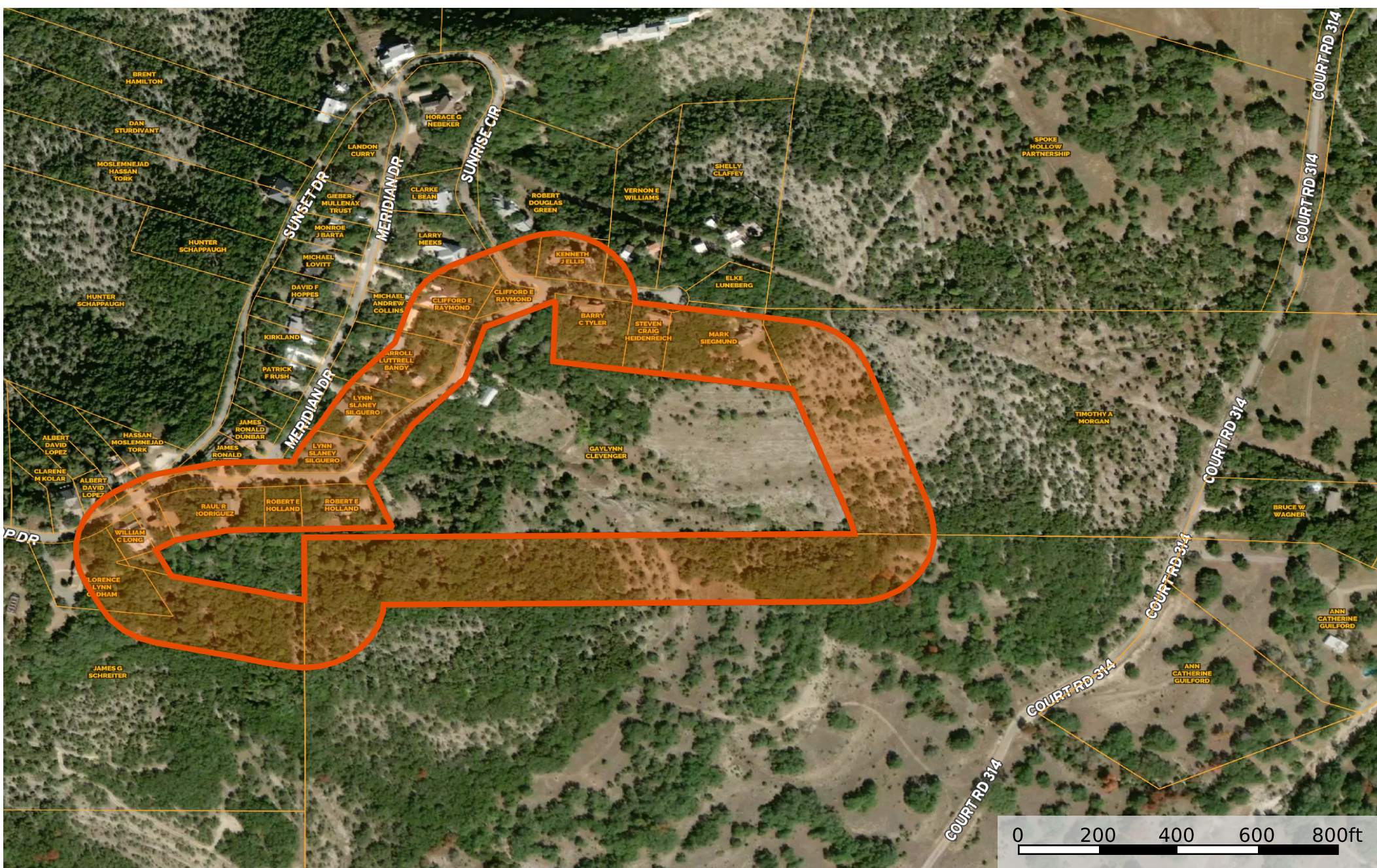
Curve Data			
①	②	③	④
$\Delta = 49^{\circ}24'$	$\Delta = 38^{\circ}27'$	$\Delta = 38^{\circ}46'$	$\Delta = 18^{\circ}12'$
$T = 100.00$	$T = 100.00$	$T = 100.00$	$T = 51.33$
$R = 217.42$	$R = 286.87$	$R = 142.07$	$R = 37.11$

SURVEYED MAY 1967 & SEPT. 1971
PLAT REVISED NOVEMBER 1974

By: James R. Hall
James R. Hall
Reg. Public Surveyor #608
Hays County Surveyor
San Marcos, Texas

PLAN # 3081-A

Scale: 1" = 100'



