

## RESTRICTIVE COVENANTS

Date: April 4, 2008

Developer: DAVID MADUZIA and wife,  
HEATHER BAILEYDeveloper's address: 1500 Raleigh  
Austin, Texas 78703

Owners: Developer and any persons who obtain title to the Property as described below.

## Owners' Representative:

Owners hereby designate the following person(s) as the Owners' Representative pursuant to Property Code Section 202.004. Developer shall be the Owners' Representative until the earlier of: (a) ten (10) years from the date of recordation of these Restrictive Covenants; and (b) the date upon which neither Developer nor Developer's heirs or legatees has title to any portion of the Property. Thereafter, the Owners' Representative shall be any person elected to such position by any persons owning at least seventy-five (75%) of the Property as evidenced by a document signed by such persons filed in the Official Public Records of Fayette County, Texas.

## Property:

Being a 2.493 acre tract of land, being Block 22 in the Town of Fayetteville, Texas, according to the plat thereof recorded in Volume 130, Page 124 and Volume 240, Page 12 of the Deed Records of Fayette County, Texas, and also a part of the A. Thompson Survey, Abstract 98 of Fayette County, Texas and being all of Block 22 as conveyed to Jesse Lee Wied and wife Polly J. Wied as recorded in Volume 828, Page 757 of the Deed Records of Fayette County, Texas, and being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference.

## Property:

Developer hereby imposes the following Restrictive Covenants, (the "Covenants"), upon the

1. The Property is restricted to use solely for single family residential and "light commercial" purposes, as more particularly described below. No business or commercial activities shall be conducted on the Property other than those consistent with the provisions of these Covenants and subject to the restrictions set forth herein.
2. The Property shall not be subdivided.
3. No residential buildings shall be erected on the Property other than: (a) one detached single-family dwelling; and (b) one garage, for storage only, which may be attached or detached from the single-family dwelling.

4. No commercial buildings shall be erected on the Property other than: (a) one detached retail building; and (b) one separate building, for storage only, which may be attached or detached from the retail building.
5. All improvements constructed on the Property shall be of only new materials, with all of the exteriors of such improvements constructed of brick, stone, masonry, logs or overlapped wood siding, except however, that good quality used brick or stone may be used on the exterior of any improvement. Notwithstanding the preceding sentence, an old house or other structure which otherwise meets the requirements set forth herein may be moved onto and permanently affixed to the Property if, in the sole and absolute discretion of the Owners' Representative, the old house or other structure is of sufficient historical and/or aesthetic merit as to not detract from the appearance of the Property as a whole and written permission for the installation of such house is signed by the Owners' Representative and recorded in the Official Public Records of Fayette County, Texas.
6. No building constructed on the Property shall exceed two stories or thirty feet (30') in height nor shall it have a first floor of more than twelve hundred (1,200) square feet of enclosed and air-conditioned living or working area, excluding porches, terraces, and garages, whether attached or detached, and breezeways, whether enclosed or not.
7. No garage or storage building constructed on the Property shall exceed twelve hundred (1,200) square feet in size, nor shall it exceed one story or fifteen feet (15') in height.
8. No trailer or trailer house, tent, garage, or storage building shall ever be used as a dwelling, temporary or permanent.
9. "Light commercial" uses shall include only the following:
  - (a) Neighborhood retail businesses which supply household commodities on the premises such as groceries, meats, dairy products, baked goods or other foods, notions or hardware;
  - (b) Specialty retail businesses which deal in new or vintage clothing, antiques, art, books, or "gift shop" items and the like;
  - (c) Personal service establishments which perform services on the premises for persons residing in adjacent residential areas such as shoe repair, dry cleaning shops, tailor shops, beauty parlors, barber shops and the like;
  - (d) "Bed and breakfast" establishments with seven (7) or fewer rooms for rent;
  - (e) Restaurants, tea shops, or coffee shops;
  - (f) Financial institutions such as banks and savings and loan offices;
  - (g) Medical or dental clinics;

- (h) Professional and administrative offices which provide services for persons residing in nearby residential areas;
  - (i) Feed stores; and
  - (j) Garden supply stores.
10. "Light commercial" uses shall not include gas stations, automotive repair shops, drive-in groceries, and the like.
11. Special sales of merchandise or promotional devices and activities may be only temporarily displayed or conducted outdoors, provided that such display or activity shall be limited to the lot upon which the business conducting the sale is located.
12. None of the Property shall be used or maintained as a dumping ground or for the storage, temporary or otherwise, of junk, disabled automobiles, trucks or other vehicles, machinery, used lumber or other used material giving an unsightly appearance and the Property shall at all times be maintained by Owner in a reasonably neat and clean condition. The Property shall be kept neatly mowed or shredded so as to keep grass and weeds at a height of no more than ten (10) inches.
13. No noxious, offensive or illegal activity shall be carried on upon the Property nor shall anything be done thereon which may be or may become an annoyance or nuisance to owners of adjacent land.
14. No sign of any kind shall be displayed, erected or maintained on the Property except: (a) signs of not more than four (4) square feet advertising the Property or any part thereof for sale or rent, (a) signs used by a builder to advertise the lot upon which such sign is located during construction and sale; (c) signs of not more than four feet (4') in height and not more than twenty-four (24') in width over the main entryway to any business advertising the name of the business being operated on the lot upon which such sign is located; and (d) signs anchored in the ground in front of a commercial building of not more than six feet (6') in height and seven feet (7') in width advertising the name of the business being operated on the lot upon which such sign is located. No sign may contain language or representations which would be offensive to a reasonably sensitive person.
15. All Covenants shall apply to future remodeling and construction of improvements.
16. No hogs, pigs, or swine shall be raised, bred, kept or permitted on the Property for any reason. All fowl shall be caged or securely penned. All areas where animals or fowls are kept must be kept in clean and sanitary conditions, free from offensive odors.
17. Guard or night lights shall be shielded so as to prevent casting excessive amounts of light upon a neighbor's property.
18. No Eastern Red Cedar or Elm Tress with a diameter of six inches (6") or greater may be removed from the Property.


