

CONSENT TO CONVEYANCE
(Director Lot)

THE STATE OF TEXAS

§

§

KNOW ALL BY THESE PRESENTS:

COUNTY OF COMAL

§

RECITALS:

- (a) Pursuant to that certain Special Warranty Deed dated effective as of February 19, 2024 (the "Toney Deed"), Veramendi PE - Darwin, LLC, a Texas limited liability company ("Veramendi PE - Darwin") conveyed to Darrin Wayne Toney ("Toney") a one-fifth (1/5th) undivided interest in and to that certain lot, tract, or parcel of land located in Comal County, Texas, as more particularly described in **Exhibit A** and shown on **Exhibit B**, both attached hereto and made a part hereof (the "Property"). As consideration for the conveyance of a one-fifth (1/5th) undivided interest in and to the Property to Toney, Toney executed and delivered a promissory note payable to Veramendi PE - Darwin, the payment of which is secured by a vendor's lien retained under the Toney Deed and a Deed of Trust of even date with the Toney Deed, from Toney to Phillip Schmandt, Trustee ("Trustee"), covering said one-fifth (1/5th) undivided interest in and to the Property.
- (b) Pursuant to that certain Special Warranty Deed dated effective as of February 19, 2024 (the "Miller Deed"), Veramendi PE - Darwin conveyed to Douglas Ray Miller II ("Miller") a one-fifth (1/5th) undivided interest in and to the Property. As consideration for the conveyance of a one-fifth (1/5th) undivided interest in and to the Property to Miller, Miller executed and delivered a promissory note payable to Veramendi PE - Darwin, the payment of which is secured by a vendor's lien retained under the Miller Deed and a Deed of Trust of even date with the Miller Deed, from Miller to Trustee, covering said one-fifth (1/5th) undivided interest in and to the Property.
- (c) Pursuant to that certain Special Warranty Deed dated effective as of February 19, 2024 (the "Griffin Deed"), Veramendi PE - Darwin conveyed to Glenn Homer Griffin, Jr. ("Griffin") a one-fifth (1/5th) undivided interest in and to the Property. As consideration for the conveyance of a one-fifth (1/5th) undivided interest in and to the Property to Griffin, Griffin executed and delivered a promissory note payable to Veramendi PE - Darwin, the payment of which is secured by a vendor's lien retained under the Griffin Deed and a Deed of Trust of even date with the Griffin

Deed, from Griffin to Trustee, covering said one-fifth (1/5th) undivided interest in and to the Property.

- (d) Pursuant to that certain Special Warranty Deed dated effective as of February 19, 2024 (the "Etheredge Deed"), Veramendi PE - Darwin conveyed to Jerry Britt Etheredge ("Etheredge") a one-fifth (1/5th) undivided interest in and to the Property. As consideration for the conveyance of a one-fifth (1/5th) undivided interest in and to the Property to Etheredge, Etheredge executed and delivered a promissory note payable to Veramendi PE - Darwin, the payment of which is secured by a vendor's lien retained under the Etheredge Deed and a Deed of Trust of even date with the Etheredge Deed, from Etheredge to Trustee, covering said one-fifth (1/5th) undivided interest in and to the Property.
- (e) Pursuant to that certain Special Warranty Deed dated effective as of February 19, 2024 (the "Jenkins Deed"), Veramendi PE - Darwin conveyed to Jeffrey Michael Jenkins ("Jenkins") a one-fifth (1/5th) undivided interest in and to the Property. As consideration for the conveyance of a one-fifth (1/5th) undivided interest in and to the Property to Jenkins, Jenkins executed and delivered a promissory note payable to Veramendi PE - Darwin, the payment of which is secured by a vendor's lien retained under the Jenkins Deed and a Deed of Trust of even date with the Jenkins Deed, from Jenkins to Trustee, covering said one-fifth (1/5th) undivided interest in and to the Property.
- (f) **NEW BRAUNFELS ECONOMIC DEVELOPMENT CORPORATION**, a Texas nonprofit corporation, f/k/a New Braunfels Industrial Development Corporation ("Lienholder"), is the owner and holder of certain liens or other security interests against the Property.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Lienholder hereby consents to the conveyance by Veramendi PE - Darwin of a one-fifth (1/5th) undivided interest in and to the Property to each of Toney, Miller, Griffin, Etheredge, and Jenkins. This consent shall not constitute a consent to, or be deemed a waiver of, Lienholder's right to consent to any subsequent sale, assignment, mortgage or other transfer or encumbrance of the Property (or any undivided interest therein) by Toney, Miller, Griffin, Etheredge, and Jenkins, or their respective heirs, executors, legal representatives, personal representatives, or assigns.

Notwithstanding anything contained herein to the contrary, Lienholder's consent to the conveyances herein described is not intended to be, nor shall said consent be construed or interpreted as, a release of or partial release of any liens held by Lienholder on the Property or a subordination of any or all liens held by Lienholder on the Property. The liens held by Lienholder on the Property shall in no way be affected by the consent herein granted. Any party taking title to the Property or any portion thereof does so subject to the prior interests and liens of Lienholder.

[Signature page follows this page.]

EXECUTED by Lienholder on the date set forth in the acknowledgment below,
but EFFECTIVE as of the 19th day of February, 2024.

LIENHOLDER:

**NEW BRAUNFELS ECONOMIC
DEVELOPMENT CORPORATION,**
a Texas nonprofit corporation

By: _____
Name: _____
Title: _____

THE STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the ____ day of _____, 2024, by _____, _____ of NEW BRAUNFELS ECONOMIC DEVELOPMENT CORPORATION, a Texas nonprofit corporation, on behalf of said nonprofit corporation.

