

If you need assistance completing this application (general inquiries only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE # C15-2014-0054
ROW # 11104058 ~~11104058~~
ROL # 0400000607

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 1600 Newton Street, Austin, TX, 78704

LEGAL DESCRIPTION: Subdivision – Gus F. Becker's Subdivision

Lot(s) 16 Block 2-B Outlot_

Division Swisher I/We Dale and Lisa Evert

on behalf of myself/ourselves as authorized agent for

- affirm that on February 19th,
2014, hereby apply for a hearing

before the Board of Adjustment for consideration to:

(check appropriate items below)

☒ ERECT_ ☐ ATTACH_ ☐ COMPLETE_ ☐ REMODEL_ ☐ MAINTAIN

A single family home in the Bouldin Creek plan area.

front setback due
to trees, to be in line with where existing
structure is for the future.

in a SF-3 district.
(zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

25-2-492: Setback variance

The lot is very small and less deep than the surrounding lots, making it very difficult to build a modest sized 3 bedroom, 2.5 bath house with the current Mc Mansion restrictions. Although the actual setback from the property line would only be 14 feet, there would still be 25 feet to the street because of the large tree lawn between the property line and the street. The design of this house with the detached garage, low pitched roof, gables, porch, and exterior of plank and limestone is intended to keep the new structure in character with the original houses in the neighborhood. When the designs were drawn there was a house still present on our south side that was located less than 25 feet from the property line. Once that house was demolished the front yard averaging is no longer applicable. When visiting the neighborhood, you can see that there are many houses with setbacks less than 25 feet.

- (b) The hardship is not general to the area in which the property is located because:

This original lot was divided and deeded as two separate lots.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The design was done with the character of the neighborhood in mind, keeping with the designs of the original houses it has a low pitched roof, plank and limestone exterior, has a detached garage, and conforms to the imposed .4% FAR.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:
-
-

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Same

Mail Address _

City, State & Zip _

Printed _

Phone _

Date _

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed _

Mail Address 501 East Oltorf Street, Apt. 207

City, State & Zip Austin, TX 78704

Printed Lisa Evert

Phone 512-771-5542

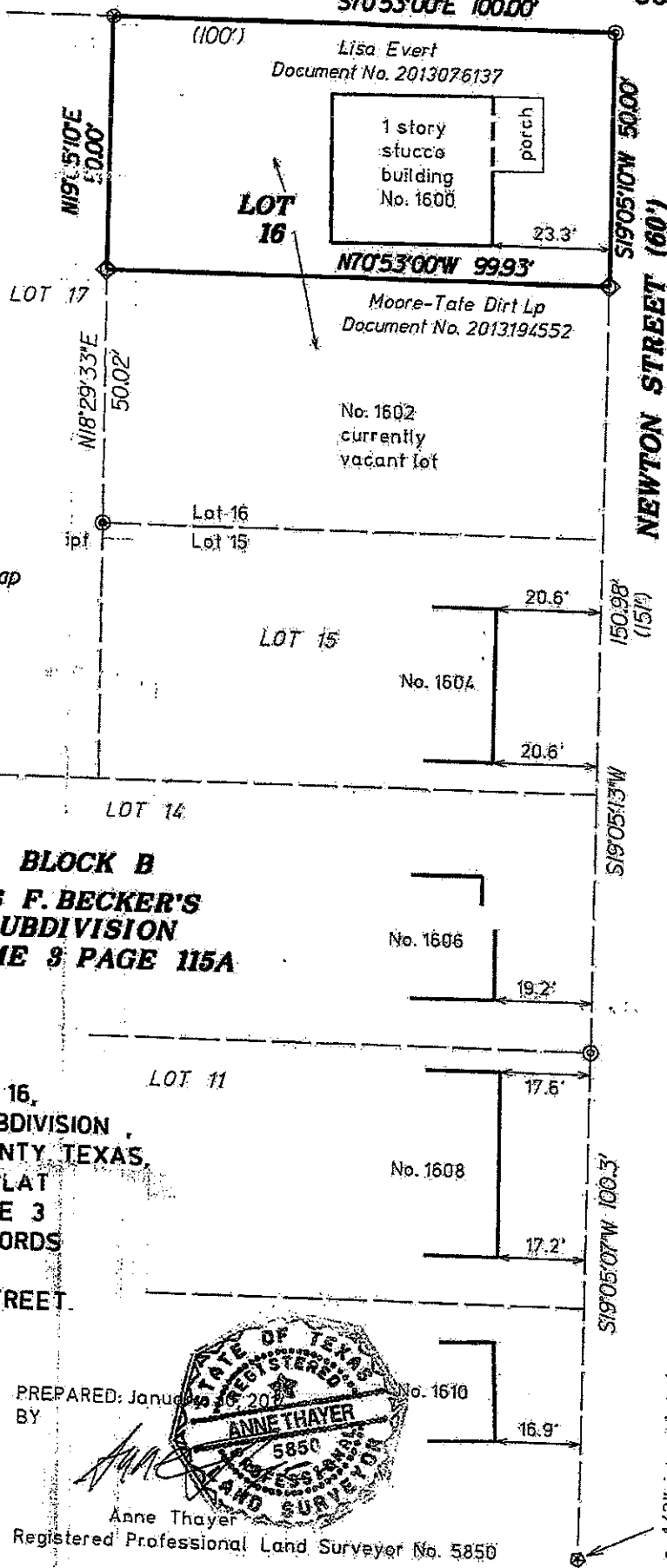
Date 2/19/2014

lisamevert@gmail.com

WEST MONROE STREET

57°53'00"E 100.00'

SCALE: 1"=30'



HOLT CARSON, INC.
1904 FORTVIEW ROAD
AUSTIN, TX 78704
(512) 442-0990 909076

APPROVED BY
AUSTIN ENERGY
FOR BOA

DATE: FEBRUARY 18, 2014

[Signature]



