

Rockwall County
Lisa Constant
County Clerk
Rockwall, Texas 75087 (972) 882-0220



70 2007 00369544

Instrument Number: 2007-00369544

Recorded On: January 05, 2007
AS Recordings

Parties: MARIAH BAY DEVELOPMENT INC
To MARIAH BAY LEASING CORP

Billable Pages: 9
Number of Pages: 9

Comment: WDVL

(Parties listed above are for Clerks reference only)

** Examined and Charged as Follows: **

Recordings	44.00
Total Recording:	44.00

***** DO NOT REMOVE THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2007-00369544
Receipt Number: 171384
Recorded Date/Time: January 05, 2007 10:24:52A
Book-Vol/Pg: BK-OR VL-4888 PG-210
User / Station: F - Cashier Station #4

Record and Return To:
ROCKWALL COUNTY ABSTRACT/TITLE
1505 Summer Lee Drive
Rockwall TX 75032



I hereby certify that this instrument was filed on the date and time stamped hereon and was duly recorded in the Volume and Page of the named records in Rockwall County, Texas

Any provision herein which restricts the sale, rental or use of the described Real Estate because of color or race is invalid and unenforceable under Federal law.

Lisa Constant

Lisa Constant
Rockwall County Clerk

200612342

WARRANTY DEED WITH VENDOR'S LIEN

THE STATE OF TEXAS)
) KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF ROCKWALL)

THAT MARIAH BAY DEVELOPMENT, INC., a Texas corporation ("Grantor"), for and in consideration of the sum of Ten Dollars (\$10.00) to it in hand paid by MARIAH BAY LEASING CORPORATION, a Texas corporation ("Grantee"), whose mailing address is P. O. Box 369, Rockwall, Texas 75087, and in further consideration of the execution and delivery by Grantee of that certain Promissory Note (the "Note") dated of even date herewith in the original stated principal amount of \$31,000,000.00, bearing interest as therein provided and payable to Texans Commercial Capital, LLC, a Texas limited liability company ("Lender"), which Note is secured by, among other things, that certain Deed of Trust, Security Agreement, Financing Statement and Assignment of Leases and Rents (the "Deed of Trust"), dated of even date herewith executed by Grantee in favor of James C. Champion, Trustee for the benefit of Lender, the receipt and sufficiency of which are hereby acknowledged, has Granted, Bargained, Sold and Conveyed, and by these presents does hereby Grant, Bargain, Sell and Convey unto Grantee, its successors and assigns forever, that certain real property in the County of Rockwall and State of Texas which is described on Exhibit A attached hereto and incorporated herein by reference for all purposes, together with any buildings and improvements situated thereon, all of its right, title and interest in and to any land lying in the bed of any street, alley, road or avenue in front of or adjoining the real property described on Exhibit A attached hereto, and any and all licenses and other governmental permits and permissions relating to such real property, improvements thereon and operation thereof.

TO HAVE AND TO HOLD the above described property (the "Property"), together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, its successors and assigns forever, and Grantor does hereby bind itself, its successors and assigns, to warrant and forever defend, all and singular, the said Property unto said Grantee, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

It is expressly agreed and stipulated that a vendor's lien and the superior title are retained against the Property until the Note, and all interest thereon, are fully paid according to its face and tenor, effect and reading, when this Deed shall become absolute. Such vendor's lien and superior title are hereby assigned and transferred, without warranty or recourse, by Grantor to Lender.

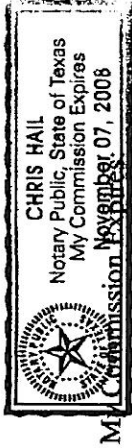
EXECUTED as of the 29 day of December, 2006.

MARIAH BAY DEVELOPMENT, INC.,
a Texas corporation

By: _____
Robert S. Whittle, President

THE STATE OF TEXAS)
FLORIDA)
COUNTY OF ROCKWALL)

This instrument was acknowledged before me on December 29, 2006 by Robert S. Whittle, President of Mariah Bay Development, Inc., a Texas corporation, on behalf of such corporation.