(NOTARY SEAL)

Notary Public, State of Texas

Attachments:

Exhibit A – Description of the Property

Exhibit B – Sketch of the Property

After recording, please return to:

Allen Boone Humphries Robinson LLP

3200 Southwest Freeway, Suite 2600

Houston, Texas 77027

Attention: Real Estate Department

Exhibit A - Description of the Property



290 S. Castell Avenue, Ste. 100
New Braunfels, TX 78130
(830) 625-8555
TBPE-FIRM F-10961
TBPLS FIRM 10153600

METES AND BOUNDS DESCRIPTION FOR A 0.500 OF AN ACRE TRACT DIRECTORS LOT MASTER DISTRICT

Being a 0.500 of an acre tract located in the Juan Martin De Veramendi Survey, A-3, Comal County, Texas, being a portion of a called 5.000 acre tract, described in Document No. 201906005873, Official Public Records, Comal County, Texas, said 0.500 of an acre tract being more particularly described as follows:

BEGINNING at a 1/2" iron pin (w/ cap "HMT") set in the Southwest line of said 5.000 acre tract, same being an interior line of a called 57.95 acre tract, described in Document No. 201706024109, Official Public Records, Comal County, Texas, for the South corner of the herein described tract, from which a 1/2" iron pin (w/ cap "Pape-Dawson") found for the South corner of said 5.000 acre tract, same being an interior corner of said 57.95 acre tract, bears S 34°57'13" E a distance of 119.10 feet,

THENCE with the common line of said 5.000 acre tract, said 57.95 acre tract and the herein described tract, N 34°57'13" W a distance of 300.00 feet to a 1/2" iron pin (w/ cap "HMT") set for the West corner of the herein described tract, from which a 1/2" iron pin (w/ cap "Pape-Dawson") found for the West corner of said 5.000 acre tract, same being an interior corner of said 57.95 acre tract, bears N 34°57'13" W a distance of 64.83 feet;

THENCE over and across said 5.000 acre tract, the following 3 calls:

1. N 55°02'47" E a distance of 72.60 feet to a 1/2" iron pin (w/ cap "HMT") set for the North corner of the herein described tract;
2. S 34°57'13" E a distance of 300.00 feet to a 1/2" iron pin (w/ cap "HMT") set for the East corner of the herein described tract;
3. S 55°02'47" W a distance of 72.60 feet to the POINT OF BEGINNING and containing a 0.500 of an acre tract in Comal County, Texas.

Bearings shown hereon are based on the Texas Coordinate System, South Central Zone (4204), NAD 83.

Surveyed this the 17th day of February, 2020.

Reference survey of said 0.500 of an acre tract prepared this same date.

A handwritten signature in black ink, appearing to read "Dorothy J. Taylor".

Dorothy J. Taylor

Registered Professional Land Surveyor No. 6295

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2-18-20

Exhibit B - Sketch of the Property

DIRECTORS LOT - MASTER DISTRICT
A 0.500 OF AN ACRE TRACT LOCATED IN THE J.M.
VERAMENDI SURVEY NO. 2, A-3, COMAL
COUNTY, TEXAS, BEING OUT OF A CALLED 5.000
ACRE TRACT, DESCRIBED IN DOCUMENT NO.
201906005873, OFFICIAL PUBLIC RECORDS,
COMAL COUNTY, TEXAS

THIS SURVEY WAS PREPARED WITHOUT
THE BENEFIT OF A TITLE REPORT.

THIS SURVEYOR HAS NOT CONDUCTED A
TITLE SEARCH TO DEPICT OTHER
MATTERS OF RECORD, SUCH AS
EASEMENTS, SETBACKS, RESTRICTIONS
OR OTHER ENCUMBRANCES THAT MAY
AFFECT THIS PROPERTY.

NO ATTEMPT HAS BEEN MADE TO
LOCATE ANY IMPROVEMENTS.
EASEMENTS, OR RIGHTS OF WAY NOT
SHOWN HEREON.

BEARINGS SHOWN HEREON ARE BASED
ON THE TEXAS COORDINATE SYSTEM,
SOUTH CENTRAL ZONE (4204), NAD 83

A METES & BOUNDS DESCRIPTION OF
THIS TRACT WAS CREATED IN
CONJUNCTION WITH THIS SURVEY.



SCALE: 1"=100'

LEGEND:

- = FND 1/2" IRON PIN
W/ CAP "PAPE-DAWSON"
- = SET 1/2" IRON PIN W/
PLASTIC CAP STAMPED "HMT"
- UNLESS OTHERWISE NOTED
- R.O.W. = RIGHT-OF-WAY
- () = RECORD CALLS
- P.O.B. = POINT OF BEGINNING

CALLLED 57.95 ACRES
DOC. NO. 201706024109

CALLLED 57.95 ACRES
DOC. NO. 201706024109

CALLLED 5.000 ACRES
DOC. NO. 201906005873

0.500 OF AN ACRE
DIRECTORS LOT
MASTER DISTRICT

RIVER ROAD
(50' R.O.W.)

RIVER ROAD
NEW BRAUNFELS, TEXAS

THIS SURVEY IS CERTIFIED TO:
ASA PROPERTIES, LLC

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY
SUPERVISION

THIS 17TH DAY OF FEBRUARY 2020

CORINNE J. TAYLOR
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 0295

216.030



290 S. CASTELL AVE., STE. 100
NEW BRAUNFELS, TX 78130
TBPE FIRM F-10961
TBPLS FIRM 10153600