NEWTON
STREET

DESIGN ORIGINALS of Texas
home design center

EVERT
RESIDENCE

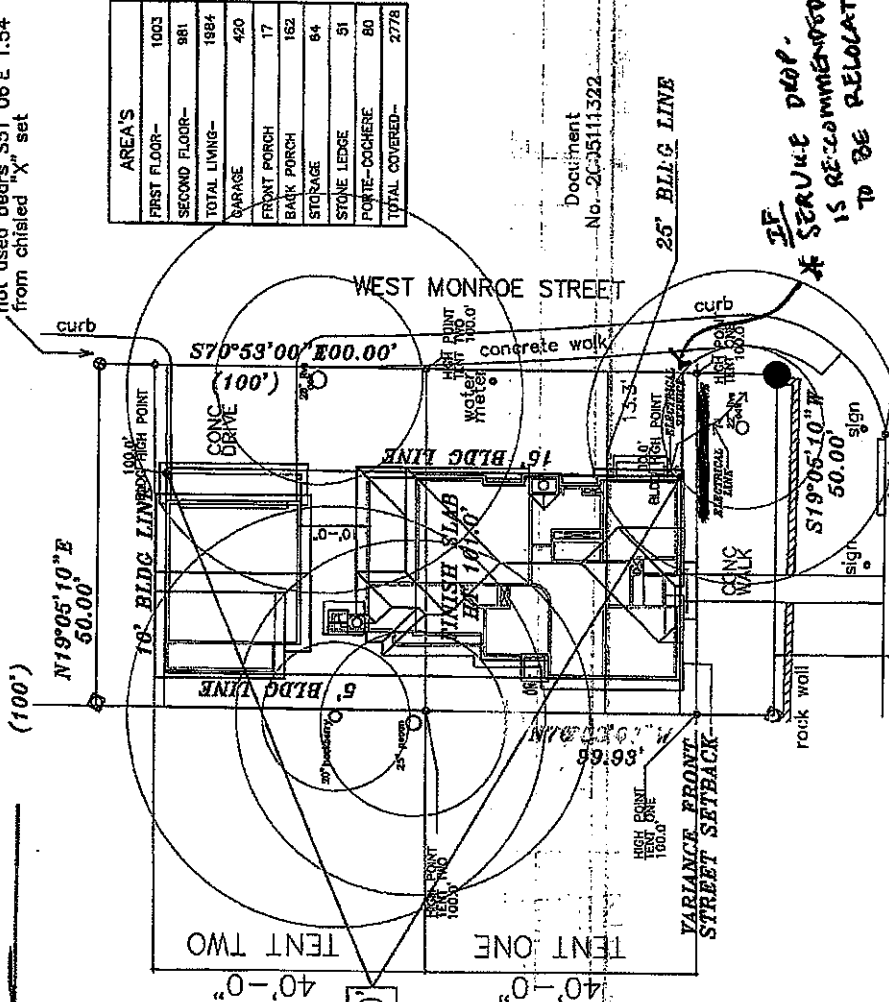
DATE: 02-18-2014
DRAWN BY: JLD



LOT	4992
IMPERVIOUS MAX	2264
MAX FAR	1997
FAR AREA	1997
TOTAL LIVING GARAGE	1984
	420
TOTAL	2404
CREDIT	-450
TOTAL FAR	1954
IMPERVIOUS AREA	2264
SIDEWALK DRIVEWAY	56
AC PADS	360
SLAB	16
	1717
TOTAL IMPERVIOUS	2149
MAX FAR	1997
CURRENT FAR	1954
CREDIT	43
IMPERVIOUS MAX	2264
CURRENT IMPER.	2149
CREDIT	115

AREA'S	
FIRST FLOOR-	1003
SECOND FLOOR-	981
TOTAL LIVING-	1984
GARAGE	420
FRONT PORCH	17
BACK PORCH	162
STORAGE	84
STONE LEDGE	51
PORTA-COCHERE	80
TOTAL COVERED-	2778

a 1 1/2" iron rod found but not used bears S51°06'E 1.54' from chiseled "X" set



AVERAGE GRADE HT 100.00'

