

## 2413

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR  
CLEARWATER SPRINGS**

**THE STATE OF TEXAS**

**KNOW ALL MEN BY THESE PRESENTS**

**COUNTY OF POLK**

WHEREAS, Developer is the majority owner of all the property (i.e. all the tracts and parcels of land), which is described in Exhibit "A" attached hereto and incorporated herein,

This Declaration, made on the date hereinafter set forth by JOHNNY KOEHLER as "Developer"

WITNESSETH

NOW, THEREFORE, the undersigned hereby adopts, establishes and imposes this Declaration of Covenants, Conditions and Restrictions for CLEARWATER SPRINGS, upon CLEARWATER SPRINGS, and declares the following reservations, easements, restrictions, covenants and conditions applicable thereto, all of which for the purposes of enhancing and protecting the value, desirability and attractiveness of said Property, which Restrictions shall run with said Property and title or interest therein, or any part thereof, and shall insure to the benefit of each owner thereof, except that no part of this Declaration or the Restrictions shall be deemed to apply in any manner to any area not included in the boundaries of said Plat or survey unless specifically provided for herein. Developer also declares that this subdivision shall be subject to the jurisdiction of the "Association" (as hereinafter defined)

**SECTION 1** "Association" shall mean and refer to the CLEARWATER SPRINGS Property Owners Association, and its successors and assigns as defined and permitted in Section 15 below

**SECTION 2** "CLEARWATER SPRINGS" shall mean and refer to the tracts and parcels of land and any other sections of CLEARWATER SPRINGS hereafter made subject to the jurisdiction of the Association

**SECTION 3** "Developer" shall mean and refer to JOHNNY KOEHLER, and its assigns and successors

**SECTION 4** Any dwelling constructed on subject property must have a one story of not less than 1,500 square feet and a minimum first floor area of 1200 square feet shall be required for a two story residence. All Dwellings, detached garages, work shop, and barns must be approved in writing by the Architectural Control Committee prior to being erected, altered or placed on the Lot. The term "Dwelling" does not include single or double wide mobile or manufactured homes, or any old or used houses to be moved on the Lot and said manufactured and used homes are not permitted within the Subdivision. There will be no mobile or prefabricated homes allowed. Any building, structure or improvement commenced on any tract shall be completed as to exterior finish and appearance within twelve (12) months from the commencement date. The definition of a mobile or prefabricated home will be left to the discretion of the developer until 80% of the tracts have been sold, or the Homeowners Association pursuant to Section 15 below. A Tract Owner may also build a guest home with no less than 800 square feet, subject to the restrictions enumerated herein.

**SECTION 5** All buildings shall be single-family dwellings

**SECTION 6** No structure of a permanent nature or character, whether trailer, basement, tent, shack, shed, garage, storage building, or other outbuilding, shall be maintained or used on any tract at any time as a residence

**SECTION 7** All automobiles and/or other motor vehicles used on the property must have current license, insurance and registration. No abandoned or inoperative automobile, other vehicle or trailer shall be permitted to remain on or in front of subject property. Personal campers, boats, tractors,

trailers, recreational vehicles, etc will be permitted provided they have a current license, insurance and registration and be hidden from street view and from the view of adjoining properties, but shall not be used as a temporary or permanent dwelling or residence See Section 6 above for the definition of word "temporary"

**SECTION 8** All building, including but not limited to, one-family dwellings, garages, and barns shall be located no closer than one hundred and fifty (125) feet from the front property line and shall be no closer than twenty (20) feet from the side property lines and no closer than twenty (20) feet from the rear property lines Also, for these purposes, porches, stoops, bays and covered areas are considered part of the building

**SECTION 9** Subject property shall not be used or maintained as a dumping ground for rubbish or trash No garbage or other waste shall be kept, except in sanitary containers All other equipment for the storage and disposal of such materials shall be kept in a clean and sanitary condition

**SECTION 10** Animals, livestock, emu's and ostrich, other than hogs or poultry, may be kept, bred, and maintained on subject property under the following conditions

