

EXHIBIT A

Legal Description of the Mortgaged Property

[BRE _Apple Annies]

The legal description of the Mortgaged Property referred to in this instrument is described as follows:

EXHIBIT "A"

DESCRIPTION OF PROPERTY

TRACT 1:

The north twenty-eight (28) feet of Lot Three (3) and all of Lots Four (4) and Five (5), Block 30, ORIGINAL CITY OF AUSTIN, Travis County, Texas, according to the map or plat of record in the General Land Office of the State of Texas, and being more particularly described by the following metes and bounds:

OF A 19,203 SQUARE FOOT TRACT OR PARCEL OF LAND OUT OF AND PART OF BLOCK THIRTY (30) OF THE ORIGINAL CITY OF AUSTIN, SITUATED IN TRAVIS COUNTY, TEXAS, BEING THE NORTH TWENTY EIGHT (28') FEET OF LOT THREE (3). AND ALL OF LOTS FOUR (4) AND FIVE (5) OF SAID BLOCK THIRTY (30) OF THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT OR MAP ON RECORD IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS; SAID 19,203 SQUARE FEET BEING THAT SAME TRACT OF LAND CONVEYED TO DAVIS PARTNERS, LP, BY DEED OF RECORD IN DOCUMENT NO.2000112055, OF THE OFFICIAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 19,203 SQUARE FOOT TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2 INCH IRON ROD-FOUND AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 4TH STREET (80' R.O.W.) WITH THE EASTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE (120' R.O.W.), BOTH DEDICATED PUBLIC ROADWAYS AS PER THE SAID ORIGINAL CITY OF AUSTIN MAP, SAME BEING THE SOUTHWESTERLY CORNER OF LOT 1, BLOCK 42, ORIGINAL CITY OF AUSTIN;

THENCE, S19°00'00"W, CROSSING, THE EAST 4TH STREET RIGHT OF WAY. ALONG THE SOUTHERLY PROJECTION OF THE EASTERLY LINE OF CONGRESS AVENUE. PASSING AT A DISTANCE OF 80.23 FEET, THE NORTHWESTERLY CORNER OF LOT 6 OF SAID BLOCK 30, BEING AT THE POINT OF INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST 4TH STREET WITH EASTERLY LINE OF CONGRESS AVENUE, AND CONTINUING ALONG THE WESTERLY LINE OF LOT 6, BEING THE EASTERLY LINE OF CONGRESS AVENUE FOR A TOTAL DISTANCE OF 126.23 FEET TO A DRILL HOLE FOUND FOR THE SOUTHWESTERLY CORNER OF SAID LOT 6, SAME BEING THE NORTHWESTERLY CORNER OF SAID LOT 5 AND THE POINT OF BEGINNING HEREOF;

THENCE, S71°04'38"E, LEAVING THE EASTERLY LINE OF CONGRESS AVENUE, ALONG THE COMMON LINE OF SAID LOT 6 AND SAID LOT 5, PASSING AT

A DISTANCE OF 0.37 FEET, THE CORNER OF THE FACE OF THE BUILDING 313642-K-19 (M/03-U/2008 EXHIBIT "A" CONGRESS COMMONS CONDOMINIUMS DECLARATION OF CONDOMINIUM REGIME SITUATED ON SAID LOT 5, WHICH BUILDING FACE BEARS 0.20 FEET TO THE RIGHT, AND CONTINUING FOR A TOTAL DISTANCE OF 160.02 FEET TO A POINT IN THE EAST WALL OF SAID BUILDING FOR THE NORTHEASTERLY CORNER OF THE SAID. LOT 5, SAME BEING THE WESTERLY LINE OF A 20 FOOT WIDE ALLEY VACATED BY THE CITY OF AUSTIN ACCORDING TO ORDINANCE NO. 84-0517-Q AND CONVEYED TO CROW-GOTTESMAN-SHAFFER #1 BY DEED OF RECORD IN VOLUME 8980, PAGE 884 OF SAID REAL PROPERTY RECORDS, SAID WESTERLY LINE OF VACATED ALLEY BEING THE WESTERLY LINE OF THAT CERTAIN 1.54 ACRE TRACT CONVEYED TO 301 CONGRESS AVENUE, LP., BY DEED OF RECORD IN VOLUME 12668, PAGE 1626 OF SAID REAL PROPERTY RECORDS; THENCE, S19°00'00"W, ALONG THE WESTERLY LINE OF THE SAID 1.54 ACRE TRACT, SAME BEING THE EASTERLY LINE OF THE SAID LOTS 5, 4 AND 3 PASSING AT A DISTANCE OF 119.35 FEET, THE SOUTHEASTERLY CORNER OF THE BUILDING SITUATED ON THE SAID NORTH 28 FEET OF LOT 3, SAID POINT BEING AT THE EXTERNAL FACE OF THE BUILDING KNOWN AS 301 CONGRESS AVENUE, AND CONTINUING FOR A TOTAL DISTANCE OF 120.00 FEET TO A POINT IN THE WALL OF SAID BUILDING FOR THE SOUTHEASTERLY CORNER OF THE SAID NORTH 28 FEET OF LOT 3. SAME BEING THE SOUTHEASTERLY CORNER HEREOF; THENCE, N71°04'14"W, ALONG THE SOUTHERLY LINE HEREOF, OVER AND ACROSS SAID LOT 3, AND THROUGH THE WALL OF SAID BUILDING. PASSING AT A DISTANCE OF 159.45 FEET, THE SOUTHWESTERLY CORNER OF SAID BUILDING SITUATED ON THE NORTH 28 FEET OF SAID LOT 3. WHICH BUILDING FACE BEARS 0.83 FEET TO THE RIGHT. AND CONTINUING FOR A TOTAL DISTANCE OF 160.02 FEET TO A DRILL HOLE FOUND IN THE EASTERLY LINE OF SAID CONGRESS AVENUE, FOR THE SOUTHWESTERLY CORNER OF SAID NORTH 28 FEET OF LOT 3, SAME BEING THE SOUTHWESTERLY CORNER HEREOF; THENCE. N19°00'00"E, ALONG THE EASTERLY LINE. OF CONGRESS AVENUE, SAME BEING: THE WESTERLY LINE OF SAID LOTS 3, 4 AND 5, A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 19.203 SQUARE FEET OF LAND, MORE OR LESS, WITHIN THESE METES AND BOUNDS.