19. All fences must be of either wood, wood and wire together, or masonry. No fence extending from the front fascia of any building to the front of a lot may exceed three feet (3') in height. No fence extending from the front fascia of any building to the back of a lot may exceed six feet (6') in height.
20. The following setbacks are hereby imposed upon the Property:
  - (a) A minimum front yard setback of twenty-five feet (25') between any structure and the front property line.
  - (b) A minimum rear yard setback fo twenty-five feet (25') between the main structure and the rear property line.
  - (c) A minimum side yard setback of ten feet (10') between any structure and the side property line, provided that, on a corner lot, the yard along the side street shall not be less than fifteen feet (15').
21. All garbage must be kept in covered containers in good condition, and no garbage will be disposed of on the Property.
22. All improvements constructed upon the Property shall comply with the requirements of the National Electrical Code, and with all Building Codes of the City of Fayetteville, Fayette County, Texas, as same are in effect at the time of construction.
23. Invalidation of any one of these Covenants, by judgment or court order, shall in no way affect any of the other provisions herein, which shall remain in full force and effect.
24. Enforcement of these Covenants and restrictions shall be by proceeding at law or in equity against any person or persons violating or attempting to violate any such Covenants, either to restrain violation or to recover damages.
25. If any party retains an attorney to enforce these Covenants, the party prevailing in litigation will be entitled to recover reasonable attorney' s fees and other costs.
26. The Covenants set forth above shall be covenants running with the Property and every part thereof for a period of thirty-five (35) years from and after the date hereof, are for the benefit of, and create burdens on, the Property and shall bind and inure to the benefit of the heirs, personal representatives, successors and assigns of Developer and any Owner.

DEVELOPER

Date: 4-4-08

  
\_\_\_\_\_  
DAVID MADUZIA

Date: 4/4/08

  
\_\_\_\_\_  
HEATHER BAILEY

STATE OF TEXAS     §  
                          §  
COUNTY OF TARRANT §

This instrument was acknowledged before me on April 4, 2008, by DAVID MADUZIA.

  
\_\_\_\_\_  
Notary Public in and for the State of Texas

My Commission Expires:  
April 7, 2008  
\_\_\_\_\_  
Typed or Printed Name of Notary

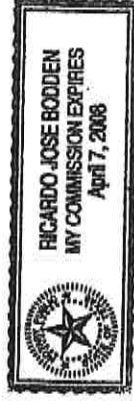


STATE OF TEXAS     §  
                          §  
COUNTY OF TARRANT §

This instrument was acknowledged before me on April 7, 2008, by HEATHER BAILEY.

  
\_\_\_\_\_  
Notary Public in and for the State of Texas

My Commission Expires:  
April 7, 2008  
\_\_\_\_\_  
Typed or Printed Name of Notary



**AFTER RECORDING RETURN TO:**

**LAW OFFICES OF  
DOUGLAS A. BOOTH, P.C.**  
Attorney-at-Law  
1301 S. MoPac Expressway, Suite 420  
Austin, Texas 78746

**DOCUMENT PREPARED BY:**

**LAW OFFICES OF  
DOUGLAS A. BOOTH, P.C.**  
Attorney-at-Law  
1301 S. MoPac Expressway, Suite 420  
Austin, Texas 78746  
Telephone No.: (512) 477-6893  
Telecopier No.: (512) 478-4926

EXCISEMENTS\Morina and Bailey\Restrictive Covenants\Restrictive Covenants.wpd

STATE OF TEXAS )  
 )  
 COUNTY OF FAYETTE )

## Land Description

BEING a 2.493 acre tract of land, being Block 22 in the Town of Fayetteville, Texas, according to the plat thereof recorded in volume 130, page 124 and volume 240, page 12 of the Deed Records of Fayette County, Texas, and also a part of the A. Thompson Survey, Abstract 98 of Fayette County, Texas and being all of Block 22 as conveyed to Jesse Lee Wied and wife, Polly J. Wied as recorded in volume 828, page 757 of the Deed Records of Fayette County, Texas; and being more particularly described as follows;

BEGINNING at a 1/2" iron rod found in the intersection of the Northeast line of Farm to Market Road 1291, also known as Scott Street, and the Southeast line of Pierce Street for the West corner hereof;

THENCE with the Southeast line of Pierce Street North 43 deg. 05 min. 23 sec. East 284.49 feet to a 1/2" iron rod set in the intersection of the Southeast line of Pierce Street and the Southwest line of Thompson Street for the North corner hereof;

THENCE with the Southwest line of Thompson Street South 46 deg. 54 min. 32 sec. East 382.67 feet to a 1/2" iron rod set in the intersection of the Northwest line of Southeast Street and the Southwest line of Thompson Street for the East corner hereof;

THENCE with the Northwest line of Southeast Street South 43 deg. 27 min. 05 sec. West 284.50 feet to a 1/2" iron rod set in the intersection of the Northwest line of Southeast Street and the Northeast line of Farm to Market Road 1291 for the South corner hereof;

THENCE with the Northeast line of Farm to Market Road 1291 North 46 deg. 54 min. 32 sec. West 380.88 feet to the PLACE OF BEGINNING, containing 2.493 acres of land.