Notary Public, State of ~~Florida~~ TEXAS

EXHIBIT "A"

DESCRIPTION OF PROPERTY

TRACT I:

BEING a tract or part of that 32.179 acre tract of land situated in the M.J. Barksdale Survey, Abstract No. 11, City of Rockwall, Rockwall County, Texas, and further being a portion of that certain tract of land described in deed to Mariah Bay Development, Inc. and recorded in Volume 2161, Page 130, Deed Records, Rockwall County, Texas and being more particularly described as follows:

BEGINNING at a half inch iron rod with a yellow cap found on the Northwest right-of-way of Summer Lee Drive at its intersection with the Southwest right-of-way line of Lakefront Trail (a variable width ROW);

THENCE South 70° 03' 12" West, a distance of 862.77' to the Point of Beginning;

THENCE South 75° 19' 37" West, a distance of 34.92' at the beginning of a curve to the left, having a central angle of 84° 57' 08", a radius of 26.00' and a chord that bears South 32° 51' 03" West, a distance of 35.11';

THENCE along the arc of said curve, an arc distance of 23.80';

THENCE

South 14° 40' 23" East, a distance of 5.91';
South 75° 19' 37" West, a distance of 25.33';
North 14° 40' 23" West, a distance of 5.08';
South 75° 19' 37" West, a distance of 27.60';
South 14° 40' 23" East, a distance of 27.60';
South 75° 19' 37" West, a distance of 28.46';
North 14° 40' 23" West, a distance of 27.00';
North 14° 40' 23" West, a distance of 23.15';
North 75° 19' 37" West, a distance of 97.52';
North 14° 40' 23" West, a distance of 8.58';
North 75° 19' 37" East, a distance of 20.33';
North 14° 40' 23" West, a distance of 15.66';
North 75° 19' 37" East, a distance of 53.96';
North 14° 40' 23" West, a distance of 7.42';
North 75° 19' 37" West, a distance of 14.82';
North 14° 40' 23" East, a distance of 14.80';
North 75° 31' 13" East, a distance of 14.81';
South 55° 28' 31" East, a distance of 18.94';
North 79° 31' 01" East, a distance of 124.13';
South 10° 29' 12" East, a distance of 47.52';
South 14° 40' 23" East, a distance of 100.14' to the Point of Beginning and containing 30,403 square

feet or 0.70 acres of land.

Non-exclusive easements for ingress and egress as provided for in Parking, Access and Utility Easement filed in Volume 3599, Page 91, Real Estate Records of Rockwall County, Texas.

TRACT II

STATE OF TEXAS
COUNTY OF ROCKWALL

BEING a tract or part of that 23.65 acre tract of land situated in the M. J. Barksdale Survey, Abstract No. 11, City of Rockwall, Rockwall County, Texas, and further being a portion of that certain tract of land described in deed to Rockwall Harbor Joint Venture and recorded in Volume 617, Page 106, Deed Records, Rockwall County, Texas and being more particularly described as follows:

BEGINNING at a half inch iron rod with a yellow cap found on the Northwest Right-of-Way of Summer Lee Drive at its intersection with the Southwest Right-of-Way line of Lakefront Trail (a variable width ROW);

THENCE: South 45° 24' 50" West, along the Southwest ROW of said Summer Lee Drive, a distance of 38.31' to a half inch iron rod capped;

THENCE: Leaving said ROW North 44° 35' 10" West, a distance of 14.50' to a half inch iron rod set for corner;

THENCE: South 45° 24' 50" West, a distance of 91.00' to a half inch iron rod set for a corner;

THENCE: South 44° 34' 36" West, a distance of 11.71' to a half inch iron rod set at the beginning of a curve to the right, having a central angle of 13° 00' 15", a radius of 220.80 feet and a chord that bears South 78° 32' 16" West, a distance of 50.01';

