

EARNEST MONEY CONTRACT

THIS IS A CONTRACT whereby herein *MIDNIGHT LAND CORP., the "Seller"*, agrees to sell to, *LODGE ACRES ANNEX 1 POA, the "Buyer"*, referred to as the "*Parties*" hereto, who agree to purchase, upon the terms and provisions hereof, the following described real property, in its present condition, situated in Travis County, Texas, to-wit:

Being 5.56 acres of land, a portion of Lot 59, LODGE ACRES, ANNEX NUMBER ONE, a subdivision of a portion of the C.H. Sylvester Survey #60, and a portion of the B. Cox Survey #47, in Travis County Texas, as shown on a map or plat as recorded in Volume 6, Page 139, Plat Records of Travis County, Texas, and being the same tract of land described in the deed dated March 6, 1970, recorded in Volume 3822, Page 1625, Deed Records of Travis County, Texas, and being more particularly described by Metes and Bounds attached hereto as *Exhibit "A", the "Property."*

1. Sales Price and Earnest Money. The total sales price is *Thirty Thousand and No/100 Dollars, (\$30,000.00)*, payable as follows: *Three Thousand and No/100 Dollars, (\$3,000.00)*, as "*Earnest Money*" to be applied to the sales price at closing, and the additional sum of *Twenty-Seven Thousand and No/100 Dollars, (\$27,000.00)* cash at closing.

2. Title Policy and Closing Date. Seller is to furnish Buyer a *Deed without Warranty* to be recorded at Buyer's expense, subject to:

1. Easements, reservations, and restrictions of record, or apparent on the ground.
2. Existing Building and Zoning Ordinances, if any
3. Rights of parties in possession; and,
4. Any prior reservation of minerals.

If Buyer wants a title policy, Buyer must contact the Title Company and pay for all costs and expenses for such title policy.

3. Closing Costs. Buyer shall pay all the Sellers Closing Costs.

8. Conveyance "As Is". Buyer is very familiar with the Property and Seller has made no, and expressly disclaims, all covenants, representations and warranties, express or implied or by operation or law regarding the suitability, habitability, merchantability, environmental condition or fitness of the property for grantee's, its successors or assigns planned use of the Property. Buyer acknowledges that they have physically inspected the property, that the property is being sold "*as is, where is and with all faults,*" which is reflected in the negotiated Purchase Price.

EXECUTED on this the 18 day of August, 2023.

SELLER:

MIDNIGHT LAND CORP.
a Texas Corporation

By: _____

R. JOSH ATTREE
President and Director

BUYER:

LODGE ACRES ANNEX 1 POA

By: _____

MARK W. HARKINS

It's: VP LODGEACRES ANNEX 1 POA
Title of Officer Signing

NOTES:

- 1) This property is subject to any and all recorded and unrecorded easements. Surveyor has made no investigation for easements of record, encumbrances, restrictive covenants or ownership title evidence.
- 2) This survey only shows above ground improvements.
- 3) Any FEMA flood zone data shown is for informational purposes only. Data was obtained at: www.fema.gov
- 4) Subject to all applicable city of Austin development codes and zoning ordinances.
- 5) Due to differing building practices, building dimensions are approximate.

LEGEND

- (R.O.W.) RECORD INFORMATION
 - (P.R.T.C.) RIGHT OF WAY
 - (D.R.T.C.) PLAT RECORDS TRAVIS COUNTY
 - (VOL./PG.) DEED RECORDS TRAVIS COUNTY
 - (S.B.L.) VOLUME & PAGE
 - (P.U.E.) SET BACK LINE
 - (B/C) PUBLIC UTILITY EASEMENT
 - (P.I.) BACK OF CURB
 - POINT OF INTERSECTION
 - 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
 - 1/2" IRON ROD SET WITH PINK CAP STAMPED "SURVEY WORKS"
- PROPERTY LINE
 - OVERHEAD ELE. LINE
 - EDGE OF ASPHALT
 - ADJOINER LOT LINE
 - R/W RIGHT OF WAY LINE
 - ⊕ POWER POLE
 - - - GUY WIRE

THE FOLLOWING EASEMENTS LISTED IN TITLE COMMITMENT FROM TITLE RESOURCES GUARANTY COMPANY, FILE NO. T-111703, DATED 9/07/2018 MAY APPLY:

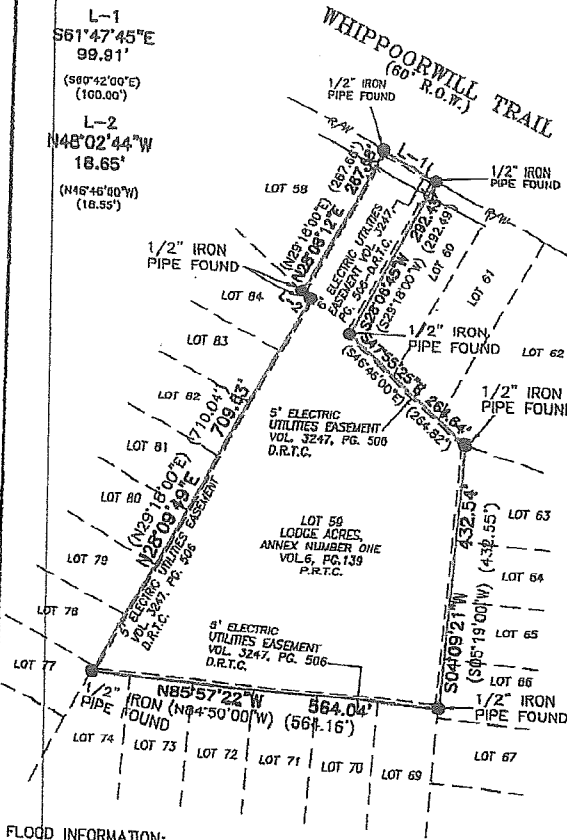
1. THE FOLLOWING RESTRICTIVE COVENANTS OF RECORD ITEMIZED BELOW (WE MUST EITHER INSERT SPECIFIC RECORDING DATA OR DELETE THIS EXCEPTION): VOLUME 6, PAGE 139, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND VOLUME 1419, PAGE 304, DEED RECORDS, AND DOCUMENT NO. 2000189852, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS - DOES APPLY

10.2.) EASEMENT OR CLAIM OF EASEMENT FOR ACCESS PURPOSES ASSERTED BY THE OWNER(S) OF THE LOTS IN LODGE ACRES ANNEX NUMBER ONE AND REMAINING PORTION OF LOT 59, LODGE ACRES ANNEX NUMBER ONE, ACCORDING TO THE PLAT RECORDED IN VOLUME 6, PAGE 139, PLAT RECORDS, TRAVIS COUNTY, TEXAS - THE LOCATION OF EASEMENT CANNOT BE DETERMINED FROM THE RECORD DOCUMENT.

10.3.) EASEMENT: RECORDED: VOLUME 2370, PAGE 17, DEED RECORDS, TRAVIS COUNTY, TEXAS. TO: LOWER COLORADO RIVER AUTHORITY AND EDERNALES ELECTRIC COOPERATIVE, INC. - THE LOCATION OF EASEMENT CANNOT BE DETERMINED FROM THE RECORD DOCUMENT. RECORD DOCUMENT DOES NOT MENTION SUBJECT TRACT AS STATED WITHIN COMMITMENT.

10.4.) EASEMENT: RECORDED: VOLUME 3247, PAGE 506, DEED RECORDS, TRAVIS COUNTY, TEXAS. TO: PEDERNALES ELECTRIC COOPERATIVE, INC. - AS DEPICTED.

10.5.) ALL TERMS, CONDITIONS AND PROVISIONS OF THOSE CERTAIN RESTRICTIONS (CONCERNING THE USE OF LOT 59 BY THE OWNERS OF LOTS IN THE SUBDIVISION AS A PARK AS SET OUT IN VOLUME 1419, PAGE 304, DEED RECORDS OF TRAVIS COUNTY, TEXAS. - DOES APPLY



FLOOD INFORMATION:
Per www.fema.gov, this property appears to be located in Zone X (area of minimal flood hazard). This property was found in map number 48453C 0215H, dated 09/26/2008.

TITLE SURVEY

DESCRIPTION: LOT 59, LODGE ACRES, ANNEX NUMBER ONE, VOLUME 6, PAGE 139, PLAT RECORDS, TRAVIS COUNTY, TEXAS.		PAGE 1 OF 1	
SURVEYED FOR: JOHN M. HUGHES SITE ADDRESS: Whippoorwill Trail, Lago Vista, TX		BEARINGS based on State Plane Coordinate System, Texas Central Zone, Nad 1983. All distances in US Survey Feet and displayed as GRID. Elevation data (if present) based on NAVD 88, Geoid 12b.	
I certify that this survey has been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Texas to the best of my knowledge and belief.			
Derek Kinsaul, R.P.L.S. No 6356 October 18, 2018		PROJECT: 18-0233 SURVEYOR: D. KINSAUL DRAWN BY: EW FIELDBOOK: see file	
		SCALE: 1 INCH = 200 FEET	

OPTION FEE RECEIPT

Receipt of \$ _____ (Option Fee) in the form of _____ is acknowledged.

Escrow Agent _____ Date _____

EARNEST MONEY RECEIPT

Receipt of \$ 3,000.00 Earnest Money in the form of Cashier Check #00256349 is acknowledged.

Escrow Agent Chicago Title Received by [Signature] Email Address lisa.walls@cti.com Date/Time 8-30-23 12:16pm

Address 4301 Westbank Dr. Phone _____

City Austin, TX State TX Zip 78746 Fax _____

CONTRACT RECEIPT

Receipt of the Contract is acknowledged.

Escrow Agent Chicago Title Received by [Signature] Email Address lisa.walls@cti.com Date 7-6-23

Address 4301 Westbank Dr. Phone 512.993.3183

City Austin, TX State TX Zip 78746 Fax 512.519.8455

ADDITIONAL EARNEST MONEY RECEIPT

Receipt of \$ _____ additional Earnest Money in the form of _____ is acknowledged.

Escrow Agent _____ Received by _____ Email Address _____ Date/Time _____

Address _____ Phone _____

City _____ State _____ Zip _____ Fax _____