Reference is hereby made to a survey plat, attached hereto and made a part hereof.

I hereby certify that this land description represents the facts as found during an on the ground survey made under my direct supervision on July 13, 2005, and that it substantially conforms to the current Standards and Specifications for a Category 1A, Condition II Survey.

*Rocky V. Roesler*

Rocky Von Roesler  
 Registered Professional Land Surveyor  
 Number 4702

\$40.00 Pd.

Filed By & Return To:

Douglas A. Booth, PC

Attorney At Law

1301 S. MoPac Expressway

Ste. 420

Austin, Tx. 78746



STATE OF TEXAS COUNTY OF FAYETTE  
 I hereby certify that this instrument was FILED on the date and  
 at the time stamped hereon by me, and was duly RECORDED in  
 the Volume and Page of the Named RECORDS of Fayette  
 County, Texas as stamped hereon by me on.

FILED

8:25 AM  
 APR 14 2008

APR 14 2008



*Carolyn Kubos Roberts*

CAROLYN KUBOS ROBERTS  
 COUNTY CLERK, FAYETTE CO., TEXAS

*Carolyn Kubos Roberts*

CAROLYN KUBOS ROBERTS  
 COUNTY CLERK, FAYETTE COUNTY, TEXAS

# City of Fayetteville

202 West Main Street  
Fayetteville, Texas 78940

Phone (979) 378-2559 Fax (979) 378-2313

Ron Pflughaupt, Mayor

January 21, 2008

This letter is to verify that an agreement is made between David Maduzla and the City of Fayetteville to install sewer and water lines on your property located at South Scott and Pierce Streets by the City Cemetery located in the city limits of Fayetteville, Texas.


1. Water lines will be 2 inch; no taps
2. Sewer lines will be 6 inch; no taps
3. Total cost to Mr. Maduzla is \$12,000.00
4. Payments will be made as follows:
  - a. \$6000.00 deposit
  - b. \$3000.00 paid when project is 50% completed
  - c. Balance of \$3000.00 when project is 100% completed
5. After water and sewer lines are completely installed and paid for by Mr. Maduzla, these lines become the property of the City of Fayetteville.

If the above discussed items are in agreement with you, please sign below and return to the City of Fayetteville at 202 West Main, Fayetteville, Texas 78940.

Should you have any questions, please do not hesitate to contact Ronnie Pflughaupt, Mayor, City of Fayetteville.

  
\_\_\_\_\_  
David Maduzla

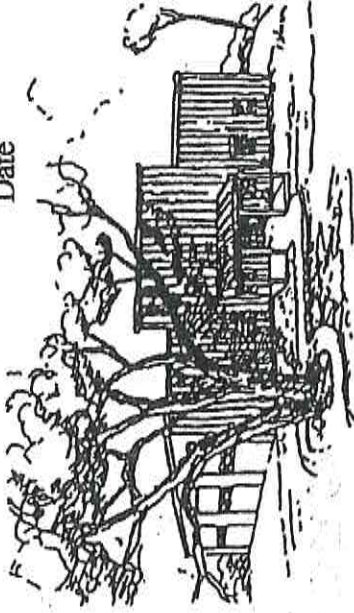
1500 Raleigh  
Austin, Texas 78703

  
\_\_\_\_\_  
Ronald Pflughaupt, Mayor

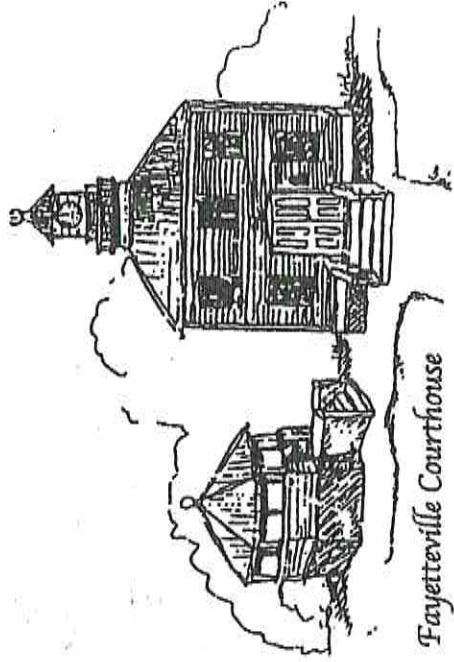
City of Fayetteville  
202 West Main  
Fayetteville, Texas 78940