- A No livestock of any type shall be allowed to run loose except upon one's own premises
- B All horses, cattle or other livestock shall be kept enclosed by suitable fencing of subject property
- C No swine allowed Except for 4-H or FFA school sponsored programs for permanent residents only
- D No chickens, turkeys or other poultry may be kept or raised on subject property except for personal consumption and/or pets subject to other pertinent covenants set forth herein, or for 4-H or FFA school sponsored programs
- E Though cattle are permitted, feed lots are not permitted
- F The premises shall be maintained in such a manner as to prevent health hazards and shall not be offensive to the neighboring tracts

**SECTION 11** No commercial activity other than that of permitted livestock shall be conducted on any tract other than Tract 5,10,11,13 and 19 Agricultural and Aqua cultural activities are permitted so long as such activity is in compliance with Section 10, above

**SECTION 12** Any owner of a property subject to these restrictions shall provide for the disposal of waste material through a septic system approved by the appropriate governmental authority

**SECTION 13** No privy, cesspool or outdoor toilets shall be placed or maintained on any part of the property and all indoor toilets and baths shall be installed and connected to a septic tank or sanitary sewer which must be approved by all state, county or city health authorities having jurisdiction The drainage of septic tanks into road ditches, either directly or indirectly, is strictly prohibited

**SECTION 14** No sign, advertisements, billboards or advertising structure of any kind may be erected or maintained on any tract without the prior written consent of the Developer or Architectural Control Committee Developer or Architectural Control Committee shall have the right to remove any such non-conforming sign, advertisement or billboard or advertising structure, which is placed on any tract without such consent and in so doing, shall not be liable, and hereby expressly relieved from any liability for trespass or other tort in connection with, or arising from such removal

**SECTION 15 Property Owner's Association** The developer will be responsible for enforcing these Restrictions until 80% of the tracts are sold in the subdivision which is referred to as the "Control Transfer Date" Once the Control Transfer Date has occurred, Developer will assign to the property owners, the responsibility of the formation of a formal Property Owner's Association and Architectural Control Committee, if they deem necessary and so elect At the same time, Developer will also assign to the property owners the authority to enforce these Restrictions, until such time as the formal Property Owner's Association has been formed, if they so elect This authority includes the capacity to make any necessary decisions to enforce the Restrictions The above-referenced authority to enforce the restrictions shall be available to each property owner individually, or collectively after the Transfer Control Date

**SECTION 16** Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way effect any other provisions, which shall remain in full force and effect

**SECTION 17** No breach of any of the conditions herein contained or re-entry by reason of such breach shall defeat or render invalid the lien of any mortgage made in good faith and for value as the subject property, provided, however, that such conditions shall be binding on any owner whose title is acquired by foreclosure, trustees, sale or otherwise

**SECTION 18** The covenants and restrictions of this declaration shall run with and bind the land, and shall bind all owners for as period of thirty (30) years from the date hereof Thereafter these restrictions shall automatically lose effect and become null and void

**SECTION 19** No tract or tracts shall be re-subdivided without the prior written approval of the Developer and property county authorities

EXECUTED THIS THE 8<sup>TH</sup> DAY OF MARCH, 2004

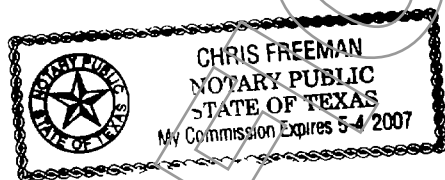
**CLEARWATER SPRINGS**

By Name Johnny Koehler

STATE OF TEXAS

COUNTY OF POLK

This instrument was acknowledged before me on this the 8 day of March, 2004, by Johnny Koehler



