

THE STATE OF TEXAS
COUNTY OF FREESTONE

KNOW ALL MEN BY THESE PRESENTS:

DECLARATIONS OF COVENANTS
CONDITIONS AND RESTRICTIONS

THAT WHEREAS, MAXWELL FITZGER PATTY, Individually, and as President of E. & M Building Company, A Texas Corporation, acting by and through its officers hereunto duly authorized, hereinafter called Declarant, is the owner of all that certain real property located in Freestone County, Texas, described as Turtle Creek Townhome Subdivision, Flat 71-B, Plat Records, Abstract No, 130, such Subdivision consisting of Lots one (1) through eleven (11).

WHEREAS, Declarant will convey the above described properties, subject to certain protective covenants, conditions, restrictions, liens, and charges as hereinafter set forth;

NOW THEREFORE, it is hereby declared that all properties described above shall be held, sold and conveyed subject to the following assessments, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with, the real property described above and shall be binding on all parties having any right, title, or interest in or to the above described property or any part thereof, and their heirs, successors, and assigns, in which assessments, restrictions, covenants, and conditions shall inure to the benefit of each owner thereof.

I.

"Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any lot or portion of a lot on which there is or will be built a detached single family dwelling, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

"Properties" shall mean and refer to that certain real property hereinabove described.

"Lot" shall mean and refer to any of the plots of land shown upon the plat and subdivision map recorded at page 11-2 of the Plat Records of Yreka County, Yreka, or any portion or combination thereof, other than designations for utility easements or streets. The term "Lot" shall not include Common Area nor any other reserves shown on the said map or plat.

II.

All lots shall be used for residential purposes only.

III.

Any single story residence constructed on said lots must have a ground floor area of not less than 1400 square feet, exclusive of open or screened porches, terraces, patios, driveways, carports, and garages. Any residence other than a single story residence must have not less than 1200 square feet of ground floor living area, exclusive of open or screened porches, terraces, patios, driveways, carports and garages. Any residence constructed shall have its front facing onto the courtyard, or parking area and green belt as shown on said plat, and all garages or carports shall have their entrance opposite and to the rear of the residence front. Any fence shall be compatible with existing fences, consisting of brick masonry posts and wood slats.

IV.

All residences constructed on said lots must be by new construction and no houses, dwellings, residences, mobile homes, house trailers, or the like shall be placed upon any Lot for any purpose.

V.

None of the lots in this division shall be subdivided in any fashion except that any person owning two or more adjoining lots may subdivide or consolidate such lots into building sites, providing that such subdivision or consolidation does not result in any building site having a front lot line of less than 45 feet. *lots 45 ft wide 75 ft deep*

VI.

Easements for the installation and maintenance of utilities and drainage facilities and streets are reserved as shown on the recorded plat.

VII.

No noxious or offensive activity shall be carried on upon any lot,

nor shall anything be done thereon which may be illegal or which may become an annoyance or nuisance to the neighborhood.

VIII.

No signs of any character shall be allowed on any Lot except one sign of not more than five square feet placed thereon for purpose of advertising for sale or rent.

IX.

Notwithstanding any other provision of this declaration, Declarant or any other person or entity engaged in the construction and sale of residences within this subdivision shall have the right, during the construction and sales period, to construct and maintain such facilities as may be reasonably necessary or convenient for such construction and sale of residences, including, but not limited to signs, storage areas, and office facilities.

X.

No mineral development including oil well drilling, gas well drilling, or lignite excavation, shall be permitted in this subdivision.

XI.

No Lot or reserved easement or dedicated street shall be used or maintained as a dumping ground for rubbish or trash, and no garbage or other waste shall be kept except in sanitary containers. Burning of trash, rubbish, leaves, shrubbery, or trees shall not be permitted.

XII.

No animal, livestock, or poultry of any kind shall be raised or bred on any Lot, except that dogs, cats, or other household pets, may be kept, provided that they are not kept, bred, or maintained for any commercial purpose.

XIII.

No shrub or tree shall be planted which may obstruct wire lines at elevations between two and six feet above any roadway on any corner Lot in this subdivision.

XIV.

No profession, business, or commercial activity to which the general public is invited shall be conducted on any Lot.

XV.

The Declarant, or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, and reservations now or hereafter imposed by the provisions of this Declaration. Failure to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

XVI.

Invalidity of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provision, and all other provisions shall remain in full force and effect.

EXECUTED by the said Declarant, this the 30 day of May, 1980.

Maryellen Pittzer Pittz
MARYELLEN PITZER PITZ, Individually and
as President of R & H Building Company,
A Texas Corporation.

THE STATE OF TEXAS I
COUNTY OF FROSTONE I

BEFORE ME, the undersigned authority, on this day personally appeared MARYELLEN PITZER PITZ, Declarant, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration there expressed.

SWORN TO AND SUBSCRIBED BEFORE ME this the 30th day of May, 1980, to which witness my signature and seal of office.

Ruth Dickson
Ruth Dickson
Notary Public, Frostone County, Texas