Document
No. 20-05111322

FRONT YARD PERCENTAGE	
FRONT YARD AREA	699
SIDE WALK	55
TOTAL	55
FRONT YARD PERCENTAGE	.07%

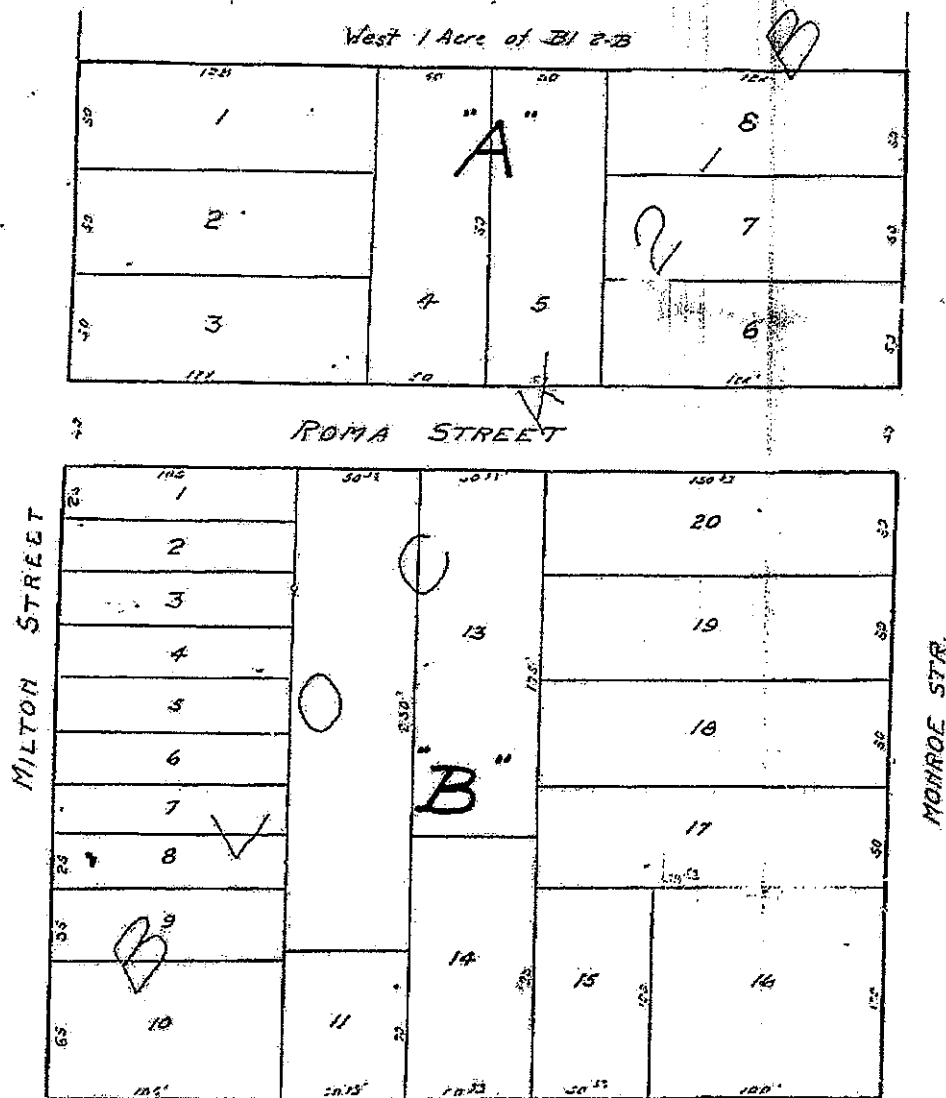
IF SERVICE DROP IS RECOMMENDED TO BE RELOCATED, PLEASE CONTACT TEAM WILLIAMS DISTRIBUTION CONSTRUCTION LEAD FOR RE. @ 512-505-7604 -EK.

Temporary Benchmark chiseled triangle found on top of curb
Grid Elevation: 130.00 ft

SURVEY PLAT OF THE NORTH 50 FEET OF LOT 16, GUS F. BECKER'S SUBDIVISION OF BLOCK 2-B, SWISHER ADDN TO SOUTH AUSTIN, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 3 PAGE 115A OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, LOCATED AT 1600 NEWTON STREET.

SITE PLAN 02/18/2014
SCALE: 1/8" = 1'-0"

COPYRIGHT © 2012 DESIGN ORIGINALS OF TEXAS



GUS F. BECKER'S SUBDIVISION
OF SWISHER ADDN, BL. 2-B, SOUTH AUSTIN

ATTEST of SURVEYOR: I hereby certify that I have surveyed, for Mr. Gus F. Becker, Block 2-B, Swisher Add'n to South Austin (see Plat Bk-1, page 2) and that the lots, blocks and streets are laid out as here shown.

Sept. 9th, 1925.

A. C. Kellersberger Engineer

DEDICATION: - This map represents Gus F. Becker's Subdivision of Block 2-B, Swisher Add'n to South Austin, Texas, except 1 Acre on west side of Block not now owned by me. The street, hereon shown as Roma Str., is hereby dedicated and set aside for public use.

Gus. F. Becker
Owner

STATE OF TEXAS }
COUNTY OF TRAVIS } Before me, Robert B. Thresher, a Notary Public in and for Travis County, Texas, on this day personally appeared Gus F. Becker, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.
Given under my hand and seal of office this 10th day of Sept, 1925, A.D.

Robert B. Thresher

Notary Public, Travis County, Texas.

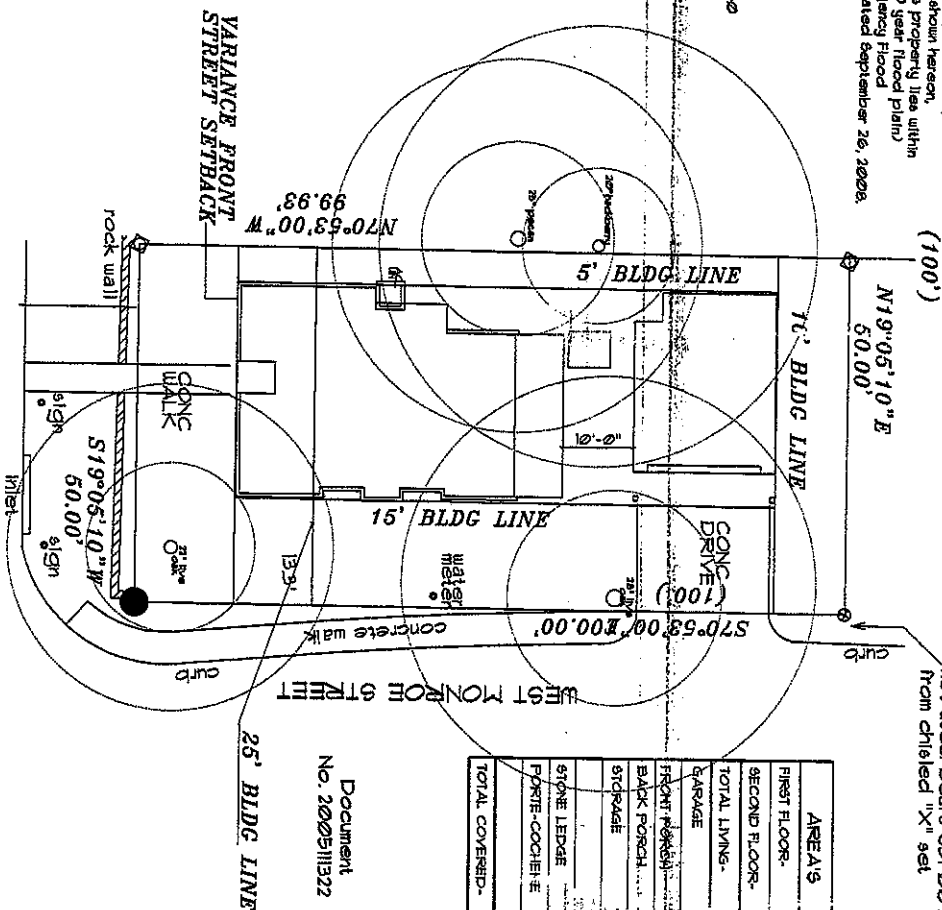
Filed for Record 9 o'clock A.M. Sept. 11, 1925.

