

BRANTWOOD

DEED RESTICTION SUMMARY

- 1. TWO STORY MAX.**
- 2. 20 FT FRONT SETBACK**
- 3. 5 FT REAR SETBACK**
- 4. 3 FT SIDE SETBACK UNLESS CORNER LOT WHICH IS 10 FT FROM SIDE STEET**
- 5. 5500 SQ FT MIN LOT SIZE, MIN 50 FT WIDE**
- 6. GARAGE ON CORNER LOTS MUST BE 15 FT FROM SIDE STREET (CAN BE ATTACHED OR DETACHED)**

Brantwood (1939)

P 1/3

1112/453

Filed for record Jan. 24, 1939 at 3:10 o'clock P.M. Recorded Feb. 1, 1939 at 5:30 o'clock P.M.

Henry M. Pulley, Clerk County Court, Harris County, Texas. By *[Signature]* Deputy

No. 193821

Effie E. Palmer, et al

-To-

Restrictions

BRANTWOOD 1939 ORIG

The State of Texas, County of Harris Whereas, the undersigned, W. E. Martin, Trustee, is the owner of all of the lots in Brantwood Addition to the City of Houston, in Harris County, Texas, with the exception of lots twenty-six (26) and twenty-seven (27) in block three (3) and Lots twenty-three (23) and twenty-four (24) in block three (3), all according to a resubdivision of said Brantwood Addition which is recorded in vol. 15, page 44, of the Map Records of Harris County, Texas, to which reference is here made for all purposes; and

Whereas, said Lots twenty-six (26) and twenty-seven (27) in block three (3) are owned by the undersigned, Effie E. Palmer and husband, R.O. Palmer, and said Lots twenty-three (23) and twenty-four (24) in block three (3) are owned by Lilly M. Anderson, a feme sole, and M. Laura Anderson, a feme sole; and

Whereas, the owners of said Addition are desirous of placing certain covenants, conditions, and restrictions upon said property and in order to carry in effect such covenants, conditions, and restrictions, said owners do hereby adopt, promulgate and put into effect the following restrictions and have imposed upon said property the following easements, and conditions, which said restrictions, easements, and conditions shall apply to all property in said Addition and which covenants, conditions, restrictions, and easements shall apply with respect to each and every lot and tract of land sold in said Addition for a period of twenty-five (25) years from and after January 1st, 1939; provided that at the expiration of said twenty-five (25) years period, said restrictions may be continued in force and effect for a like period of twenty-five (25) years or for a lesser period of time as to all of said Addition or as to that portion of said Addition fronting on both sides of any particular street of said Addition, provided that on or before January 1st, 1964, a majority of the owners of lots fronting on said street shall signify their intention and desire to have such restrictions continuing in force by an instrument in writing, signed and acknowledged by such property owners and recorded in the Deed Records of Harris County, Texas; by majority of lot owners fronting on such street is meant a majority of the individuals owning such lots without reference to the number of lots that may be owned by any such individual; and it is understood that the following restrictions, covenants, conditions, and easements, are to be in lieu of the restrictions heretofore placed on Brantwood Addition by instrument executed on June 10th, 1939, by the Brantwood Corporation, recorded in vol. 816, page 92, of the Deed Records of Harris County, Texas, the restrictions imposed by said instrument to be of no further force and effect.

The restrictions, conditions, and covenants hereby imposed upon said Brantwood Addition are as follows: (1) That no part of said property shall ever be used for any business purpose whatsoever, except that the developers of said addition may use any lot for the purpose of maintaining a field office thereon during the development of the addition. (2) That no part of said property shall be sold, conveyed, rented or leased in whole or in part to any person of African or Mongolian race or to any persons not of the white or Caucasian Race. (3) That unless especially permitted in writing by a majority of the whole number of lot owners in said Addition, there shall be no prospecting, mining, drilling for or producing of oil, gas, or other hydrocarbon or mineral products or substance in, on or upon any of the said property. (4) All lots in said Addition shall be known and described as

DEED RCDS VOL. 1112

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1 residential lots and no structure shall be erected on any residential building plat other
 2 than one single family dwelling not to exceed two stories in height and a one, two or three
 3 gar garage with or without servants quarters, said garage may be either detached or attached to
 4 the main residence. Such residences must contain not less than twelve hundred (1200) square feet
 5 exclusive of garage, except that on Wordsworth Road two-story residences only may be built
 6 consisting of not less than fifteen hundred (1500) square feet in the residence proper,
 7 exclusive of garage. (5) No trailer, basement, tent, shack, garage,
 8 barn or other out-building erected on any tract shall at any time be used as a residence
 9 temporarily or permanently, nor shall any residence of a temporary character be permitted and
 10 no structure shall be moved onto any lot unless it shall conform to and be in harmony with
 11 existing structures in said Addition.

