

STATE OF TEXAS)
)
COUNTY OF WOOD)

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DECLARATION OF RESTRICTIVE USE

WHEREAS, we, THOMAS L. ANDERSON and GEORGE V. BASHAM, JR., are the owners of certain tracts of land in Wood County, Texas, more particularly described on the exhibit attached hereto and made a part hereof marked "Exhibit A", and

WHEREAS, we have heretofore filed for record in Wood County, Texas, the plat of an addition designated as Brookhaven-In-The-Pines and have sold, contracted to sell and are offering to sell, lots in said addition owned by us, and

WHEREAS, as an inducement to the purchasers of lots in the addition known as Brookhaven-In-The-Pines, we have personally, or through our agents or representatives, made representations that such purchasers will have rights to certain restrictive uses of the lands described in "Exhibit A" attached owned by us in Wood County, Texas,

THEREFORE, to insure that such owners of lots in the addition designated as Brookhaven-In-The-Pines have such rights appurtenant to their ownership of such lots, we do hereby place certain safeguards and restrictions on the real property described in "Exhibit A" attached hereto, as follows, to-wit:

1. No use shall ever be made of the lands described in "Exhibit A" attached hereto, which will ever interfere with the rights and privileges of the owners of lots in the addition designated as Brookhaven-In-The-Pines to use such lands for hunting, fishing and recreation, subject at all times to reasonable regulation by us to insure the safety, sanitation and pleasure of the greatest number of such lot owners.

2. The rights and privileges herein granted to the owners of lots in Brookhaven-In-The-Pines shall never be used by them for commercial purposes or for private gain.

3. The rights here granted do not allow the construction of any building or structure on the lands, and no trailer,

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tent, shack or any structure shall be erected on said lands by any owner of lots in the addition designated as Brookhaven-In-The-Pines.

Each of the above restrictive covenants shall continue in force and be binding upon us, the said Thomas L. Anderson and George V. Basham, Jr., our heirs, grantees and assigns forever, provided, however, that these restrictions may be amended or canceled by recording an instrument so stating executed by all of the owners of the lots in the addition designated as Brookhaven-In-The-Pines.

No failure or neglect on the part of any present or future owner of lots in Brookhaven-In-The-Pines to demand or insist upon the observation of any of the provisions of this instrument shall be deemed a waiver of any such violation or operate as an estoppel to restrain a continuance thereof, but any such restriction, requirement, condition or covenant may be enforced at any time, notwithstanding that violations thereof may have been suffered theretofore.

Enforcement of these restrictive uses shall be by actions at law or in equity in a Court of competent jurisdiction.

IN WITNESS WHEREOF, the said Thomas L. Anderson and George V. Basham, Jr. have hereunto set their hands this 30th day of June, 1968.

Thomas L. Anderson
Thomas L. Anderson

George V. Basham, Jr.
George V. Basham, Jr.

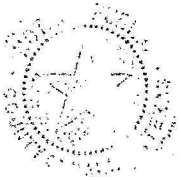
STATE OF TEXAS)
)
COUNTY OF DALLAS)

BEFORE ME, THE UNDERSIGNED AUTHORITY, in and for said Dallas County, Texas, on this day personally appeared THOMAS L. ANDERSON, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he

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executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 30th day of June, 1968.



Shirley Calvert
Notary Public in and for
Dallas County, Texas

STATE OF TEXAS)
)
COUNTY OF DALLAS)

BEFORE ME, THE UNDERSIGNED AUTHORITY, in and for said Dallas County, Texas, on this day personally appeared GEORGE V. BASHAM, JR., 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 30th day of June, 1968.