STATE OF TEXAS
COUNTY OF TRAVIS
GF No. 130725-ARB

The undersigned does hereby certify that a survey was this day made on the S. and of the property legally described herein and is correct and that there are no boundary line conflicts, encroachments, or other matters in place, except as shown hereon, and said property is a dedicated road. This property lies within Zone X (areas not entitled to be outside the 100 year flood plain) according to Federal Emergency Management Agency Flood Insurance Study Map Panel No. 480624 0505 H, dated September 26, 2005. This the 2nd day of March A.D., 2013.

By
Anne Thayer
Registered Professional Land Surveyor No. 5880

SURVEY PLAT OF
THE NORTH 50 FEET OF LOT 16, GUS F. BECKER'S SUBDIVISION OF
BLOCK 2-B, SUGHER ADDN TO SOUTH AUSTIN, A SUBDIVISION IN
TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT
THEREOF RECORDED IN VOLUME 3 PAGE 115A OF THE PLAT
RECORDS OF TRAVIS COUNTY, TEXAS, LOCATED AT 1600 NEUTON STREET.



a 1/2" iron rod found by:
not used bears S51°06' ± 15.4'
from chisled "X" set

AREAS	
FIRST FLOOR-	1003
SECOND FLOOR-	981
TOTAL LIVING-	1984
GARAGE	420
FRONT PORCH	111
BACK PORCH	162
STORAGE	64
STONE LEDGE	51
PORCH-COCHERE	80
TOTAL COVERED-	2115

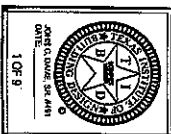
Document
No. 2005111322

LOT	4992
IMPERVIOUS MAX	2264
MAX FAR	1997
FAR AREA	1997
TOTAL LIVING	1984
GARAGE	420
TOTAL	2404
CREDIT	-450
TOTAL FAR	1954
IMPERVIOUS AREA	2264
BIDEWALK	56
DRIVEWAY	360
AC PADS	16
SLAB	111
TOTAL IMPERVIOUS	2149
MAX FAR	1997
CURRENT FAR	1954
CREDIT	43
IMPERVIOUS MAX	2264
CURRENT IMPER	2149
CREDIT	115

SITE PLAN

SCALE: 1/8" = 1'-0"

COPYRIGHT © 2012 DESIGN ORIGINALS OF TEXAS



JOB # 4086
DATE: 06-03-13
REVISION: 02-15
DRAWN BY: JTD

EVERT
RESIDENCE

DESIGN ORIGINALS of Texas
home design center
10113 FM 4080, STE. 215
FLO. TX 76119
OFFICE (817) 251-1772

NEUTON
STREET

Feb 25, 2014

City of Austin, TX
Attn: Board of Adjustment

I support the sole application at 1600 Newton St, which has requested a variance to decrease the minimum front street setback requirement from 25 feet to 14 feet.

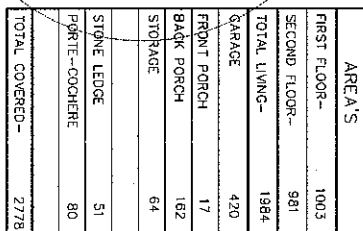
Signed,

A handwritten signature in black ink, appearing to read "John Bodek". The signature is written in a cursive, flowing style.

John Bodek
305-A W Monroe St.

The undersigned does hereby certify that a survey was this day made on the ground of the property legally described hereon and is correct, and that there are no boundary line conflicts, encroachments, shortages in area, overlapping of improvements, double utility lines, or roads in place, except as shown hereon, and that the property does not contain any other improvements, and Zone X (as determined to be outside the 100 year flood plain) according to Federal Emergency Management Agency Flood Insurance Rate Map No. 480624 0385 H, dated September 26, 2008, this the 22nd day of MARCH A.D., 2013.

SURVEY PLAT OF THE NORTH 50 FEET OF LOT 16, GUS F. BECKER'S SUBDIVISION OF BLOCK 2-B, SWISHER ADDN TO SOUTH AUSTIN, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 3 PAGE 115A OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS. LOCATED AT 1600 NEWTON STREET.



LOT	4992
IMPERVIOUS MAX	2264
MAX FAR	1997
FAR AREA	1997
TOTAL LIVING	1984
GARAGE	420
TOTAL	2404
CREDIT	-450
TOTAL FAR	1954
IMPERVIOUS AREA	2264
SIDEWALK	56
DRIVEWAY	360
AC PADS	16
SLAB	1717
TOTAL IMPERVIOUS	2149
MAX FAR	1997
CURRENT FAR	1954
CREDIT	43
IMPERVIOUS MAX	2264
CURRENT IMPER.	2149
CREDIT	115

SITE PLAN
SCALE: 1/8" = 1'-0"

Heidenfels, Leane

From: Lisa M. Evert ~~levert@westlakemedical.com~~
Sent: Monday, March 24, 2014 9:15 AM
To: Heidenfels, Leane
Subject: 1600 Newton, nearby pictures
Attachments: photo.JPG; ATT00001.txt; ATT00002.htm