THENCE: Along the arc of said curve, an arc distance of 50.12' ;

THENCE: North 78° 27' 53" West, a distance of 77.18' to a half inch iron rod set for a corner;

THENCE: South 23° 12' 08" West, a distance of 170.87' to a half inch iron rod set for a corner at the beginning of a curve to the right, having a central angle of 13° 21' 15", a radius of 500.50' and a chord that bears South 29° 52' 46" West, a distance of 116.39';

THENCE: Along the arc of said curve, an arc distance of 116.65' to a half inch iron rod set for a corner at the beginning of a curve to the left, having a central angle of 06° 57' 15", a radius of 799.50' and a chord that bears South 33° 04' 46" West, a distance of 96.98'

THENCE: Along the arc of said curve, an arc distance of 97.04' to a half inch iron rod set for a corner;

THENCE: North 67° 36' 24" West, a distance of 26.88' to a half inch iron rod set at the beginning of a curve to the right, having a central angle of 22° 18' 13", a radius of 190.50' and a chord that bears North 76° 08' 41" West, a distance of 73.69';

THENCE: Along the arc of said curve, an arc distance of 74.16' to a half inch iron rod set at the beginning of a compound curve to the right, having a central angle of 36° 49' 22", a radius of 85.50' and a chord that bears North 46° 04' 54" West, a distance of 52.59';

THENCE: Along the arc of said curve, an arc distance of 53.46; to a half inch iron rod set for a corner;

THENCE: North 28° 10' 13" West, a distance of 40.18' to a half inch iron rod set at the beginning of a curve to the right, having a central angle of 17° 48' 57", a radius of 124.00' and a chord that bears South 76° 03' 17" West, a distance of 38.40'

THENCE: Along the arc of said curve, an arc distance of 38.56' to a half inch iron set at the point of compound curve, having a central angle of 38° 05' 36", a radius of 63.00' and a chord that bears North 76° 59' 27" West, a distance of 41.12';

THENCE: Along the arc of said curve, an arc distance of 41.89' to a half inch iron rod set at the beginning of a reverse curve to the left, having a central angle of $86^{\circ} 01' 25''$, a radius of 39.00' and a chord that bears South $79^{\circ} 02' 38''$ West, a distance of 53.21'.

THENCE: Along the arc of said curve, an arc distance of 58.55' to a half inch iron rod set.

THENCE: South $64^{\circ} 06' 11''$ East, a distance of 17.87' to a half inch iron set for a corner.

THENCE: South $54^{\circ} 59' 09''$ East, a distance of 9.62' to a half inch iron rod set for a corner. At the beginning of a curve to the right, having a central angle of $06^{\circ} 24' 59''$, a radius of 269.13' and a chord that bears North $37^{\circ} 43' 21''$ East, a distance of 25.43'.

THENCE: Along the arc of said curve, an arc distance of 25.44' to a half inch iron rod set for a corner.

THENCE: South $49^{\circ} 34' 09''$ East, a distance of 18.50' to a half inch iron rod set for a corner at the beginning of a curve to the left, having a central angle of $17^{\circ} 47' 28''$, a radius of 250.63' and a chord that bears South $31^{\circ} 32' 07''$ West, a distance of 77.51'.

THENCE: Along the arc of said curve, an arc distance of 77.82' to a half inch iron rod set for a corner.

THENCE: South $67^{\circ} 21' 37''$ East, a distance of 42.29' to a half inch iron rod set for a corner.

THENCE: South $18^{\circ} 00' 29''$ East, a distance of 10.78' to a half inch iron rod set for a corner.

THENCE: South $67^{\circ} 44' 10''$ East, a distance of 18.50' to a half inch iron rod set for a corner at the beginning of a curve to the left, having a central angle of $11^{\circ} 36' 17''$, a radius of 980.00' and a chord that bears South $16^{\circ} 27' 41''$ West, a distance of 198.15'.