Chris Freeman  
Notary Public, State of Texas

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Fieldnotes to all that certain tract of land being 233 223 acres more or less located in the George Miles Survey Abstract No 413 and the C Devore Survey Abstract No 207 both in Polk County Texas being part of the land described as Parcel 14 all of the land described as Parcel 16 and all of the land described as Parcel 17 all under Tract P 5 in a deed from International Paper Company to Former Champland LLC dated June 25 2001 and recorded in Volume 1219 Page 679 the Official Public Records of Polk County Texas (OPRPCT) Said land also being all of the 41 acres and the 61 8 acres described as Second Tract (a) and (b) and part of the 1024 acre tract described as Seventeenth Tract, all in a Deed from West Lumber Company to Rock Creek Lumber Company dated December 31 1926 and recorded in Volume 84 Page 255 of the Deed Records of Polk County Texas (DRPCT) and all of the called 3 474 acre tract described in a Deed from Jerry Allen Chain to Southland Paper Mills Inc dated May 12 1972 and recorded in Volume 267 Page 336 DRPCT Said 233 223 acres being more particularly described as follows

BEGINNING at a concrete monument found for the South corner of the said 41 acre tract and the most eastern corner of the Pinwah Pines Estates II Subdivision plat of which is recorded in Cabinet 1 Slide No 172-A of the Plat Records of Polk County Texas (PRPCT)

THENCE N52°40'03"W 705 66 feet with the most eastern Northeast boundary of the said Pinwah Pines Estates II and the Southwest boundary line of the said 41 acre tract to a concrete monument found for a North corner of the said Pinwah Pines Estates II and the East corner of a called 7 acre tract described in a Deed from Lee Smith Jr et al to Jack White dated September 28 1959 and recorded in Volume 182 Page 451 DRPCT

THENCE N52°57'27"W 409 29 feet with the Northeast boundary line of the said 7 acre tract and the Southwest boundary line of the said 41 acre tract to a concrete monument found for the South corner of Pinwah Pines Subdivision Section 3 as shown on the plat filed in Cabinet 1 Slide 151-C PRPCT and the West corner of the said 41 acre tract.

THENCE N53°47'45"E 526 76 feet with the Southeast boundary line of the said Pinwah Pines Subdivision Section 3 and the Northwest boundary line of the said 41 acre tract to a 1/2-inch iron rod found for an angle corner of the said Pinwah Pines Subdivision Section 3 same being the South corner of the said 3 474 acre tract

THENCE N00°30'59"E 671 85 feet with the most eastern boundary line of the said Pinwah Pines Subdivision Section 3 and the West boundary line of the said 3 474 acre tract to a 1/2-inch iron rod found for the North corner of the said 3 474 acre tract in the Southwest boundary line of a called 1 345 acre tract described as Tract One in a Deed from David John Burrow to Helen Joyce Burrow dated March 25 2001 and recorded in Volume 1208 Page 861 OPRPCT (further described in a Deed recorded in Volume 941 Page 571 OPRPCT)

THENCE S52°47'50"E 561 76 feet with the Northeast boundary line of the said 3 474 acre tract in part with the Southwest boundary line of the said 1 345 acre tract and in part with the Southwest boundary line of a called 30 75 acre tract described in a Deed from Mrs Jennie Cayton to John King dated November 2, 1946 and recorded in Volume 152 Page 603 DRPCT to a concrete monument found for the South corner of the said 30 75 acre tract and the East corner of the said 3 474 acre tract in the Northwest boundary line of the said 41 acre tract

THENCE N36°56'51"E 916.51 feet with the Southeast boundary line of the said 30.75 acre tract and with the Northwest boundary line of the said 41 acre tract to a concrete monument found for the East corner of the said 30.75 acre tract and the North corner of the said 41 acre tract in the Southwest boundary line of a called 25 acre tract described in a Deed from Jack White to John King dated February 4, 1950 and recorded in Volume 146 Page 377 DRPCT

THENCE S52°59'42"E 836.68 feet with the Southwest boundary line of the said 25 acre tract and with the Northeast boundary line of the said 41 acre tract to a concrete monument found for the South corner of the said 25 acre tract and the East corner of the said 41 acre tract