Hi Leane,

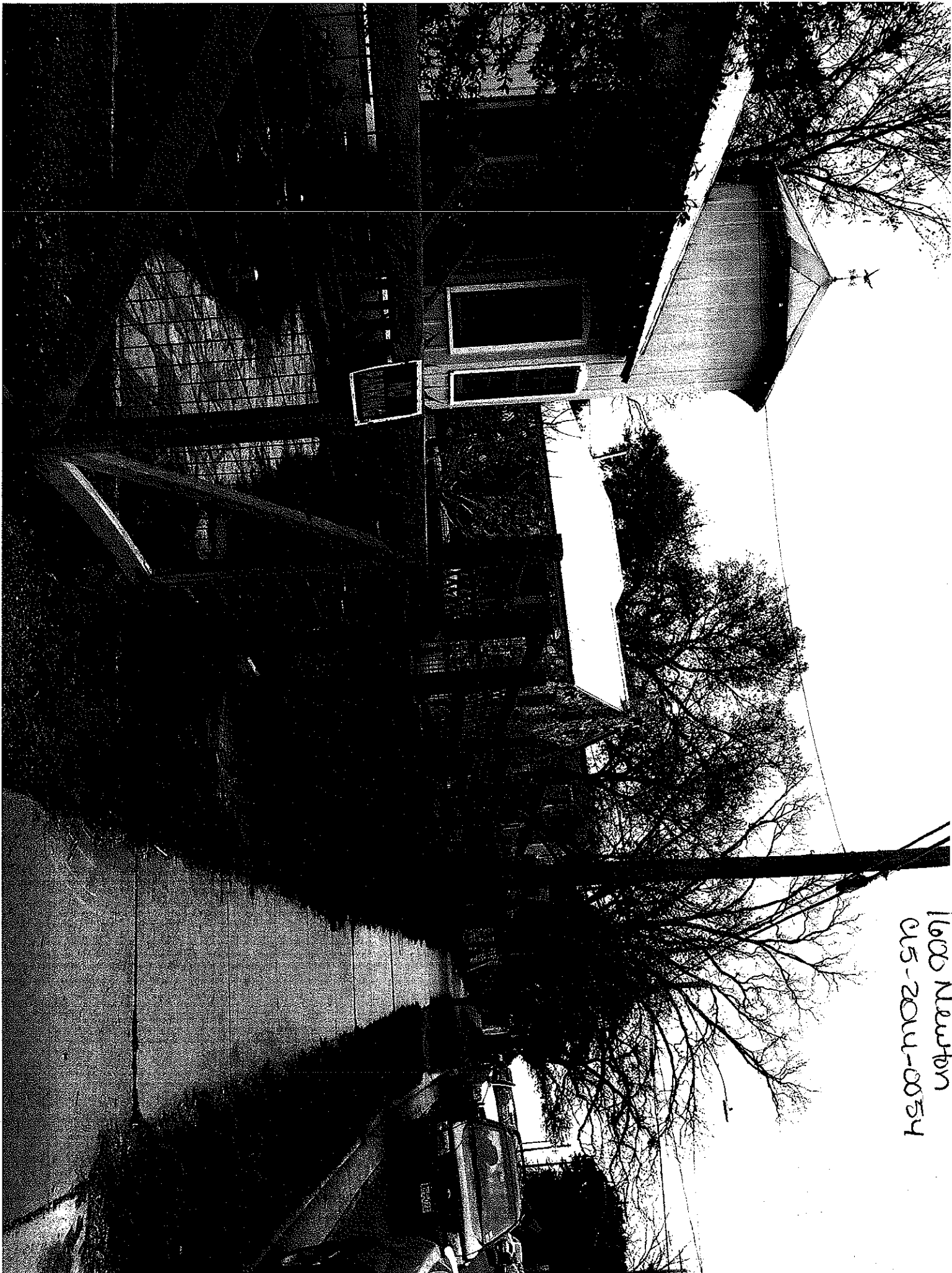
I've attached a copy of the picture below...there should be an actual attachment, not just the thumbnail below. Let me know if you're still unable to open it and I'll have to fax them to you or drop them off at the office. I'm not sure how to convert a picture to a PDF.



photo

Lisa M. Evert
THE HOSPITAL AT WESTLAKE MEDICAL CENTER
5656 Bee Caves Rd., Austin, TX 78746
Office: Fax:

1600 Newton
015-2014-0054

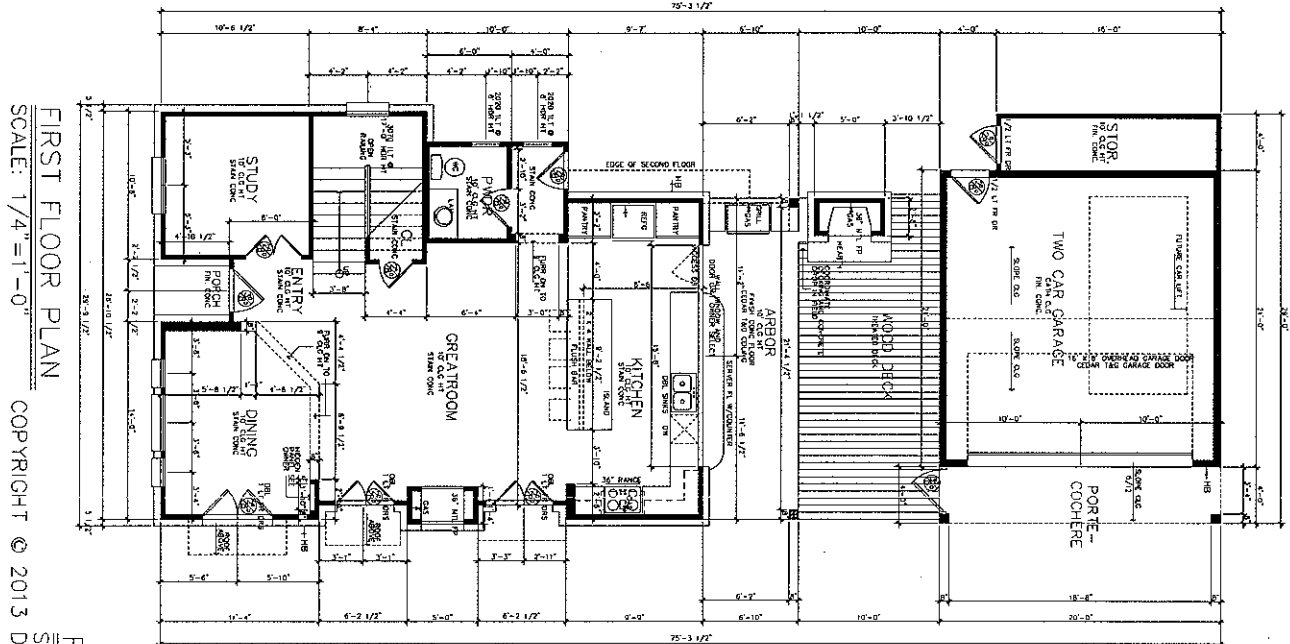
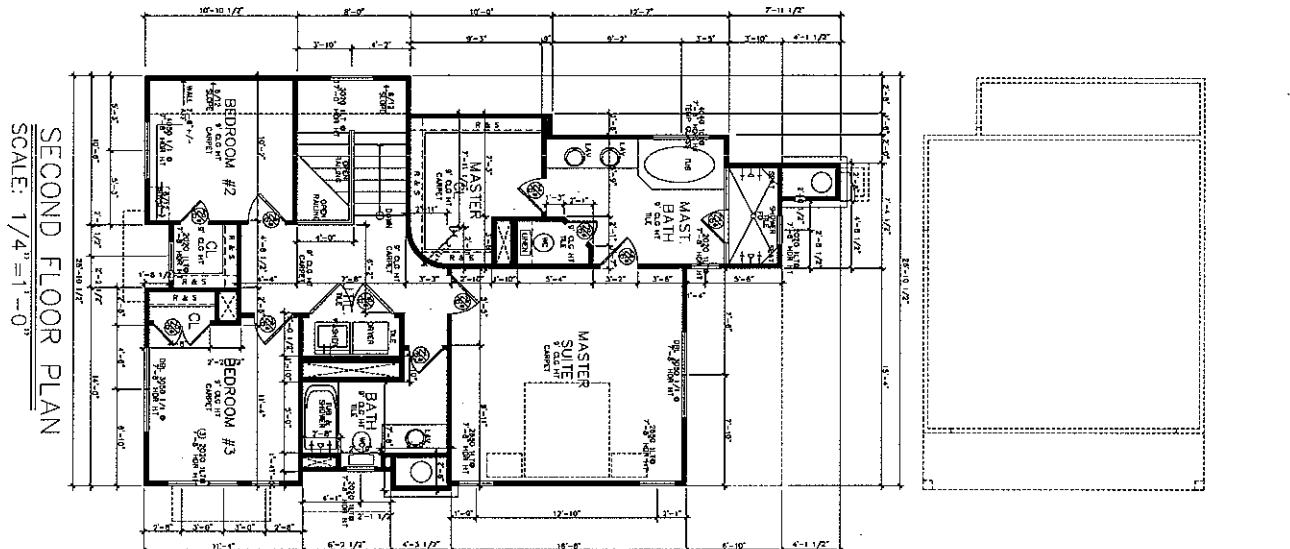










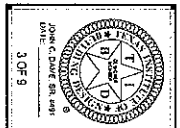


FLOOR PLANS
SCALE: 1/4"=1'-0"
COPYRIGHT © 2013 DESIGN ORIGINALS OF TEXAS

AREAS	
FIRST FLOOR-	1003
SECOND FLOOR-	881
TOTAL LIVING-	1584
CARAGE	420
FRONT PORCH	162
BACK PORCH	54
STROKE LINDER	51
PORTER-COCHERE	80
TOTAL COVERED-	2778

SYMBOL LEGEND	
44	CAS/PROPANE VALVE
118	NOSE BB
119	SHOWER HEAD 8 80" AFF
120	DOOR SIZE 146

- GENERAL NOTES**
- 1.0 All work shall conform to the applicable building codes and standards.
 - 2.0 The owner shall provide all necessary permits and approvals.
 - 3.0 The contractor shall be responsible for obtaining all necessary permits and approvals.
 - 4.0 The contractor shall be responsible for obtaining all necessary permits and approvals.
 - 5.0 The contractor shall be responsible for obtaining all necessary permits and approvals.
 - 6.0 The contractor shall be responsible for obtaining all necessary permits and approvals.
 - 7.0 The contractor shall be responsible for obtaining all necessary permits and approvals.
 - 8.0 The contractor shall be responsible for obtaining all necessary permits and approvals.
 - 9.0 The contractor shall be responsible for obtaining all necessary permits and approvals.
 - 10.0 The contractor shall be responsible for obtaining all necessary permits and approvals.
 - 11.0 The contractor shall be responsible for obtaining all necessary permits and approvals.
 - 12.0 The contractor shall be responsible for obtaining all necessary permits and approvals.
 - 13.0 The contractor shall be responsible for obtaining all necessary permits and approvals.
 - 14.0 The contractor shall be responsible for obtaining all necessary permits and approvals.
 - 15.0 The contractor shall be responsible for obtaining all necessary permits and approvals.
 - 16.0 The contractor shall be responsible for obtaining all necessary permits and approvals.
 - 17.0 The contractor shall be responsible for obtaining all necessary permits and approvals.
 - 18.0 The contractor shall be responsible for obtaining all necessary permits and approvals.
 - 19.0 The contractor shall be responsible for obtaining all necessary permits and approvals.
 - 20.0 The contractor shall be responsible for obtaining all necessary permits and approvals.

