

26963

RESTRICTIONS AND COVENANTS
RUNNING WITH THE LANDSTATE OF TEXAS I
 I
COUNTY OF BRAZORIA I

That FIRST SAVINGS ASSOCIATION, ALVIN, TEXAS, BEING THE OWNER of the following described tract:

(SEE ATTACHED LEGAL DESCRIPTION)
Exhibit "A"

in order to provide for a uniform building program upon said property hereinabove described, and to assure the present and future owners of lots or tracts within said property will be maintained as a desirable residential area, does hereby impress upon said property the following restrictive covenants, which will run with the land and shall be binding on all persons claiming under it, as well as upon all persons who may own, lease, use, or occupy said land or any part thereof, until January 1st, of the year 2007, at which time said covenants shall be automatically extended for successive periods of ten years unless by a vote of the majority of the then owners of the tracts within the above described area, it is agreed to change said covenants in whole or in part.

If any person or persons shall violate or attempt to violate any of the covenants herein, any person or persons owning any real property situated in said development and the undersigned (whether the owner of any such lots/tracts or not) shall have the right to prosecute any procedure at law or in equity against the person or persons violating or attempting to violate any such covenants and either to prevent him or them from doing so or to recover damages or other dues for such violations.

Invalidation of any of these covenants by judgement or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

A Building Committee composed of Mr. Thomas M. French, Jr., W. R. Rosenbaum and Clark Lynch, and such persons as may be designated by FIRST SAVINGS ASSOCIATION, or by a representative, designated by a majority of the members of said Building Committee shall first examine all plans and specifications and plot plans of proposed building, as to cost, materials, conformity, and harmony of external design with existing (and approved proposed) structures in the subdivision, and as to location of the building with respect to topography and finished ground elevation.

Upon approval by the Committee of each and every set of plans and specifications as herein provided, such committee shall evidence their approval in writing, by separate memorandum or directly upon said plans. Such committee shall approve or reject any such plans and specifications submitted to them within thirty days (30), after same have been submitted. In case the committee fails to approve or disapprove such plans and specifications within the thirty day (30) period, such approval will not be required, provided a receipt in writing of the filing of such plans and specifications can be produced which acknowledges that said plans and specifications were submitted to any member of said Building Committee. Upon approval of such plans and specifications, one approved and signed copy will remain with FIRST SAVINGS ASSOCIATION, until the improvements have been completed and the Building Committee of their designated representative have satisfied themselves or himself that all of the requirements have been met.

D E E D

VOL 1359 PAGE 57

If such plans and specifications are not submitted to the Building Committee and if no suit to enjoin the erection of such building or the making of such alterations has been commenced prior to the completion of such improvements, such approval will not be required, but such shall not preclude recovery of any actual damages by any property owner resulting from violation of this or any other restriction.

Neither the members of such Building Committee or its designated representatives shall be entitled to any compensation for services performed pursuant thereto. In the event of the death or resignation of any member of said Building Committee, the remaining member or members shall have full authority to continue to approve or disapprove such plans and specifications or to designate a representative with like authority, or to designate successors with all of the above powers and authority or designated representatives shall be evidenced in writing and filed in the County Clerk's Office of Brazoria County, Texas.

1. All lots in this tract shall be known and described as residential lots and shall be used for single-family residential purposes and not otherwise.
2. No building shall be erected, altered, placed or permitted to remain on any residential lot other than one residential structure not to exceed two stories in height plus a private garage and such other outbuilding as are incidental to single-family residential use of the lot.
3. No structure shall be built nearer to the street than the building set-back line (or lines) shown on said subdivision plat, except that in no event will any structure or dwelling be closer than Seventy-Five Feet - (75') from the front property line and in the case of corner lots, the set-back will be determined by the size and shape of the lot, except that in no event will the set-back be less than Twenty (20) Feet from the side property line and only then if such set-back does not hamper, obstruct or otherwise conflict with the harmony of the rest of the subdivision. In the case of interior lots, no structure shall be built within Ten (10') Feet of the side property line.
4. No noxious or offensive activity, nor any trade or business of any kind shall be carried on upon any lot covered by these covenants or the improvements thereon, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
5. No signs of any kind shall be placed upon such lots except small signs which may be used for the purpose of selling said property or by the builder to advertise the sale of houses. In any event, such signs used for this purpose will be placed in a neat and orderly manner upon such properties and maintained and shall be no larger than the usual and standard signs in use by established Real Estate firms.
6. No trailer, mobile home, tent or shack shall be placed on any lot covered hereby for residential purposes or otherwise, no shall any basement, garage, or other outbuilding be used as a residence temporarily during construction or otherwise, excepting that builders construction office and storage trailers may be used during construction.