THENCE N38°00'43"E 1797.17 feet with a Northwest boundary line of the said 1024 acre tract, in part with the Southeast boundary line of the said 25 acre tract, in part with the Southeast boundary line of a called 1.0 acre tract described in a Deed from Annie King et al to Troumer Johnson dated November 22, 1985 and recorded in Volume 530 Page 483 DRPCT, in part with the Southeast boundary line of a called 3.635 acre tract described as Tract Two in a Deed from Jack White Enterprises Inc. to Addie Mae Johnson dated November 12, 1990 and recorded in Volume 1129 Page 793 OPRPCT and in part with the Southeast boundary line of a called 25 acre tract described in a Deed from John King to Jack White dated February 4, 1950 and recorded in Volume 146 Page 376 DRPCT to a concrete monument found for the East corner of the said 25 acre tract and the South corner of the said 61.8 acre tract

THENCE N52°59'26"W 1422.33 feet with the Southwest boundary line of the said 61.8 acre tract, in part with the Northeast boundary line of the said 25 acre tract in Volume 146 Page 376 and in part with the Northeast boundary line of a tract of land described in a Deed from W. L. Dickey to Jack White dated September 29, 1939 and recorded in Volume 117 Page 89 DRPCT (further described in a Deed recorded in Volume 105 Page 128 DRPCT) to a 1/2-inch iron rod set for the West corner of the said 61.8 acre tract and the South corner of a called 30 acre tract described in a Deed from Louis Eleby et al to Jack White and wife Alzie White dated June 8, 1963 and recorded in Volume 199 Page 141 DRPCT

THENCE N38°30'47"E 1909.05 feet with the Southeast boundary line of the said 30 acre tract and the Northwest boundary line of the said 61.8 acre tract to a concrete monument found for the North corner of the said 61.8 acre tract and the East corner of the said 30 acre tract in the Southwest boundary line of a called 30,000 acre tract described in a Deed from Perry A. Tanner Jr to C. T. Ramsey and Raymond C. Lewis dated August 9, 1984 and recorded in Volume 464 Page 105 DRPCT

THENCE S51°56'56"E 1406.01 feet with the Northeast boundary line of the said 61.8 acre tract and the Southwest boundary line of the said 30,000 acre tract to a concrete monument found for the East corner of the said 61.8 acre tract and the North corner of the said 1024 acre tract

THENCE S51°17'10"E 117.72 feet with the Southwest boundary line of the said 30,000 acre tract and the Northeast boundary line of the said 1024 acre tract to a 1/2-inch iron rod found for the South corner of the said 30,000 acre tract in the West right of way line of Farm to Market Highway No. 3126 (said right of way described as Second Tract in a Deed to the State of Texas recorded in Volume 107 Page 292 DRPCT)

THENCE S27°39'13"W 3747.41 feet with the West right of way of the said highway to the PC of a 1°57'39" curve to the left, said point referenced by a concrete right of way marker at N62°20'25"W 0.52 feet

THENCE with the said curve (having a central angle of 22°25'45" a radius of 2922.17 feet and along chord of S16°26'42"W 1136.63 feet) at 1143.92 feet a concrete right of way marker for the PT of the said curve

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THENCE S05°35'0" E 2099.15 feet continuing with the said West front of way to a 1/2 inch iron rod found for the most Northeastern corner of a called 3.464 acre tract described in a Deed from Southland Paper Mills, Inc. to Jerry Allen Chair recorded in Volume 267 Page 338 DRPCT. Said 3.464 acre tract is a 60 foot wide road accepted as a county road by Polk County in the Commissioners Court Minutes dated December 9, 1985.

THENCE N80°28'42" W 270.39 feet with the common boundary line between the said 3.464 acre tract and the herein described 233.223 acre tract to a 1/2 inch iron rod set for the PC of a 33°42'12" curve to the right.

THENCE in a Northwesterly direction with the common boundary line between the said 3.464 acre tract and the said 233.223 acre tract and with the said curve (having a radius of 170.00 feet, a central angle of 36°55'47" and a long chord of N61°47'30" W 107.69 feet) at 109.57 feet a 1/2-inch iron rod set for the PT of the said curve.