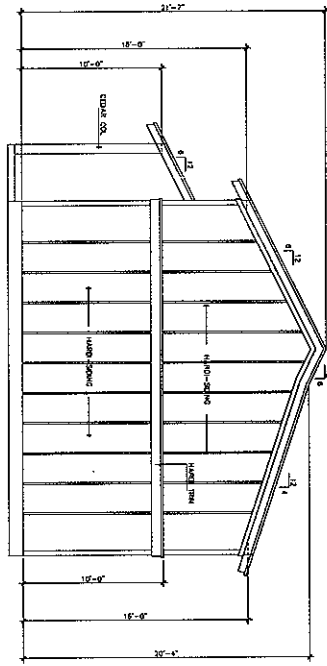


30595
DAVID C. DYER
DATE: 06-10-13
REVISION: 11-13-13
DRAWN BY: JDO

EVERT RESIDENCE

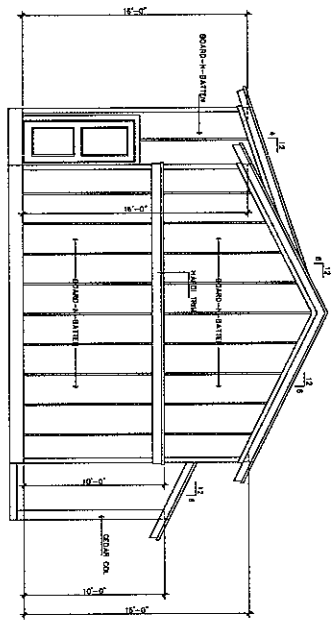
DESIGN ORIGINALS of Texas
home design center
14700 HWY 17, SUITE 115
HOUSTON, TX 77058
713.781.1155

NEWTON STREET



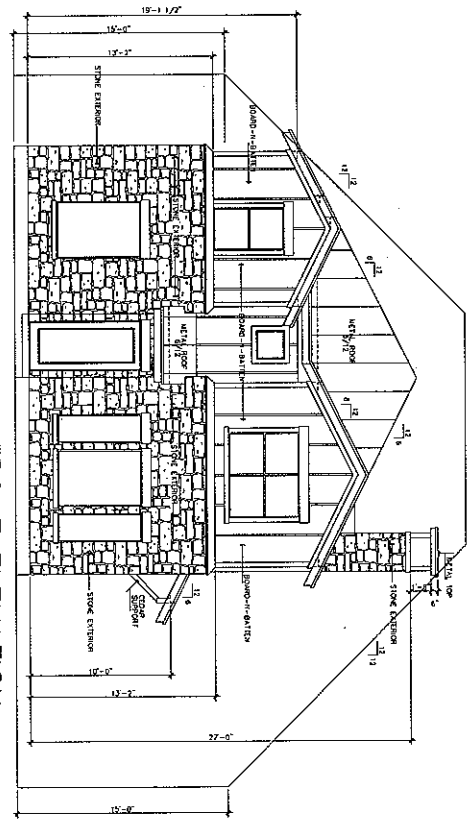
GARAGE RIGHT SIDE ELEVATION

SCALE: 1/4"=1'-0"



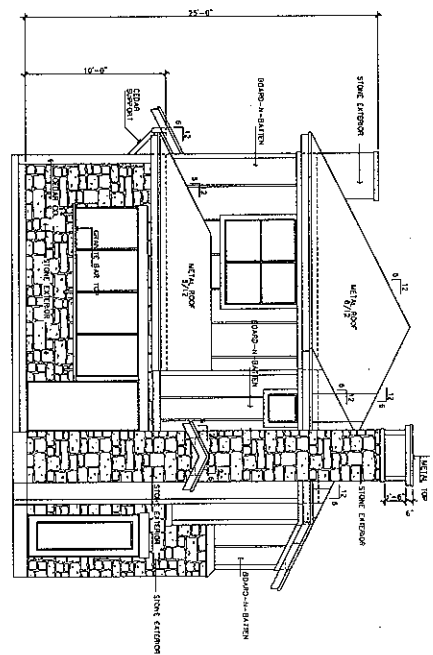
GARAGE LEFT SIDE ELEVATION

SCALE: 1/4"=1'-0"



FRONT ELEVATION

SCALE: 1/4"=1'-0"

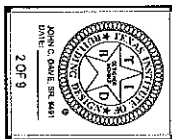


REAR ELEVATION

SCALE: 1/4"=1'-0"

Design Originals is a registered service mark of Design Originals of Texas, Inc. All other marks are the property of their respective owners. Design Originals of Texas, Inc. is not responsible for any errors or omissions in this drawing. Design Originals of Texas, Inc. is not responsible for any errors or omissions in this drawing. Design Originals of Texas, Inc. is not responsible for any errors or omissions in this drawing.

FRONT/REAR ELEVATIONS
SCALE: 1/4"=1'-0"
COPYRIGHT © 2013 DESIGN ORIGINALS OF TEXAS



DATE: 08/05/13
REVISION: 11/20/13
DRAWN BY: JDO

EVERT
RESIDENCE

DESIGN ORIGINALS of Texas
home design center
10101 BRENDAN AVE. #105
AUSTIN, TX 78758
PH: 512.351.0170 FAX: 512.351.0171

NEWTON
STREET



**City of Austin
Planning and Development Review
Land Status Determination
1995 Rule Platting Exception**

January 08, 2014

File Number: C8I-2014-0008

Address: 1600 NEWTON ST

Tax Parcel I.D. #0400000607

Tax Map Date: 10/11/2013

The Planning & Development Review Department has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as being **the North 50 feet of lot 16, Block B Gus F. Beckers Subdivision of Block 2-B Swisher Addition to South Austin** in the current deed, recorded on **Apr 29, 2013**, in **Document #2013076137**, Travis County Deed Records. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on **May 25, 1984**, in **Volume 8615, Page 965**, Travis County Deed Records. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on January 1, 1995, as evidenced by **electric** service on **May 29, 1984**. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:
NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By:

Michelle Casillas

**Michelle Casillas, Representative of the Director
Planning and Development Review Department**



4000

Revision Date
10/11/2013

0 120 Fee

[illegible]

NAD_1983_StatePlane_
Texas_Central_FIPS_4203_Feet
Projection: Lambert_Conformal_Conic

This tax map was compiled solely for the use of TCAD. Areas depicted by these digital products are approximate, and are not necessarily accurate to mapping, surveying or engineering standards. Conclusions drawn from this information are the responsibility of the user. The TCAD makes no claims, promises or guarantees about the accuracy, completeness or adequacy of this information and expressly disclaims liability for any errors and omissions. The mapped data does not constitute

Travis Central Appraisal District
8314 Cross Park Drive P.O. Box 149012
Austin, Texas 78754 Austin, Texas 7871
Internet Address: www.traviscad.org
Main Telephone Number (512) 534-5317
Appraisal Information (512) 694-6318

Given under my hand and seal of office, this the 29 day of October, A.D. 1945.

George S. Dowell

(Notary Seal) 6962

Notary Public, Travis County, Texas.

Filed for record Nov 8, 1945 at 11:45 A.M.-- Recorded Nov 8, 1945 at 2:00 P.M.

0 - - - - - 0

C
THE STATE OF TEXAS #

COUNTY OF TRAVIS. # KNOW ALL MEN BY THESE PRESENTS: That I, Marie Becker Fortier, joined herein by my husband, Joe Fortier, of Travis County, Texas, for and in consideration of the sum of Ten Dollars (\$10.00) to me cash in hand paid by Claude Adcock and wife, Ollie Adcock, of Travis County, Texas, the receipt of which is hereby acknowledged and confessed, and for other sums of money to me cash in hand paid by said grantees, the receipt of which is hereby acknowledged and confessed, and which other sums of money are adequate and sufficient and for the payment of which no lien either express or implied is retained against the property herein conveyed and in consideration that the said grantees assume the payment of the taxes against the property herein conveyed for the year 1945;

Have granted, sold and conveyed, and by these presents do grant, sell and convey unto the said Claude Adcock and wife, Ollie Adcock, all that certain tract or parcel of land situated in the City of Austin, Travis County, Texas, and described as follows:

Being the North one-half ($\frac{1}{2}$) of Lot No. Sixteen (16) in Gus F. Becker's Subdivision of Block 2-B Swisher Addition to South Austin, in Travis County, Texas, said tract fronting E 50 feet on Newton Street and N 100 feet on Monroe Street, all as shown by plat of record in the Plat Records of Travis County, Texas, in Book No. 3, page 115, of said records; same being a plat of said subdivision.

To have and to hold the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging unto the said Claude Adcock and wife, Ollie Adcock, their heirs and assigns forever, and we do hereby bind ourselves, our heirs, executors and administrators to warrant and forever defend all and singular the said premises unto the said Claude Adcock and wife, Ollie Adcock, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Witness our hands at Austin, Texas, this 7th day of November, 1945.

Marie Becker Fortier

55¢ U.S. Int. Rev. Stamps Can

Joe Fortier

THE STATE OF TEXAS #

COUNTY OF TRAVIS. # BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Joe Fortier and Marie Becker Fortier, his wife, both 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 the said Marie Becker Fortier, wife of the said Joe Fortier, having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Marie Becker Fortier, acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

776

36

Given under my hand and seal of office, this the 7 day of November, 1945.

W. Trenckmann

(Notary Seal)

Notary Public, in and for Travis County, Texas.

Filed for record Nov 8, 1945 at 11:15 A.M.-- Recorded Nov 8, 1945 at 2:20 P.M.

0 - - - - - 0

THE STATE OF TEXAS #

COUNTY OF TRAVIS. # KNOW ALL MEN BY THESE PRESENTS: That I, S. N. Ekdahl, of the County of Travis, State of Texas, for and in consideration of the sum of Three Hundred Fifty (\$350.00) Dollars, to me paid, and secured to be paid, by Mrs. Martha Jane Gerla and husband, W. S. Gerla as follows:

Seventy five (\$75.00) Dollars cash in hand paid, receipt of which is hereby acknowledged, and the execution of a certain vendor's lien note by grantees herein for the sum of Two Hundred Seventy five (\$275.00) Dollars, dated at Austin, Texas, even date, and payable to S. N. Ekdahl or order at Austin, Texas.

Said note is payable at the rate of \$10 per month, or more, the first installment being due and payable on March 15, 1945, said note bearing interest at the rate of 6% per annum, and providing that failure to pay an installment when due matures said note at the option of the holder of same. The usual 10% attorney's fee is provided for if default in payment is made.

Have granted, sold and conveyed, and by these presents do grant, sell and convey unto the said Mrs. Martha Jane Gerla and husband, W. S. Gerla, of the County of Travis, State of Texas, all that certain lot, tract or parcel of land described as follows, to-wit:

Lot No. seven in Block No. four (4) in Outlot No. 29, University Park Addition in Division C in the City of Austin, Travis County, Texas, as recorded in Plat Book No. 3, page 125 of the Plat Records of Travis County, Texas. This is an unimproved lot, and no part of grantor's homestead.

To have and to hold the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Mrs Martha Jane Gerla and husband, W. S. Gerla, their heirs and assigns, forever and I do hereby bind myself, my heirs, executors and administrators to warrant and forever defend, all and singular the said premises unto the said Mrs. Martha Jane Gerla and husband W. S. Gerla, their heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

But it is expressly agreed and stipulated that the vendor's lien is retained against the above described property, premises and improvements, until the above described note, and all interest thereon are fully paid according to its face and tenor, effect and reading