TRACT 2:

Encroachment Easement appurtenant to Tract 1 above as set out and described in Grant of Encroachment Easements recorded in Volume 9156, Page 5 of the Real Property Records of Travis County, Texas, in and to certain portions of Lot 6, Block 30, Original City of Austin, Travis County, Texas, according to the map or plat of record in the General Land Office of the State of Texas.

TRACT 3:

Encroachment Easements appurtenant to Tract 1 above as set out and described in Grant of Encroachment Easements recorded in Volume 9626, Page 777 of the Real Property Records of Travis County, Texas in and to certain portions of a 1.54 acre tract of land, being more particularly described on Exhibit "A" to the above mentioned Encroachment Easements.

TRACT 4:

Encroachment Easements appurtenant to Tract 1 above as set out and described in Encroachment Easements recorded in Volume 9967, Page 578 of the Real Property Records of Travis County, Texas in and to certain portions of said 1.54 acre tract of land, and certain subsurface areas consisting of 0.059 acres, more or less, being more particularly described on Exhibit "A" to the above mentioned Encroachment Easements.

TRACT 5:

Access easement appurtenant to Tract 1 above as set out and described in Access Easement recorded in Volume 11386, Page 149 of the Real Property Records of Travis County, Texas and amended in First Amendment to Access Agreement recorded in Volume 11771, Page 172 of the Real Property Records of Travis County, Texas in and to a portion of said 1.54 acre tract of land, and certain subsurface areas consisting of 0.059 acres, more or less, being more particularly described on Exhibit "A" to the above mentioned Encroachment Easements.

TRACT 6:

Access easement appurtenant to Tract 1 above as set out and described in Easement and Operating Agreement recorded in Volume 11771, Page 145 of the Real Property Records of Travis County, Texas in and to that certain 8,492 square foot tract of land, more or less, being more particularly described on Exhibit "C" to the above mentioned Easement and Operating Agreement.

TRACT 7:

Parking easement appurtenant to Tract 1 above as set out and described in the Parking Easement attached as Exhibit F to the Easement and Operating Agreement recorded in Volume 11771, Page 145 of the Real Property Records of Travis County, Texas in and to certain areas of the parking garage located on said 1.54 acre tract of land, and certain subsurface areas consisting of 0.059 acres, more or less, being more particularly described on Exhibit "A" to the above mentioned Parking Easements

TRACT 8:

License appurtenant to Tract 1 above as set out and described in the City of Austin License Agreement attached as Exhibit "B" to the Affidavit recorded in Volume 12656, Page 193 and amended in First Amendment to City of Austin License Agreement recorded in Volume 11052, Page 914 of the Real Property Records of Travis County, Texas and as amended by that certain Second Amendment to City of Austin License Agreement recorded in Document No. 2000136705 in the Official Public Records of Travis County, Texas in and to that certain tract of land out of the public right of way located on the east side of Congress Avenue and being a portion of that certain 19,441 square feet of land, more or less, described on Exhibit "A" to the above mentioned License Agreement.

EXHIBIT C

Business Retention and Enhancement Guidelines