Shirley Calvert
Notary Public in and for
Dallas County, Texas

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"EXHIBIT A"

Being a part of the property known as Pine Oaks Ranch in Wood County, Texas, and being all of the J. Marshal Survey, Abst. #428, and the S. H. Davis Survey, Abst. #173, and parts of the Francis West Survey, Abst., ~~639~~ 639, the William Burtch Survey, Abst. 84, the J. Despau Survey, Abst. 175, and the Wm. Dobson Survey, Abst. 170, and being also a part of the land as described in a deed to the W. L. N. G. Associates, recorded in Vol. 449, Page 648, of the Deed Records of Wood County, Texas, said property being almost completely surrounded by a fence and being more particularly described as follows:

- BEGINNING at the Southeast corner of the said J. Marshal Survey, a railroad tie for a corner fence post;
- Thence North 89° 49' West along the South line of the said J. Marshal Survey at 817 ft. the centerline of an oil road, in all a distance of 1270.0 feet to railroad tie corner post;
- Thence South along a fence line 312.50 feet, a railroad tie corner post;
- Thence West along a fence line at 2683.99 feet cross a creek and in all a distance of 4882.60 ft., a railroad tie corner post on the common line of the said Francis West Survey and the Wm. Fisher Survey, Abst. #209;
- Thence North along a fence line and the common West and Fisher Survey line at 1683.00 ft., the South shore of Brooks Lake, at 2174.00 feet, the North shore of Brooks Lake, in all a distance of 6399.00 feet to a railroad tie corner fence post;
- Thence North 88° 42' East, along a fence line 1416.00 feet to a railroad tie corner post;
- Thence North 0° 16' East along a fence line, at 960.40 feet passing the Southwest corner of a 60 ft. wide strip of land reserved or conveyed, in all a distance of 1020.40 feet the Northwest corner of said 60 ft. wide strip of land;
- Thence South 89° 14' East along the North line of said 60 ft. wide strip of land and along a fence line 3468.54 ft. to a railroad tie corner post, the Northeast corner of said 60 ft. strip;
- Thence South 2° 19' West along a fence line at 60.00 ft. passing the Southeast corner of said 60 ft. strip of land, in all a distance of 1227.50 feet, a railroad tie for corner post in the northwesterly line of a 60 ft. road right-of-way;
- Thence South 30° 23' West, along said Northwesterly R.O.W. and a fence line 141.00 feet to a railroad tie corner post;

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Thence South 1° 27' East along a fence line to a creek bottom and continuing on in all a distance of 2672.40 ft. to a 1-inch iron pipe for corner;

Thence South 88° 42' East at 68 ft. a corner fence post and continuing along a fence line 1315.00 feet to a railroad tie corner post, the Northeast corner of the J. Marshall Survey;

Thence South along the East line of the said J. Marshall Survey and a fence line 3047.20 feet to the place of beginning, and containing 883.38 acres, gross;

Save and Except a 60 ft. wide strip of land reserved or conveyed along the entire most Northerly line of the tract herein described, said 60 ft. strip encompasses 4.78 acres of land leaving 878.60 acres, of which approximately 16.48 acres out of the West Northwest corner of the above described tract is not covered by said Deed to W. L. N. G. Associates, leaving 862.12 acres, more or less;

SAVE AND EXCEPT the following lots, tracts or parcels of land contained within the above description, to-wit:

- (1) All Lots in all Sections of the Plat of the Addition of Brookhaven In The Pines, and
- (2) All roads, roadways and recreation areas shown on the recorded plats of Brookhaven In The Pines, and
- (3) A tract of land containing 67.68 acres, more or less, upon which an additional Section of Brookhaven In The Pines is contemplated, described as follows:

Beginning at the southeast corner of Lot 1 Block A of Brookhaven in the Pines Section No. 5.

Thence in a general northerly direction with the easterly lines of said Brookhaven in the Pines Section No. 5 the following courses and distances;

- 1-. North 20° 19' West 1054.98 ft.
- 2-. North 21° 03' West 1453.40 ft.
- 3-. South 85° 04' West 400.00 ft.
- 4-. North 17° 41' West 45.00 ft.
- 5-. North 72° 19' East 100.00 ft.
- 6-. North 17° 30' West 57.80 ft.
- 7-. North 52° 41' East 111.60 ft.
- 8-. North 43° 12' East 103.50 ft.
- 9-. North 39° 01' East 96.50 ft.
- 10-. North 29° 17' East 86.40 ft.
- 11-. North 22° 22' East 112.80 ft.
- 12-. North 3° 25' East 109.90 ft. to the northeast corner of said Section No. 5.