THENCE N43°19'36" W 318.00 feet continuing with the common boundary line between the said 3.464 acre tract and the said 233.223 acre tract to a 1/2 inch iron rod set for the PC of a 33°07'08" curve to the right.

THENCE in a Northwesterly direction continuing with the common boundary line between the said 3.464 acre tract and the said 233.223 acre tract and with the said curve (having a radius of 173.00 feet, a central angle of 30°53'04" and a long chord of N28°02'01" W 92.13 feet) at 93.25 feet a 1/2 inch iron rod set for the PT of the said curve.

THENCE N12°29'32" W 277.82 feet continuing with the common boundary line between the said 3.464 acre tract and the said 233.223 acre tract to a 1/2 inch iron rod set for the PC of a 25°18'57" curve to the left.

THENCE in a Northwesterly direction continuing with the common boundary line between the said 3.464 acre tract and the said 233.223 acre tract and with the said curve (having a radius of 226.32 feet, a central angle of 34°58'38" and a long chord of N29°21'25" W 136.03 feet) at 138.16 feet a 1/2-inch iron rod set for the PT of the said curve.

THENCE N46°48'12" W 461.87 feet continuing with the common boundary line between the said 3.464 acre tract and the said 233.223 acre tract to a 3/8" iron rod found for an angle corner.

THENCE N42°24'50" W 343.22 feet continuing with the common boundary line between the said 3.464 acre tract and the said 233.223 acre tract to a 1/2" iron rod set for an angle corner.

THENCE N30°40'21" W 277.01 feet continuing with the common boundary line between the said 3.464 acre tract and the said 233.223 acre tract to a 3/8" iron rod found for the PC of a 24°52'56" curve to the left.

THENCE in a Northwesterly direction continuing with the common boundary line between the said 3.464 acre tract and the said 233.223 acre tract and with the said curve (having a radius of 230.27 feet, a central angle of 28°41'46" and a long chord of N44°03'39" W 106.32 feet) at 107.29 feet a 3/8" iron rod found for the PT of the said curve.

THENCE N57°31'22" W 103.15 feet continuing with the common boundary line between the said 3.464 acre tract and the said 233.223 acre tract to a 5/8" galvanized bolt found for the North corner of the said 3.464 acre tract and the most southern West corner of the said 233.223 acre tract on the Northwest boundary line of the said 1024 acre tract and the Southeast boundary line of Pinwah Pines Estates II.

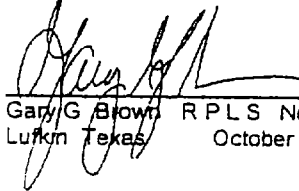
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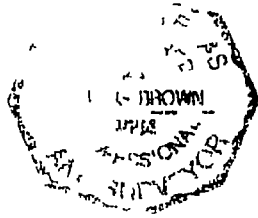
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THENCE N37°57'36" E 494.47 feet (basis or bearings) with the common boundary between the said Pinwan Pines Estates II and the said 200.223 acre tract to the PLACE OF BEGINNING and containing 200.223 acres more or less as shown on the accompanying plat or even date here with

This survey as made on the ground during September 2003 and conforms to the Texas Professional Land Surveying Practices Act and the current Rules of Practice and Procedures of the Texas Board of Professional Land Surveying

GOODWIN LASITER INC

  
\_\_\_\_\_  
Gary G. Brown R P L S No 4654  
Lufkin Texas October 8 2003



State of Texas }  
County of Polk }  
I, BARBARA MIDDLETON hereby certify that this instrument was FILED in the file number sequence on the date and at the time stamped hereon by me and was duly RECORDED in the Official Public Records in Volume and Page of the named RECORDS of Polk County Texas as stamped hereon by me

MAR 16 2004

*SW*

FILED FOR RECORD

2004 MAR 16 PM 3 27



*Barbara Middleton*  
\_\_\_\_\_  
COUNTY CLERK  
POLK COUNTY, TEXAS

*Barbara Middleton*  
\_\_\_\_\_  
POLK COUNTY CLERK

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