2-5-08  
\_\_\_\_\_  
Date

2-6-08  
\_\_\_\_\_  
Date



Sylvester Schmitt, Sr.  
Fayetteville Community Center



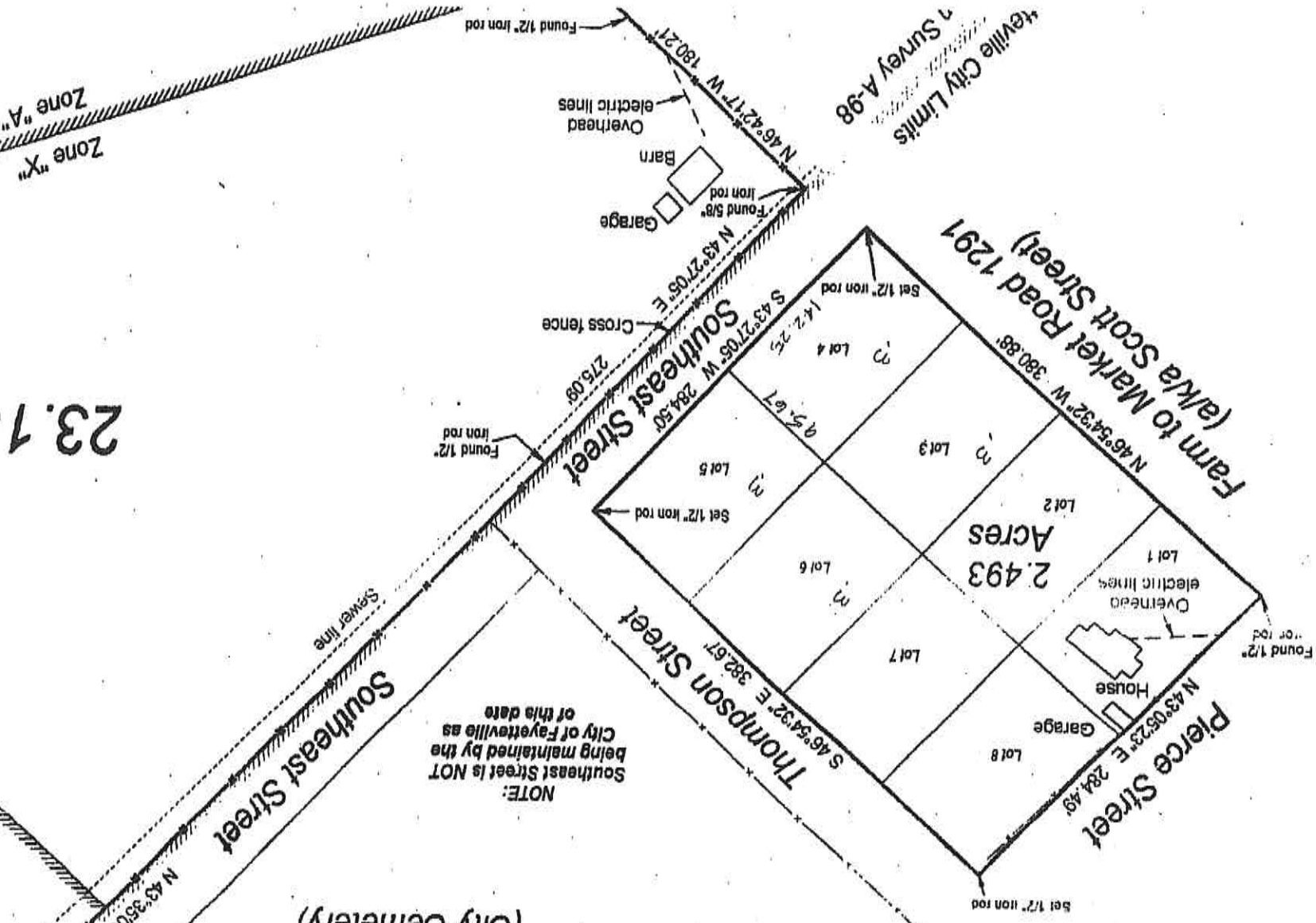
Fayetteville Courthouse



Survey plat showing a portion of a certain tract of land, being a part of the A. Thompson Survey Abstract 98 in Fayette County, Texas, and being all of that certain tract as conveyed to Jesse Lee Wied and wife, Polly J Wied as recorded in volume 659, page 586 of the Deed Records of Fayette County, Texas.

City of Fayetteville  
(City Cemetery)