7. No dwelling shall be constructed on said lots which contains a floor area within the main structure, exclusive of open porches, garages, breezeways or storage of less than 1300 square feet net liveable area.
8. All dwellings shall be of masonry construction provided however, a combination of masonry and frame exterior construction will be permitted subject to the approval of the Building Committee.
9. No fence, wall or mass planting of shrubs or hedges may be constructed or grown or erected on interior lots between the building set-back line and the front property line and no construction of walls, fences or growth of hedges or shrubs shall be placed on corner lots in such a fashion as to obstruct the view of drivers approaching the intersection thus constituting a safety hazard.
10. Domestic pets, such as dogs and cats, may be kept unless they constitute a health, safety hazard or nuisance in the neighborhood. One horse may be kept on a single lot provided that proper facilities, including a stable, are provided and maintained in a clean and sanitary condition.

EXECUTED this the 6th day of September, 1977.

FIRST SAVINGS ASSOCIATION


Thomas M. French, Jr.
President

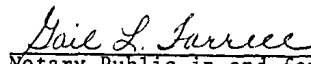
CORPORATE ACKNOWLEDGEMENT

STATE OF TEXAS I
 |
COUNTY OF BRAZORIA I

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared THOMAS M. FRENCH, JR., PRESIDENT, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said FIRST SAVINGS ASSOCIATION, ALVIN, TEXAS, a Corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 6th day of
September A. D., 1977.




Notary Public in and for
Brazoria County, Texas
Gail L. Farrell
Expires: 05-27-79

FIELD NOTES
for

40.06 acres of land situated in Lots 39, 40, 44, 45 and 46 and 53 of a Subdivision of Section 25, A. C. H. & B. Survey, Abstract 412, Brazoria County, Texas, according to the plat recorded in Vol. 8, Page 622 of the Deed Records of Brazoria County, Texas, and being more particularly described by metes and bounds as follows:

BEGIN at a 1" iron pipe set at the common corner of Lots 32, 33, 40 and 41 of said Subdivision of Section 25, A. C. H. & B. Survey, Abstract 412, Brazoria County, Texas, for the most Westerly corner of the herein described 40.06 acres of land and also the place of beginning;

THENCE North 42 deg. 03 min. 45 sec. East along and with the Northwest line of said Lot 40 a distance of 659.89 feet to a 1" iron pipe for corner;

THENCE North 47 deg. 40 min. 43 sec. West a distance of 557.57 feet to a point in the center of a large drainage ditch for corner;

THENCE North 42 deg. 25 min. 40 sec. East along and with the center of said large drainage ditch a distance of 522.80 feet to a point for corner;

THENCE North 63 deg. 44 min. 29 sec. East along and with the center of said large drainage ditch a distance of 392.24 feet to an iron rod set in the center of County Road 529 for corner;

THENCE South 23 deg. 05 min. 51 sec. East along and with the center of said County Road 529 a distance of 2032.12 feet to an iron rod for corner;

THENCE South 42 deg. 12 min. 05 sec. West along and with the center of a 40 foot platted road (unopened) a distance of 659.72 feet to a 1" iron pipe for corner;

THENCE North 47 deg. 54 min. 44 sec. West along and with the Southwest line of Lots 39 and 40 a distance of 1318.85 feet to the place of beginning.

Said tract contains 40.06 acres of land and is called HEIGHTS RIDGE SECTION 2 EXTENSION 2.

SIGNED: James M. Kaines

James M. Kaines, Engineer
P.L. License # 10931
Alvin, Texas

FILED FOR RECORD

AT 11:30 O'CLOCK A.M.

SEP 8 1977

H. R. STEVENS, JR.
CLERK COUNTY COURT, BRAZORIA CO., TEXAS
BY Helen Berg DEPUTY

ORIGINAL DIM

THE STATE OF TEXAS
COUNTY OF BRAZORIA
I, H. R. Stevens, Jr., Clerk of the County Court in and for Brazoria County, Texas, do hereby certify that this instrument was FILED FOR RECORD and RECORDED in the index and page of the record named and of the date and hour as recited herein by me.



Helen Berg
Deputy Clerk of County Court