 200 Foot Buffer  Clevenger Zoning

15/ITC/JIM/1647711 -WIM

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

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HAYS

That Lanherne Investments, LLC, a Texas limited liability company, James Lee Harper, Jr., Paul David Harper and Heather Harper Faircloth ("Grantor," whether one or more), each dealing in his or her sole and separate property and estate, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration paid to Grantor by Gaylynn Clevenger and Joseph Anthony Murphy, wife and husband ("Grantee," whether one or more), the receipt of which is hereby acknowledged, and the further consideration of the execution and delivery by Grantee of a promissory note of even date herewith, in the principal sum of \$252,000.00, payable to the order of Incommons Bank, N.A. ("Payee"), and secured by the vendor's lien herein retained and a Deed of Trust of even date herewith to Greg Stubbs, Trustee, for the benefit of Payee, has GRANTED, SOLD, and CONVEYED, and by these presents does GRANT, SELL, and CONVEY, to Grantee, the following described real property in Hays County, Texas, together with any improvements therein, (collectively "Property"), to-wit:

TRACT ONE:

All of Lot Thirty-eight (38), Paradise Hills, Section Two (2), a subdivision in Hays County, Texas, according to the map or plat thereof in Volume 1, Page 45, and amended in Volume 1, Page 307, Plat Records, Hays County, Texas.

TRACT TWO:

Being 10.411 acres, more or less, out of the Thomas Carothers Survey, Hays County, Texas, and being further described in EXHIBIT A attached hereto and made a part hereof.

TRACT THREE:

Being 0.378 of an acre of land, more or less, out of the Thomas Carothers Survey, Hays County, Texas, and being further described in EXHIBIT B attached hereto and made a part hereof.

This conveyance is made and accepted subject to all restrictions, covenants, mineral or royalty conveyances or reservations, and easements, if any, relating to the Property, but only to the extent that they are still in force and effect and are visible, apparent, or shown of record in the hereinabove mentioned County and State, and to all zoning laws, regulations, and ordinances of municipal or other governmental authorities, if any, relating to the Property (the "Permitted Exceptions").

To have and to hold the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, unto Grantee and Grantee's heirs, successors, or assigns forever, subject to the Permitted Exceptions; and Grantor does hereby bind Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the Property, subject to the Permitted Exceptions, unto Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

But it is expressly agreed that the vendor's lien and superior title in and to the Property are retained against the Property until all indebtedness described above is fully paid according to the terms thereof, when this deed shall become absolute.

Payee having advanced and paid in cash to Grantor that portion of the purchase price of the Property evidenced by the note described above, the vendor's lien and superior title are

retained for the benefit of, and the same are hereby transferred and assigned to, Payee.

Grantor represents and warrants that the Property forms no part of any property owned, used, or claimed by Grantor as exempt from forced sale under the laws of the State of Texas, and Grantor renounces all and every claim thereto under any such law or laws.

When the context requires, singular words include the plural.

DATED March 3, 2017.

Lanherne Investments, LLC, a Texas limited liability company.

X By: [Signature]
Printed name: JAMES LEE HARPER, JR.
Title: MANAGER

X [Signature]
James Lee Harper, Jr.

Paul David Harper

Heather Harper Faircloth

MAILING ADDRESS OF EACH GRANTEE:

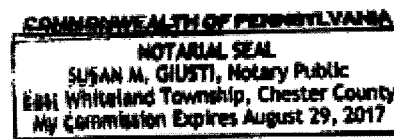
560 Moss Rose Lane
Driftwood, Texas 78619

STATE OF Pennsylvania

* COUNTY OF Chester

This instrument was acknowledged before me on the 2nd day of March, 2017, by James Lee Harper, Manager of Lanherne Investments, LLC, a Texas limited liability company, on behalf of said company.

[Signature]
Notary Public in and for the State of Texas
Printed Name: Susan M. Giusti



retained for the benefit of, and the same are hereby transferred and assigned to, Payee.

Grantor represents and warrants that the Property forms no part of any property owned, used, or claimed by Grantor as exempt from forced sale under the laws of the State of Texas, and Grantor renounces all and every claim thereto under any such law or laws.

When the context requires, singular words include the plural.

DATED March 3, 2017.

Lanherne Investments, LLC, a Texas limited liability company

By: _____
Printed name: _____
Title: _____

James Lee Harper, Jr.

Paul David Harper

Heather Harper Faircloth

MAILING ADDRESS OF EACH GRANTEE:

500 Moss Rose Lane
Driftwood, Texas 78619

STATE OF _____

COUNTY OF _____

This instrument was acknowledged before me on the _____ day of March, 2017, by _____ of Lanherne Investments, LLC, a Texas limited liability company, on behalf of said company.

Notary Public in and for the State of Texas
Printed Name: _____

retained for the benefit of, and the same are hereby transferred and assigned to, Payee.

Grantor represents and warrants that the Property forms no part of any property owned, used, or claimed by Grantor as exempt from forced sale under the laws of the State of Texas, and Grantor renounces all and every claim thereto under any such law or laws.