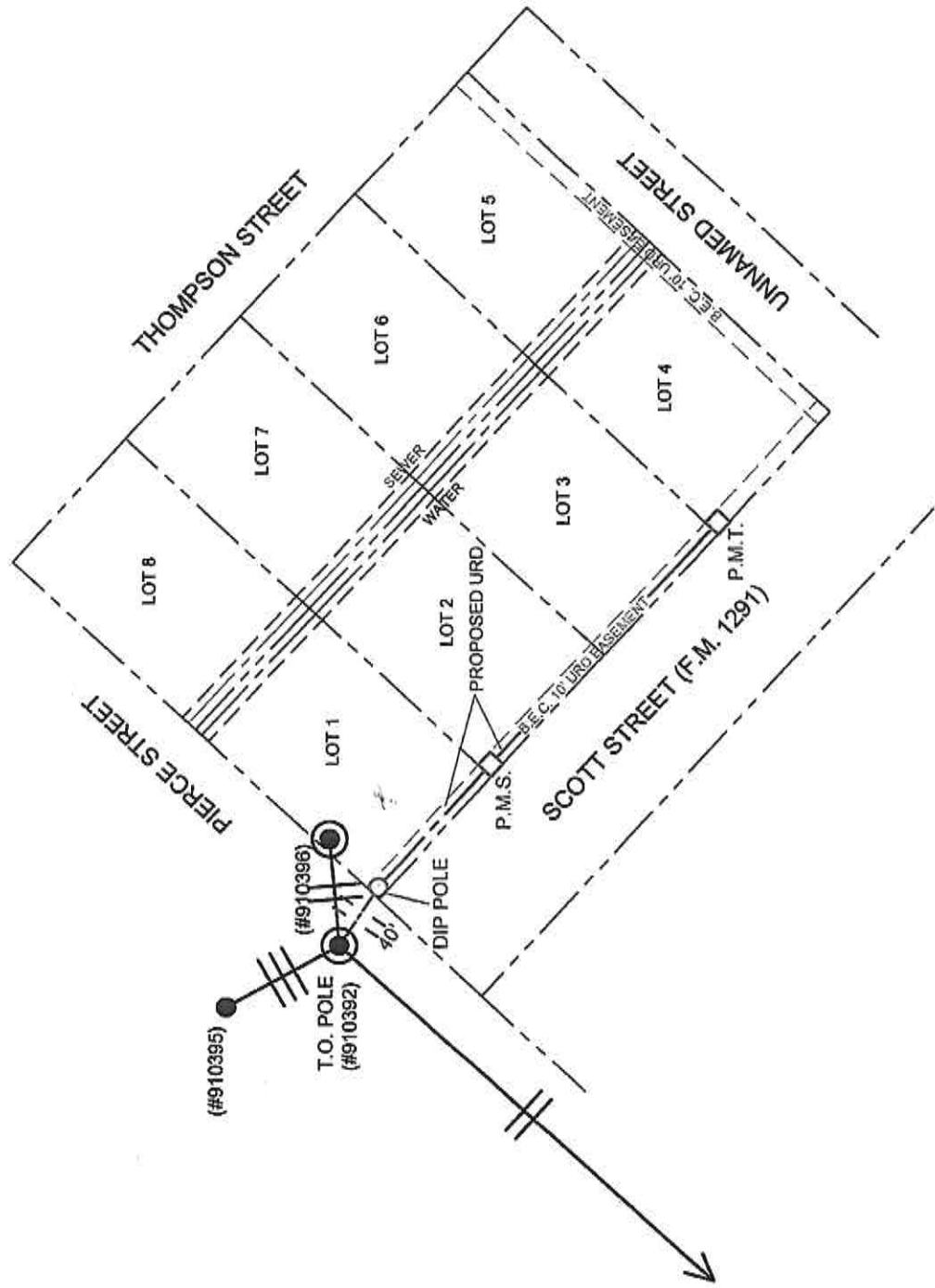
NOTE:  
Southeast Street is NOT  
being maintained by the  
City of Fayetteville as  
of this date




23.1

Zone "X"  
Zone "A"

**EXHIBIT "A"**



**LEGEND**  
 EXISTING  
 NEW OR REPLACED  
 REMOVE OR R.O.W.  
 B.E.C. URD EASEMENT

<b>Easement Drawing For:</b> <b>HEATHER BAILEY</b> W. O. #60169282	
 <b>Bluebonnet Electric Cooperative</b> 399 East Austin St. P.O. Box 240 Chicago, Texas 75842	
COUNTY:	FAYETTE
ROAD:	NONE
MAP REF:	7002.080
DATE:	JANUARY 30, 2014

**SURVEY MAP OF:**

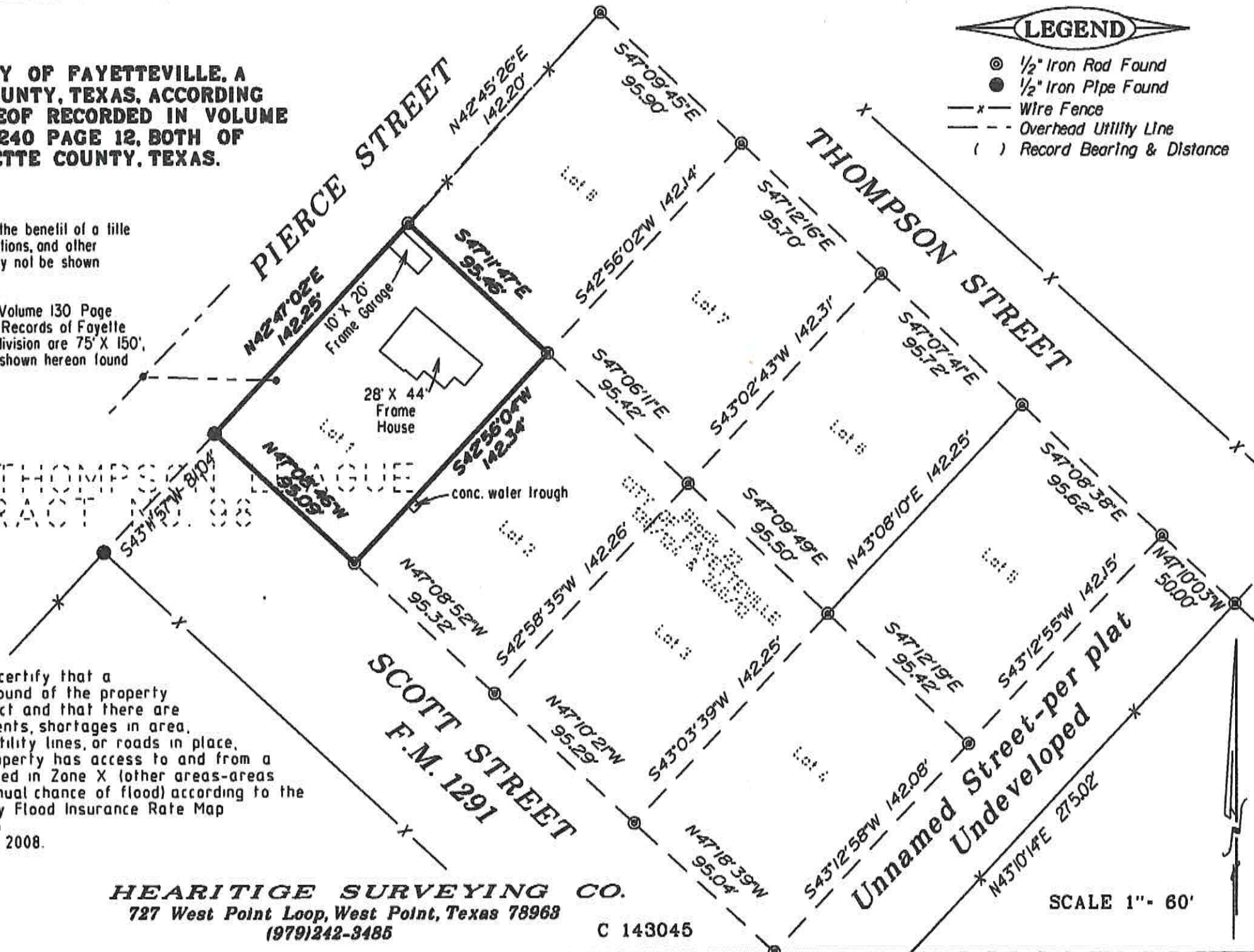
**LOT 1, BLOCK 22 OF THE CITY OF FAYETTEVILLE, A SUBDIVISION IN FAYETTE COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 130 PAGE 124 AND VOLUME 240 PAGE 12, BOTH OF THE DEED RECORDS OF FAYETTE COUNTY, TEXAS.**