THENCE: Along the arc of said curve, an arc distance of 198.49' to a half inch iron rod set for a corner.

THENCE: North $79^{\circ} 20' 28''$ West, a distance of 18.50' to a half inch iron set for a corner at the beginning of a curve to the right, having a central angle of $01^{\circ} 45' 53''$, a radius of 998.50' and a chord that bears North $11^{\circ} 32' 29''$ East, a distance of 30.75'.

THENCE: Along the arc of said curve, an arc distance of 30.76' to a half inch iron rod set for a corner.

THENCE: North $77^{\circ} 34' 35''$ West, a distance of 26.50' to a half inch iron rod set at the beginning of a curve to the right, having a central angle of $09^{\circ} 40' 56''$, a radius of 1024.00' and a chord that bears North $14^{\circ} 15' 53''$ East, a distance of 65.79'.

THENCE: Along the arc of said curve, an arc distance of 65.81' to a half inch iron rod set for a corner.

THENCE: North $73^{\circ} 53' 40''$ West, a distance of 42.50' to a half inch iron rod set for a corner at the beginning of a curve to the right, having a central angle of $04^{\circ} 27' 26''$, a radius of 1066.50' and a chord that bears North $18^{\circ} 20' 09''$ East, a distance of 82.94'.

THENCE: Along the arc of said curve, an arc distance of 82.96' to a half inch iron rod set for a corner.

THENCE: North 66° 08' 35" West, a distance of 4.70' to a half inch iron rod set for a corner;

THENCE: North 78° 39' 54" West, a distance of 18.74' to a half inch iron rod set for a corner;

THENCE: North 26° 19' 13" West, a distance of 37.35' to a half inch iron rod set for a corner;

THENCE: North 68° 15' 07" West, a distance of 15.01' to a half inch iron rod set for a corner at the beginning of a curve to the right, having a central angle of 04° 16' 49", a radius of 1129.60' and a chord that bears North 29° 52' 49" East, a distance of 84.36';

THENCE: Along the arc of said curve, an arc distance of 84.38' to a half inch iron rod set for a corner;

THENCE: South 71° 02' 25" East, a distance of 19.58' to a half inch iron rod set for a corner at the beginning of a curve to the right, having a central angle of 86° 16' 44", a radius of 63.00' and a chord that bears North 78° 54' 59" East, a distance of 86.16';

THENCE: Along the arc of said curve, an arc distance of 94.87' to a half inch iron rod set at the point of reverse curve, having a central angle of 38° 05' 36", a radius of 39.00' and a chord that bears South 76° 59' 27" East, a distance of 25.45';

THENCE: Along the arc of curve, an arc distance of 25.98' to a half inch iron rod set at a point of compound curve, having a central angle of 50° 16' 02", a radius of 100.00' and a chord that bears North 68° 49' 44" East, a distance of 84.95';

THENCE: Along the arc of said curve, an arc distance of 87.73' to a half inch iron rod set at a point that bears North 35° 07' 34" East, a distance of 49.03';

THENCE: Along the arc of said curve, an arc distance of 49.04' to a half inch iron rod set at a point of reverse curve, having a central angle of 01° 50' 52", a radius of 319.42' and a chord that bears North 35° 36' 11" East, a distance of 10.30';

THENCE: Along the arc of said curve, an arc distance of 10.30' to a half inch iron rod set for a corner;

THENCE: North 66° 47' 51" West, a distance of 160.64' to a half inch iron rod set for a corner;

THENCE: North 23° 12' 09" East, a distance of 325.00' to a half inch iron rod set for a corner;

THENCE: South 66° 47' 51" East, a distance of 138.33' to a half inch iron rod set for a corner;

THENCE: South 24° 43' 12" East, a distance of 5.99' to a half inch iron rod set for a corner;

THENCE: South 85° 42' 34" East, a distance of 14.96' to a half inch iron rod set for a corner;