When the context requires, singular words include the plural.

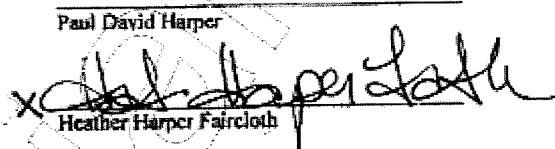
DATED: March 3, 2017.

Lanherne Investments, LLC, a Texas limited liability company

By: _____
Printed name: _____
Title: _____

James Lee Harper, Jr.

Paul David Harper


Heather Harper Faircloth

MAILING ADDRESS OF EACH GRANTEE:

500 Moss Rose Lane
Driftwood, Texas 78619

STATE OF _____

COUNTY OF _____

This instrument was acknowledged before me on the _____ day of March, 2017, by _____ of Lanherne Investments, LLC, a Texas limited liability company, on behalf of said company.

Notary Public in and for the State of Texas
Printed Name: _____

* STATE OF Pennsylvania
COUNTY OF Chester

This instrument was acknowledged before me on the 2nd day of March, 2017, by
James Lee Harper, Jr.

Susan M. Giusti
Notary Public in and for the State of Texas
Printed Name: Susan M. Giusti
COMMONWEALTH OF PENNSYLVANIA

STATE OF _____
COUNTY OF _____

NOTARIAL SEAL
SUSAN M. GIUSTI, Notary Public
East Whiteland Township, Chester County
My Commission Expires August 29, 2017

This instrument was acknowledged before me on the _____ day of March, 2017, by
Paul David Harper.

Notary Public in and for the State of Texas
Printed Name: _____

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me on the _____ day of March, 2017, by
Heather Harper Faircloth.

Notary Public in and for the State of Texas
Printed Name: _____

AFTER RECORDING RETURN TO:
Regina Martinez, Vice President
Incommon Bank, N.A.
P.O. Box 510
Mexico, Texas 76667

California All-Purpose Acknowledgement

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Humboldt

On 2 March 2017 before me, Easton Connell, Notary Public,

personally appeared Paul David Harper

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Easton Connell

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Warranty Deed with Vendor's Lien

Document Date: 2 March 2017 Number of Pages: 5

Signer(s) Other Than Named Above: Heather Haper Faircloth, James Lee Harper Jr

ORIGINAL En

EXHIBIT A

METES AND BOUNDS DESCRIPTION OF 10.411 ACRES OF LAND, LOCATED IN THE THOMAS CARRUTHERS SURVEY NO. 69, A-106, HAYS COUNTY, TEXAS.

Being 10.411 acres of land, located in the Thomas Carruthers Survey No. 69, A-106, Hays County, Texas. Said tract being that same land conveyed as 10.43 acres "Tract Two" in a distribution deed from the Estate of James L. Harper to James Lee Harper, Jr. et al, dated Sept. 28, 2006, recorded in Volume 3027, Page 516 of the Hays County Deed Records. Said 10.411 acres being more particularly described as follows:

Beginning at a 1/2" iron rod found in the South right of way of Sunrise Drive, for a Northwest corner of said 10.43 acre tract and the Northeast corner of a called 0.37 acre tract conveyed as "Tract Three" of said distribution deed recorded in Volume 3027, Pg. 516 of the Hays County Deed Records;

Thence with the East right of way of Sunrise Drive, 50' offset from the East line of Lot 22-26, Paradise Hills Section 2 Revised, a subdivision recorded in Volume 1, Page 307 of the Hays County Deed Records, and a West line of said 10.43 acre tract, the following four courses:

North 32°56'35" East, a distance of 48.29 feet to a 1/2" iron rod with cap "Tri Tech" set;
North 47°46'38" East, a distance of 189.10 feet to a 1/2" iron rod with cap "Tri Tech" set;
North 17°52'40" East, a distance of 159.08 feet to a 1/2" iron rod with cap "Tri Tech" set;
North 66°17'40" East, a distance of 193.16 feet to a 1/2" iron rod found in the West line of Lot 49, of said Paradise Hills Section 2 Revised, also being in the West line of a called 0.522 acre tract, conveyed in a deed from Lionel W. Levin to Barry C. & Betty K. Tyler, recorded in Volume 1120, Page 591 of the Hays County Deed Records;

Thence with an East line of said 10.43 acre tract, the West line of said Lot 49 and said 0.522 acre tract, South 01°41'13" West, a distance of 177.65 feet to a 1/2" iron rod found for an inner ell corner of said 10.43 acre tract and the Southwest corner of said 0.522 acre tract;