**LEGEND**

- ⊙ 1/2" Iron Rod Found
- 1/2" Iron Pipe Found
- x- Wire Fence
- - - Overhead Utility Line
- ( ) Record Bearing & Distance

NOTES: 1) This survey was prepared without the benefit of a title commitment, and all of the easements, restrictions, and other matters of record which affect this tract may not be shown hereon.

2) The subdivision maps recorded in Volume 130 Page 124 and Volume 240 Page 12 of the Deed Records of Fayette County, Texas state that all lots in this subdivision are 75' X 150', making each block 300' X 300'. The block shown hereon found staked on the ground is 382' X 284'.



ALEXANDER THOMPSON & SONS  
 ABSTRACT 130, 138

THE STATE OF TEXAS \*  
 COUNTY OF FAYETTE \*

The undersigned does hereby certify that a survey was this day made on the ground of the property legally described hereon and is correct and that there are no boundary line conflicts, encroachments, shortages in area, overlapping of improvements, visible utility lines, or roads in place, except as shown hereon, and said property has access to and from a dedicated road. This property is located in Zone X (other areas determined to be outside the 1% annual chance of flood) according to the Federal Emergency Management Agency Flood Insurance Rate Map 480815 0300 C, Dated October 17, 2006  
 THIS the 15th day of FEBRUARY, A.D., 2008.

BY: *[Signature]*  
 Timothy D. Hearitige  
 Reg Professional Surveyor No 5036

**HEARITIGE SURVEYING CO.**  
 727 West Point Loop, West Point, Texas 78968  
 (979)242-3485 C 143045

SCALE 1" = 60'

**SURVEY MAP OF:**

**LOT 2, BLOCK 22 OF THE CITY OF FAYETTEVILLE, A SUBDIVISION IN FAYETTE COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 130 PAGE 124 AND VOLUME 240 PAGE 12, BOTH OF THE DEED RECORDS OF FAYETTE COUNTY, TEXAS.**

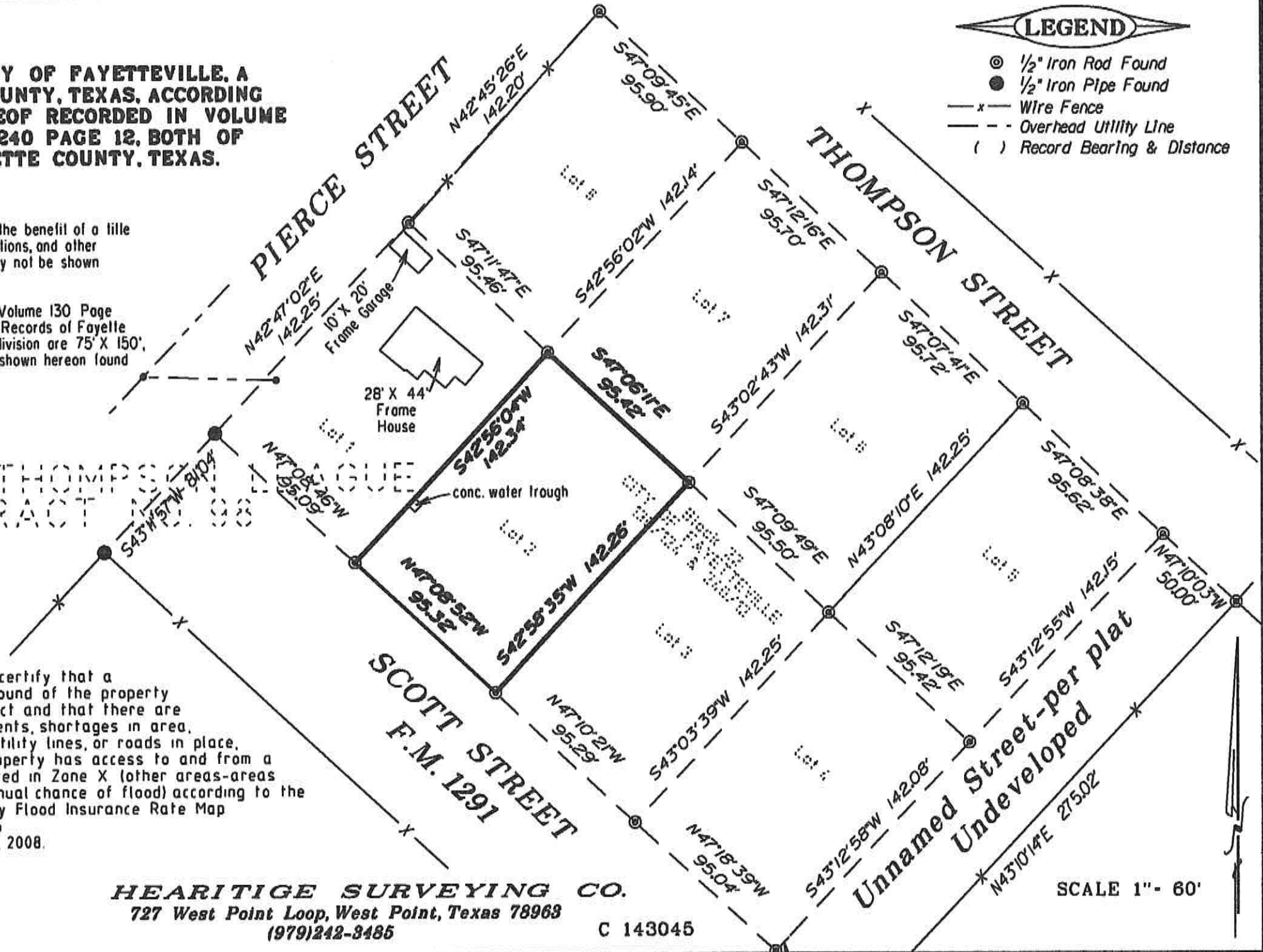
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ALEXANDER THOMPSON ABSTRACT