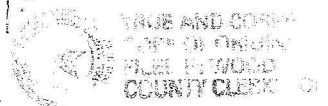
Thence North 12° 09' West 109.50 ft. to an iron pipe in the north line of the said J. Marshall Survey at an ELL corner of the abovementioned 862.12 Acre tract of land.

Thence South 88° 42' East 1315.00 ft. to a railroad tie corner post at the northeast corner of the said J. Marshall Survey.

Thence South with said J. Marshall Survey and a fence line 3047.20 ft. to its southeast corner.

Thence North 89° 49' West 381.50 ft. to the place of beginning and containing 67.68 Acres of land more or less.

All of which is shown in detail on the plat of survey dated June 26, 1968, prepared by Chester H. Breneman, and which is attached hereto as an exhibit.



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(4) A tract of land containing 4.733 acres, more or less, described as follows:

Beginning at the southeast corner of Lot 1 of Brookhaven in the Pines Section No. 2.
Thence North 48° 30' West 190 ft. to the northeast corner of said Lot 1.
Thence along the southerly lines of a private road the following courses and distances;

- 1-. North 24° 30' East 223.50 ft;
- 2-. North 51° 30' East 78.00 ft.
- 3-. South 70° 00' East 131.00 ft.
- 4-. South 88° 42' East 181.80 ft.
- 5-. North 63° 31' East 141.00 ft.
- 6-. North 41° 32' East 122.00 ft.
- 7-. South 15° 55' East 106.00 ft. to the northwesterly line of a roadway

along the northwest line of Block B of Brookhaven in the Pines Section No. 5.
Thence along the northwesterly line of said roadway the following courses and distances;

- 1-. South 21° 34' West 138.00 ft.
- 2-. South 41° 53' West 157.00 ft.
- 3-. South 56° 26' West 154.00 ft.
- 4-. South 16° 52' East 100.00 ft. to the northeast corner of Lot 20 Block C of Brookhaven in the Pines Section No. 5.

Thence South 59° 10' West 175.40 ft. to the northwest corner of said Lot 20.
Thence North 47° 30' West 199.50 ft. to the place of beginning and containing 4.733 Acres of land more or less.

All of which is shown in detail on the plat of survey dated June 26, 1968, prepared by Chester H. Breneman, and which is attached hereto as an exhibit.



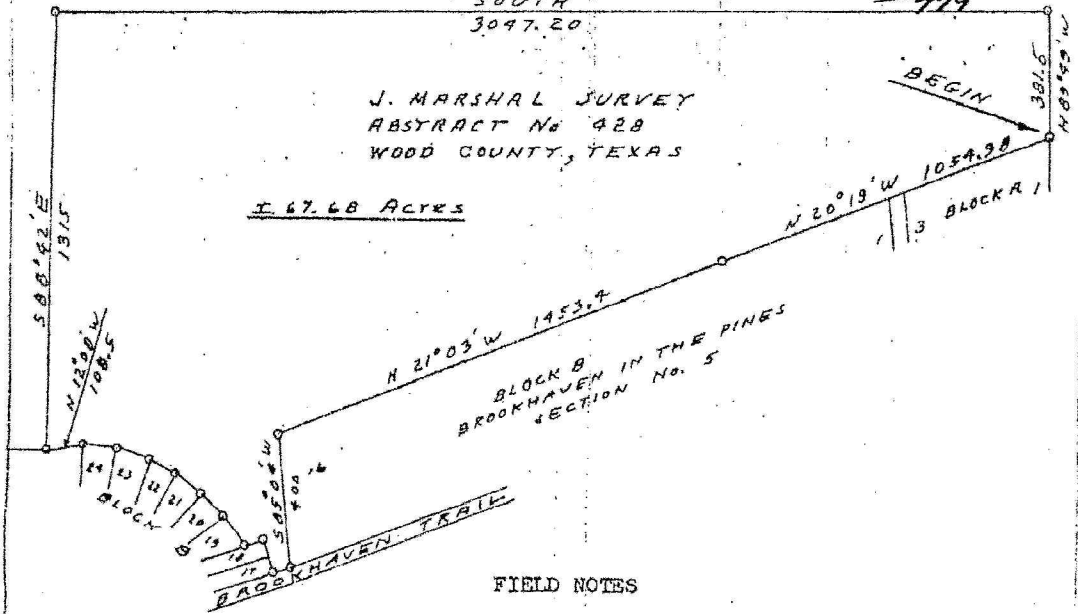
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J. MARSHAL SURVEY
ABSTRACT No. 428
WOOD COUNTY, TEXAS