Thence with a North line of said 10.43 acre tract and the South line of the following four tracts, said 0.522 acre tract, a called 0.527 acre tract conveyed in a deed from Lionel W. Levin to Barry C. & Betty K. Tyler, recorded in Volume 1120, Page 591, Hays County Deed Records, a called 0.527 acre tract conveyed in a deed from C.E. & S.L. Coe Living Trust to Sharon L. Coe, recorded in Volume 3795, Page 89, and a called 1.4871 acre tract, conveyed in a deed from the Estate of Annanette Harper to Mark & Karen Sigmund, recorded in Volume 5036, Page 860 of the Hays County Deed Records, South 82°46'50" East, a distance of 606.42 feet to a 1/2" iron rod found for the Southeast corner of said 1.4871 acre tract, the Northeast corner of said 10.43 acre tract, lying in the West line of a called 26.88 acre tract, conveyed as "Exhibit A" in a deed from Clayton Morgan to Spoke Hollow Partnership, recorded in Volume 4431, Page 359 of the Hays County Deed Records;

Thence with the East line of said 10.43 acre tract and the West line of said 26.88 acre tract, the following two courses:

South 21°14'33" East, a distance of 350.93 feet to a 1/2" iron rod with cap "Tri Tech" set;
South 20°06'33" East, a distance of 69.20 feet to a 1/2" iron rod with cap "Byrn" found for the Southeast corner of said 10.43 acre tract and the Southwest corner of said 26.88 acre tract, lying in a North line of a called 986.62 acre tract, conveyed in a deed from Horace B. & Lucy M. Pendleton to H.W. Lennie, recorded in Volume 152, Page 219 of the Hays County Deed Records;

Thence with the South line of said 10.43 acre tract and a North line of said 986.62 acre tract, South 89°20'56" West, a distance of 929.24 feet to a 1/2" iron rod found for the southwest corner of said 10.43 acre tract and the Southeast corner of said 0.37 acre tract;

Thence with the West line of said 10.43 acre tract and the East line of said 0.37 acre tract, North 38°58'14" West, a distance of 334.10 feet to the point of beginning and containing 10.411 acres of land.

EXHIBIT A

1120
591
3795
89
5036
860 ✓

Exhibit "B"

METES AND BOUNDS DESCRIPTION OF 0.378 OF AN ACRE OF LAND, LOCATED IN THE THOMAS CARRUTHERS SURVEY NO. 69, A-106, HAYS COUNTY, TEXAS.

Being 0.378 of an acre of land, located in the Thomas Carruthers Survey No. 69, A-106, Hays County, Texas. Said tract being that same land conveyed as 0.37 of an acre "Tract Three" in a distribution deed from the Estate of James L. Harper to James Lee Harper, Jr., et al, dated Sept. 28, 2006, recorded in Volume 3027, Page 516 of the Hays County Deed Records. Said 0.378 of an acre being more particularly described as follows:

Beginning at a 1/2" iron rod found in the South right of way of Sunrise Drive, for the Northeast corner of said 0.37 of an acre tract, and for a Northwest corner of a called 10.43 acre tract conveyed as "Tract Two" of said distribution deed recorded in Volume 3027, Page 516 of the Hays County Deed Records;

Thence with the East line of said 0.37 of an acre tract and a West line of said 10.43 acre tract, South 38°58'14" East, a distance of 334.10 feet to a 1/2" iron rod found for the Southeast corner of said 0.37 of an acre tract and the Southwest corner of said 10.43 acre tract, lying in the North line of a called 986.62 acre tract, conveyed in a deed from Horace B. & Lucy M. Pendleton to H.W. Lennie, recorded in Volume 152, Page 219 of the Hays County Deed Records, said point also being an Eastern corner of the residue of a called 303.88 acre tract, conveyed in a deed from D.R. & Hallie Lee Price to C.N. & Allie B. Brinkley, recorded in Volume 177, Page 540 of the Hays County Deed Records ;

Thence with South line of said 0.37 of an acre tract, into and across said 303.88 acre tract, North 87°59'15" West, a distance of 122.49 feet to a 1/2" iron rod found for the Southwest corner of said 0.37 of an acre tract and the Southeast corner of Lot 38, of Paradise Hills Section 2 Revised, a subdivision recorded in Volume 1, Page 307 of the Hays County Plat Records, said point also being the Northeast corner of a 5' utility easement of said subdivision;

Thence with the West line of said 0.37 of an acre tract and the East line of said Lot 38, the following two courses:
North 20°19'36" East, a distance of 50.00 feet to a 5/8" iron rod found;
North 39°04'24" West, a distance of 211.96 feet to a 1/2" iron rod with cap "Tri Tech" set in the South right of way of Sunrise Drive, for the Northwest corner of the said 0.37 of an acre tract and the Northeast corner of said Lot 38;

Thence with the South right of way of Sunrise Drive and the North line of said 0.37 of an acre tract, North 32°56'35" East, a distance of 52.44 feet to the point of beginning and containing 0.378 of an acre of land.

EXHIBIT B