THE STATE OF TEXAS \*  
COUNTY OF FAYETTE \*

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Timothy D. Hearitige  
Reg Professional Surveyor No 5036

**HEARITIGE SURVEYING CO.**  
727 West Point Loop, West Point, Texas 78963  
(979)242-3485 C 143045

SCALE 1" = 60'

**SURVEY MAP OF:**

**LOT 7, BLOCK 22 OF THE CITY OF FAYETTEVILLE, A SUBDIVISION IN FAYETTE COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 130 PAGE 124 AND VOLUME 240 PAGE 12, BOTH OF THE DEED RECORDS OF FAYETTE COUNTY, TEXAS.**

**LEGEND**

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- ( ) Record Bearing & Distance

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ALEXANDER THOMPSON  
ABSTRACT NO. 98

THE STATE OF TEXAS \*  
COUNTY OF FAYETTE \*

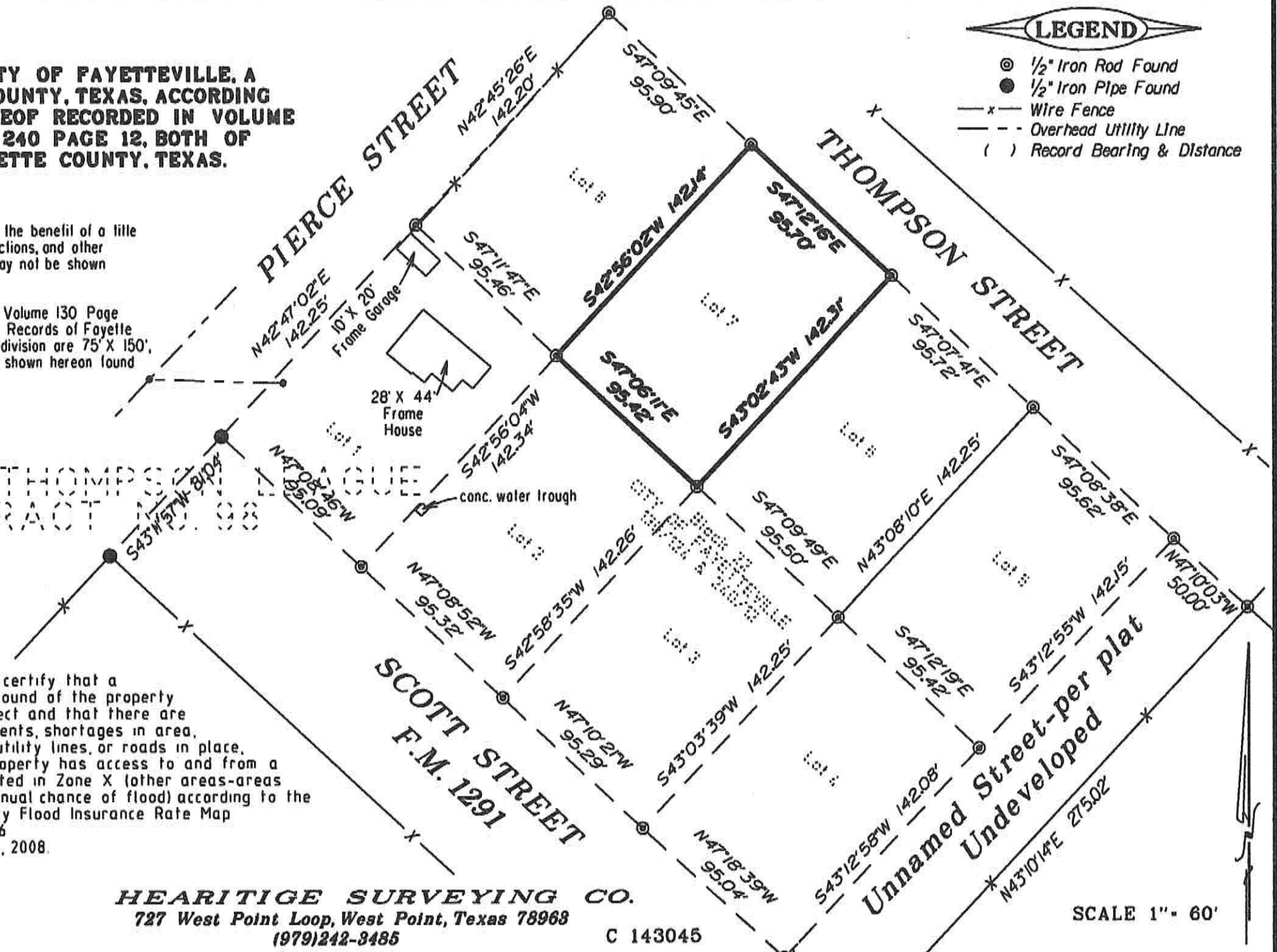
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BY   
Timothy D. Hearitige  
Reg Professional Surveyor No 5036