67.68 ACRES



FIELD NOTES

This is to certify that this plat was prepared this date from a careful and accurate survey of a tract of land situated in Wood County, Texas out of the J. Marshal Survey Abstract No. 428 and being part of an 862.12 Acre tract of land as described in a deed to George V. Basham Jr. and Thomas L. Anderson recorded in Vol. 535 Pg. 21 of the Deed Records of Wood County, Texas and being more particularly described by metes and bounds as follows;

- Beginning at the southeast corner of Lot 1 Block A of Brookhaven in the Pines Section No. 5.
- Thence in a general northerly direction with the easterly lines of said Brookhaven in the Pines Section No. 5 the following courses and distances;
- 1-. North 20° 19' West 1054.98 ft. 2-. North 21° 03' West 1453.40 ft.
- 3-. South 85° 04' West 400.00 ft. 4-. North 17° 41' West 45.00 ft.
- 5-. North 72° 19' East 100.00 ft. 6-. North 17° 30' West 57.20 ft.
- 7-. North 52° 41' East 111.60 ft. 8-. North 43° 12' East 103.50 ft.
- 9-. North 39° 01' East 96.50 ft. 10-. North 29° 17' East 86.40 ft.
- 11-. North 22° 22' East 112.80 ft. 12-. North 3° 25' East 109.90 ft. to the northeast corner of said Section No. 5.
- Thence North 12° 08' West 108.50 ft. to an iron pipe in the north line of the said J. Marshal Survey at an ELL corner of the abovementioned 862.12 Acre tract of land.
- Thence South 88° 42' East 1315.00 ft. to a railroad tie corner post at the northeast corner of the said J. Marshal Survey.
- Thence South with said J. Marshal Survey and a fence line 3047.20 ft. to its southeast corner.
- Thence North 89° 49' West 381.50 ft. to the place of beginning and containing 67.68 Acres of land more or less.

Survey For
George V. Basham Jr.