THENCE: South 75° 62' 45" East, a distance of 32.50' to a half inch iron rod set for a corner;

THENCE: South 83° 38' 20" East, a distance of 13.91' to a half inch iron rod set for a corner;

THENCE: North 29° 33' 50" East, a distance of 20.33' to a half inch iron rod set for a corner;

THENCE: South 89° 42' 54" East, a distance of 14.98' to a half inch iron rod set for a corner;

THENCE: North 87° 18' 31" East, a distance of 31.08' to a half inch iron rod set for a corner;

THENCE: South 89° 44' 29" East, a distance of 14.98' to a half inch iron rod set for a corner;

THENCE: South 75° 58' 49" East, a distance of 9.27' to a half inch iron rod set for a corner;

THENCE: South 89° 13' 41" East, a distance of 14.98' to a half inch iron rod set for a corner;

THENCE: North 82° 43' 51" East, a distance of 29.78' to a half inch iron rod set for a corner;

THENCE: North 89° 45' 06" East, a distance of 16.48' to a half inch iron rod set for a corner;

THENCE: South 28° 51' 12" East, a distance of 28.88' to a half inch iron rod set for a corner;

THENCE: North 45° 24' 50" East, a distance of 18.43' to a half inch iron rod set for a corner;

THENCE: North 68° 58' 20" East, a distance of 31.25' to a half inch iron rod set for a corner;

THENCE: North 45° 24' 50" East, a distance of 13.93' to a half inch iron rod set for a corner;

THENCE: South 44° 35' 10" East, a distance of 122.81' to a half inch iron rod set for a corner;

THENCE: South 76° 39' 49" East, a distance of 38.36' to the PLACE OF BEGINNING and containing 4.60 acres of land of which 0.38 acres is contained in a future 24' wide access, fire lane, utility and drainage easement, leaving a net acreage of 4.22 acres.

Together with the non-exclusive easements for ingress and egress as provided for in Parking, Access and Utility Easement filed in Volume 3599, Page 91, Real Estate Records of Rockwall County, Texas.

TRACT III

Being a tract or part of that 32.179 acre tract of land situated in the M. J. Barksdale Survey, Abstract No. 11, City of Rockwall, Rockwall County, Texas, and further being a portion of that certain tract of land described in deed to Mariah Bay Development, Inc. and recorded in Volume 2161, Page 130, Deed Records, Rockwall County, Texas and being more particularly described as follows:

COMMENCING at a half inch iron rod with a yellow cap found on the Northwest Right-of-Way of Summer Lee Drive at its intersection with the Southwest Right-of-Way line of Lakefront Trail (a variable width ROW);

THENCE South 71 degrees 02 minutes 53 seconds West, a distance of 601.89 feet to the Point of Beginning;

THENCE South 23 degrees 21 minutes 18 seconds West, a distance of 8.74 feet;

THENCE South 19 degrees 47 minutes 32 seconds East, a distance of 35.68 feet;

THENCE South 70 degrees 14 minutes 55 seconds West, a distance of 29.00 feet;

THENCE North 19 degrees 47 minutes 32 seconds West, a distance of 24.53 feet;

THENCE North 57 degrees 54 minutes 22 seconds West, a distance of 24.29 feet;

THENCE South 85 degrees 10 minutes 17 seconds West, a distance of 20.29 feet;

THENCE North 04 degrees 49 minutes 43 seconds West, a distance of 48.31 feet;

THENCE South 66 degrees 38 minutes 42 seconds East, a distance of 78.25 feet to the Point of Beginning and containing 3,179 square feet or 0.07 acres of land.

Non-exclusive easements for ingress and egress as provided for in Parking, Access and Utility Easement filed in Volume 3599, Page 91, Real Estate Records, Rockwall County, Texas, as amended in Volume 3755, Page 232, Real Estate Records, Rockwall County, Texas, and as amended this date by Amendment to Parking, Access and Utility Easement executed by Mariah Bay Development, Inc.