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207638 D.P.
#109 (3)

SPECIAL WARRANTY DEED

NOTICE OF CONFIDENTIALITY RIGHTS: EFFECTIVE JANUARY 1, 2004, IF YOUR ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR THE RECORD IN THE PUBLIC RECORDS:

YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

Date: March 13, 2009

Grantor(s): EPT MESA DEVELOPMENT, LP, a Delaware limited partnership

Grantors' Mailing Address:

8201 Lockheed, Suite 235
El Paso, Texas 79925

Grantee(s): EL PASO INDEPENDENT SCHOOL DISTRICT

Grantee's Mailing Address:

6531 Boeing
El Paso, Texas 79925

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration.

Property (including any improvements): Lot 2, Block 2, MONTECILLO UNIT THREE, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof recorded under Instrument No. 20090015123, Plat Records of El Paso County, Texas.

Reservations from Conveyance: None.

Other Exceptions to Conveyance and Warranty:

1. Restrictive covenants those recorded under Instrument No. 20080023468; Instrument No. 20090006318 and Instrument 20090015126, Real Property Records of El Paso County, Texas.
2. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.
3. A 10 foot easement along the Southeast property line; a 10 foot AT&T easement along the North property line; a 20 foot drainage easement along the North property line; a drainage easement of varying width along a portion of the West property line; and a 2 foot landscape easement along the Southeast property line, for overhang of service wires, for pole type utilities

and buried service wires, conduits and pipes for underground utilities, ingress and egress for service or construction of same, including but not limited to a, as shown on Map recorded under Instrument No. 20090015123, Plat Records of El Paso County, Texas.

4. Reservation of a Smoke Easement in favor of American Smelting and Refining Company as set forth in that certain Deed dated October 18, 1956, recorded in Book 1316, Page 331, Real Property Records of El Paso County, Texas.

5. Terms, conditions, covenants and restrictions as set out in that certain Ordinance No. 016861, filed for record on March 26, 2008, by the City of El Paso, recorded under Instrument No. 20080023468, Real Property Records of El Paso County, Texas.

6. Terms, conditions, provisions, easements, covenants and restrictions, including but not limited to Assessments payable to Montecillo Owners Association, Inc., as set forth in that certain Master Declaration of Covenants, Conditions and Restrictions for Montecillo Subdivision Units One, Two and Three El Paso, El Paso County, Texas, recorded under Instrument No. 20090006318, Real Property Records of El Paso County, Texas.

7. Terms, conditions, provisions, and restrictions as set forth on subdivision map of Montecillo Unit Three, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof recorded under Instrument No. 20090015123, Plat Records of El Paso County, Texas.

8. Terms, conditions, covenants and restrictions as set forth in that certain Protective Covenants Residential Montecillo Unit Three to The City of El Paso, Texas, recorded under Instruments No. 20090015126, Real Property Records of El Paso County, Texas.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors and assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

SIGNATURE PAGE FOLLOWS ON THE NEXT PAGE

GRANTOR(S):

EPT MESA DEVELOPMENT, LP, a Delaware
Limited Partnership
By its General Partner
EPT Mesa Development Management, LLC, a
Delaware Limited Liability Company

By: [Signature]
Name: _____
Its: Manager

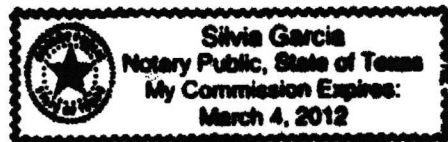
ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF EL PASO §

This instrument was acknowledged before me on this the 10th day of March, 2009, by Richard H. [Signature] of EPT Mesa Development Management, LLC, a Texas Limited Liability Company general partner of EPT MESA DEVELOPMENT, LP, a Delaware Limited Partnership, its Member.

[Signature]
Notary Public, State of Texas

AFTER RECORDING RETURN TO:
El Paso Independent School District
6531 Boeing
El Paso, Texas 79935



Doc# 20090017813
#Pages 3 #NFPages 1
3/17/2009 1:43:42 PM
Filed & Recorded in
Official Records of
El Paso County
Delia Briones
County Clerk
Fees \$24.00

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I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded by document number in the Official Public Records of Real Property in El Paso County.



EL PASO COUNTY, TEXAS

Delia Briones



Return to: John & Birkelbach
Mounce, Green, Myers, et al
100 N. Stanton #1700
El Paso, TX. 79901