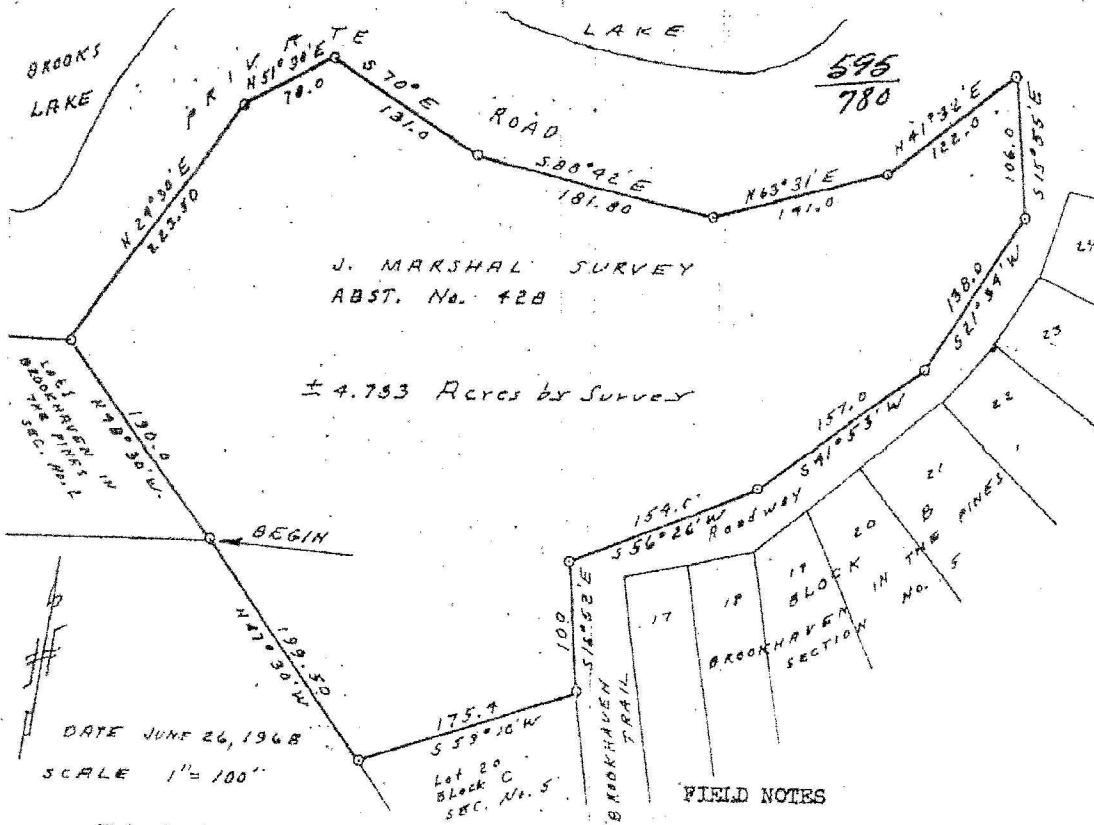
Chester H. Breneman
Chester H. Breneman
Registered Surveyor
No. 872

Date June 26, 1968

SCALE 1" = 400'



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This is to certify that this plat was prepared from a careful and accurate survey of a tract of land situated in Wood County, Texas out of the J. Marshal Survey Abstract No. 428 and being more particularly described by metes and bounds as follows.

Beginning at the southeast corner of Lot 1 of Brookhaven in the Pines Section No. 2.
 Thence North 49° 30' West 190 ft. to the northeast corner of said Lot 1.
 Thence along the southerly lines of a private road the following courses and distances;
 1-. North 24° 30' East 223.50 ft.; 2-. North 51° 30' East 78.00 ft.
 3-. South 70° 00' East 131.00 ft. 4-. South 88° 42' East 181.80 ft.
 5-. North 63° 31' East 141.00 ft. 6-. North 41° 39' East 122.00 ft.
 7-. South 15° 55' East 106.00 ft. to the northwesterly line of a roadway along the northwest line of Block B of Brookhaven in the Pines Section No. 5.
 Thence along the northwesterly line of said roadway the following courses and distances;
 1-. South 21° 34' West 139.00 ft. 2-. South 41° 53' West 157.00 ft.
 3-. South 56° 26' West 154.00 ft. 4-. South 16° 52' East 100.00 ft. to the northeast corner of Lot 20 Block C of Brookhaven in the Pines Section No. 5.
 Thence South 59° 10' West 175.40 ft. to the northwest corner of said Lot 20.
 Thence North 47° 30' West 199.50 ft. to the place of beginning and containing 4.733 Acres of land more or less.

Survey For
 George V. Basham Jr.

Chester H. Brennan
 Chester H. Brennan
 Registered Surveyor
 No. 872

FILED FOR RECORD THE 24th DAY OF July A. D. 1968 AT 8:40 O'CLOCK AM.
 RECORDED THIS THE 16th DAY OF August A. D. 1968 AT 9:20 O'CLOCK AM.
 By Kate Shultz Deputy J. A. GLENN COUNTY CLERK WOOD COUNTY, TEXAS.