

RESTRICTIVE COVENANTS

The following restrictions as to land use and other restrictive covenants are hereby imposed upon the above described tract or parcel of land, and the same shall be covenants running with the land binding upon Grantees and Grantees' heirs, successors and assigns for a period of twenty (20) years from and after the date hereof, to-wit:

1. No residential structure shall be built on the tract except for single family residential, recreational, farming or ranching purposes unless its living area has a minimum of eighteen hundred (1,800) square feet of floor area excluding open or screened porches, carports and garages. No single wide, double wide or triple wide mobile homes or manufactured homes are permitted on this property. No travel trailers, tents or any other temporary portable structure may be used as a temporary residence on this property. No homes will be moved on this property unless approved by Grantors, W. T. Byler and Sammy Pierce.
2. No commercial hog farm or commercial poultry farm nor junkyard or other offensive or noxious activity shall be carried on or permitted on property. No property shall be used or maintained as a dumping ground for trash, rubbish or any other material.
3. The creation of "feed lots" or any other type of agricultural activity, which concentrates animals in such a manner as to create a health hazard or offensive odor, or concentration of animal waste products, is prohibited.
4. Sewage Disposal: No structure intended for permanent human habitation should be occupied until such time as a sewage disposal system which will comply with

the Austin County Septic Requirements for on-site-sewer-facilities (OSSF) has been approved and installed. In no event shall cesspools be installed nor raw sewage be dumped on any portion of the property.

5. Toxic or Hazardous Waste Prohibited: No portion of the property shall be used for storage or disposal of any toxic or hazardous waste as same may be, from time to time, defined by applicable law or regulation.
6. No lot or tract may be re-subdivided into small lots or tracts.
7. Lot Maintenance. The owners or occupants of all tracts shall at all times keep all weeds and grass thereon cut in a sanitary, healthful and attractive manner and shall in no event use any tract for storage of materials and equipment except for normal residential, recreational, farming or ranching requirements or incident to construction of improvements.

The above stated restrictive covenants shall be in addition to (and not in lieu or alteration of) any and all requirements, restrictions or other provisions of any land use laws and regulations governing the use and operation of the above described property; whether now or hereafter in effect.

Grantor, for the consideration, receipt of which is acknowledged, and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold to Grantee, Grantee's heirs, executors, administrators, successors or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

The vendor's lien against and superior title to the property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute.

Current ad valorem taxes on the property having been prorated, the payment thereof is assumed by Grantee.



ALEXANDER SURVEYING
LAND SURVEYORS

W. T. BYLER & SAMMY PIERCE

TRACT 1

10.812 ACRES

ALL THAT TRACT OR PARCEL OF LAND consisting of 10.812 Acres located in the Richard Graham Survey, A-171, Austin County, Texas. Subject tract being a portion of the 58.344 Acre tract that is described in Deed to W. T. Byler and Sammy Pierce as recorded in File# 037266 of the Official Records of Austin County, Texas. Said tract consisting of 10.812 Acres and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found at a pipe post in the North Right-of-way of State Highway 159 (80 ft. R.O.W.) and being a Southeast corner of the 1.534 Acre tract (60 ft. Easement) which is the residue of the Mewis Tract recorded in Volume 729, Page 558 O.R.A.C.T. and Volume 729, Page 525 O.R.A.C.T. and being the Southwest corner of the 58.344 Acre parent tract and the Southwest corner of the herein described tract;

THENCE N 43d 50' 25" E, with the common line with said 1.534 Acre adjoining tract and generally with an existing fence line, a distance of 1011.46 ft. (Called N 43d 50' 25" E, 1011.46 ft.) to a 1/2" iron rod found for the Southwest corner of the 24.599 Acre tract described in a Contract of Sale & Purchase between the Texas Veterans Land Board and James Villa as recorded in Volume 729, Page 525 O.R.A.C.T. and being the Northwest corner of the 58.344 Acre parent tract and the Northwest corner of the herein described tract;

THENCE N 89d 18' 34" E, with the common line with said 24.599 Acre adjoining tract, a distance of 249.46 ft. (Called Brg. N 89d 18' 34" E) to a 1/2" iron rod set for the Northwest corner of the 10.805 Acre tract that has been designated as Tract 2 and surveyed and described this day, for the Northeast corner of the herein described tract;

THENCE S 06d 23' 41" W, with the common line with Tract 2, a distance of 861.69 ft. (No Call) to a 1/2" iron rod set in the North Right-of-way of State Highway 159 and being the Southwest corner of Tract 2, for the Southeast corner of the herein described tract;

January 6, 2004
W.O.# 4964

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EXHIBIT "A"



**ALEXANDER SURVEYING
LAND SURVEYORS**

W. T. BYLER & SAMMY PIERCE

TRACT 1

10.812 ACRES (continued)

THENCE with the North Right-of-way of State Highway 159 and with a curve to the right, which has a Radius of 5689.66 ft., Arc Length of 863.81 ft. and Chord Brs. N 81d 45' 11" W, 862.98 ft. (No Call) to the **PLACE OF BEGINNING** and containing 10.812 Acres.

NOTES: Bearings shown hereon are based on the description of the 24.599 Acre tract recorded in Volume 729, Page 525 O.R.A.C.T.

Reference is hereby made to plat, showing the subject tract, prepared this day.

January 6, 2004
W.O.# 4964

Glen S. Alexander
Registered Professional Land Surveyor, #4194



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FILED

06 MAR -2 PM 2:40

COUNTY CLERK
105 EAST MAIN STREET, BOX 586

061204

Bellville, Texas 77418

STATE OF TEXAS

COUNTY OF AUSTIN

I certify that this instrument was filed on the date and time stamped by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS OF AUSTIN COUNTY, TEXAS.



Carrie Gregor, County Clerk
Austin County, Texas

779/865-9145

Fax 979/865-5988

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