**HEARITIGE SURVEYING CO.**  
727 West Point Loop, West Point, Texas 78968  
(979)242-3485

C 143045

SCALE 1" = 60'



**SURVEY MAP OF:**

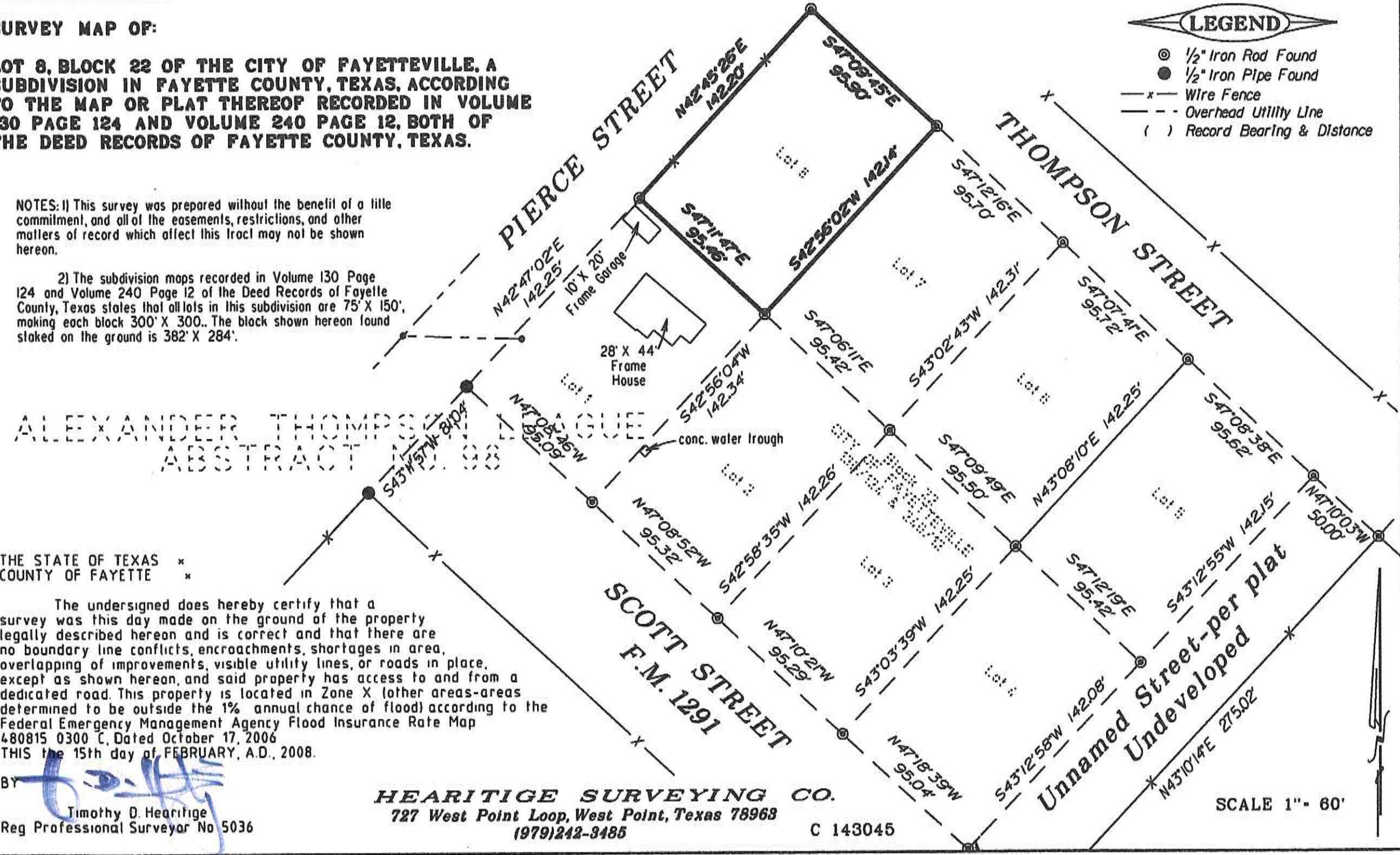
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ALEXANDER THOMPSON AVENUE

THE STATE OF TEXAS \*  
COUNTY OF FAYETTE \*

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BY   
Timothy D. Hearitige  
Reg Professional Surveyor No 5036

**HEARITIGE SURVEYING CO.**  
727 West Point Loop, West Point, Texas 78968  
(979)242-9485 C 143045

SCALE 1" = 60'