

AUTUMN TRAILS, SECTION ONE (1)

RESTRICTIONS & COVENANTS TO RUN WITH THE LAND

We, PETE R. GARLAND and CATHY A. GARLAND, TRUSTEES of **PETE & CATHY GARLAND LIVING TRUST AGREEMENT NUMBER ONE (1)**, being the sole owner of the 38.577 acres subdivided as **AUTUMN TRAILS, SECTION ONE**, herenow agree and impose the following restrictions to all lots in said Autumn Trails, Section One.

1. The tracts in POLK County, Texas, Autumn Trails Section 1, Shall be use for private, single family residences. No multi-family residences (e.g. apartments or duplexes) or commercial use shall be permitted.
2. The tracts shall not be re-subdivided into three (3) or more separate parcels of land.
3. No more than one dwelling shall be permitted to remain on the property, except for that of a Guest house – Mother-in-law home. Any secondary residence must be constructed within a 6 month period (refer to Paragraph #7 below) and meet all the restrictions for a primary residence with the following exceptions;
 - (A) No secondary residences shall be located on a tract nearer than 50 Ft. to the front building set back line nor nearer than 25 Ft. to any side street right of way line. In cases where the shape of a tract may make this impractical, a variance from this restriction by the restrictions committee may be requested. No variance is permitted until such may be granted by the restrictions Committee.
 - (B) No secondary residence shall contain less than 600 square feet of enclosed living area excluding garages and porches.
4. No building or structure shall be erected within Fifty (50) feet of the front property lines, within Twenty (20) feet of the back lines or within Ten (10) feet of any side line of any tract or lot.
5. No structure shall be erected or placed on any tract unless built of solid permanent materials with pleasing exterior. No structures shall have tarpaper, roll brick siding or similar material on the outside walls. Pitched roofs shall be constructed with asphalt shingles, "R" panel or standing seam metal roofing or equivalent in permanency, (no corrugated barn panels).
6. Sewage disposal systems shall be of a type approved or recommended by the entity with jurisdiction; Polk County Fresh Water Supply or the State of Texas and at all times shall be maintained in the designed operational condition.
7. The exterior of any structure constructed on any tract shall be "dried in "within 6 months from the date of commencement of construction. As used "dried in "means that the outside of the building must have the appearance of a completed building.
8. A dwelling shall contain not less than 1200 square feet of living area, exclusive of porches and garages. Every building constructed or placed on any tract shall be of new construction.

9. Any fencing shall be in a neat, orderly and professional manner with adequate design to resist wind loads.
10. No tents, campers, travel trailers or other vehicles shall be used on any of the property for residential purposes on a permanent basis (exceeding three months). No trailer houses or mobile homes, (as defined by the State of Texas) shall be permitted. This does not exclude Manufactured Homes installed with proper foundations.
11. Livestock or poultry shall be permitted if properly caged and maintained. Saddle stock and cattle will be permitted at the rate of one (1) head per (1) acre, maximum. Hogs or swine shall be permitted only on tracts of four (4) acres or larger in size at the rate of one (1) head per one (1) acre. The maximum number of live stock is limited to (10) ten.
12. No portion of the Land shall be used as storage or dumping ground for rubbish, trash, construction debris, used tires or appliances or any other unsightly items incompatible with residential usage. No outside toilet or privy shall be erected or maintained on the land.
13. No portion of the land shall be used in a manner that adversely affects adjoining property owners or creates an annoyance or nuisance to other property owners. This shall include noise pollution such as barking dogs, loud music or any animal or fowl that causes nuisance or foul odor.
14. All tracts shall be kept in a clean and orderly condition at all times and all trash, garbage and other waste shall be kept in sanitary containers to the rear of the dwelling. Waste containers placed by the roadway shall be those utilized by the garbage collection vendor.
15. All dwellings and buildings must be placed or installed parallel or perpendicular to the front property lines.
16. No sign of any kind shall be displayed in public view on any tract, except customary name and address signs and lawn signs of not more than three (3) square feet in size advertizing a property for sale or rent. Appropriate US and Texas Flags are permitted.
17. If the owner of the land shall violate any of the provisions of these restrictive covenants, any owner governed by these conditions or covenants herein shall be entitled to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant and either prevent him/her from so doing or to recover damages or other dues for such violations or both.
18. Invalidation of any one (1) or more of these covenants and restrictions by judgment of any Court shall in no way affect any of the other covenants, restrictions and provision herein contained and which shall remain in full force and effect.
19. The provisions hereof shall run with the land and be binding.

PETE & CATHY GARLAND LIVING TRUST AGREEMENT NUMBER ONE (1)

Pete R. Garland, Trustee

Cathy A. Garland, Trustee

ACKNOWLEDGMENT

STATE OF TEXAS)(

COUNTY OF POLK)(

 This instrument was acknowledged before me on the _____ day of _____,
2018, by Pete R. Garland and Cathy A. Garland.

Notary Public, State of Texas