12 resubdivided into building plots having less than fifty-five hundred (5500) square feet in area,
 13 or a width of less than fifty (50) feet each, nor shall a residence or any building be erected on
 14 any residential building plat having an area of less than fifty-five hundred (5500) square feet
 15 or a frontage of less than fifty (50) feet. (6) No residential lot shall be
 16 over the rear five (5) feet of each lot, as shown by the recorded plat of the resubdivision
 17 of said Addition for utility installation and maintenance. (8) No building shall
 18 be erected on any residential building plot nearer than twenty (20) feet from the front property
 19 line, nor nearer than three (3) feet to any side lot line except that on all corner lots,
 20 the residence shall not be constructed nearer than ten (10) feet to such side street line
 21 and the garage must not be erected nearer than fifteen (15) feet to such side street line;
 22 provided, however, that on any lot facing on Wordsworth Road, no residences shall be erected
 23 nearer than twenty-five (25) feet to the front property line, except that on Lots sixteen (16),
 24 and seventeen (17) in block four (4) of said Addition, the residence may be placed within
 25 twenty (20) feet of the front property line. (9) The undersigned owners of

26 Brantwood Addition, their heirs, successors and assigns, shall be under no obligation to enforce
 27 these restrictions, or any modification thereof, but if they so elect, shall have the right to
 28 do so and the respective lot owners shall at all times have the right to enforce said
 29 restrictions and said lot owners, or either of them, shall have the right and option of bringing
 30 any and all actions in law or equity that he or they may deem necessary, fit or proper
 31 to properly enforce and uphold said restrictions, and to prosecute and proceedings at law
 32 or in equity against the person or persons violating or attempting to violate any of these
 33 restrictions and either to prevent him or them from so doing to recover damages or other dues
 34 for such violation. Executed at Houston, Texas, this 28th day of December, A. D., 1932.

35 Effie E. Palmer R. G. Palmer W. H. Martin, Trustees
 36 Lilly M. Anderson M. Laura Anderson

37 The State of Texas, County of Harris Before me, the undersigned authority, a
 38 Notary Public in and for Harris County, Texas, on this day personally appeared W. H. Martin,
 39 known to me to be the person whose name is subscribed to the foregoing instrument, and
 40 acknowledged to me that he executed the same for the purposes and consideration therein
 41 expressed and in the capacity therein stated. Given under my hand and seal of office, this 9
 42 day of January, A. D., 1933.

43 Jennie Belle Carr, Notary Public in and for Harris County, Texas. (Seal)
 44 The State of Texas, County of Matagorda Before me, the undersigned authority, a
 45 Notary Public in and for Matagorda County, Texas, on this day personally appeared R. G. Palmer
 46 and wife, Effie E. Palmer, known to me to be the persons whose names are subscribed to the
 47 foregoing instrument and acknowledged to me that they executed the same for the purposes
 48 and consideration therein expressed, and the said Effie E. Palmer, wife of the said R. G. Palmer,

DEED VOL.
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having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Effie E. Palmer, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it. Given under my hand and seal of office, this 7th day of January, A. D., 1939.

H. G. Lewis, Notary Public in and for Matagorda County, Texas. (Seal)
The State of Texas, County of Harris Before me, the undersigned authority, a Notary Public in and for Harris County, Texas, on this day personally appeared Lilly M. Anderson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed. Given under my hand and seal of office, this 13th day of January, A. D., 1939.

Jennie Belle Carr, Notary Public in and for Harris County, Texas. (Seal)
The State of Texas, County of Harris Before me, the undersigned authority, a Notary Public in and for Harris County, Texas, on this day personally appeared M. Laura Anderson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed. Given under my hand and seal of office, this 13th day of January, A. D., 1939.

Jennie Belle Carr, Notary Public in and for Harris County, Texas. (Seal)
Filed for record Jan. 24, 1939 at 3:10 o'clock P.M. Recorded Feb. 1, 1939 at 4:25 o'clock P.M.
Henry M. Dudley Clerk County Court, Harris County, Texas. Betty Hobbs Deputy

DEED RCDS VOL. 1112

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Houston Harris Co. -To- A. L. Nichols
By President Deed

State of Texas, County of Harris Know all men by these presents: That Houston Harris Co., a corporation duly incorporated under and by virtue of the laws of the State of Texas, hereinafter called Grantor, acting herein by and through its duly elected officers, lawfully authorized to execute this deed by resolution of its Board of Directors, for and in consideration of the sum of Eleven Hundred dollars (\$1100.00) in cash to it paid by A. L. Nichols, and other good and valuable considerations, receipt of all of which is hereby acknowledged, has granted, sold, and conveyed, and does by these presents, grant, sell, and convey unto A. L. Nichols, of Harris County, Texas, hereinafter called Grantee, the following described property, to-wit: All that certain lot or parcel of land situated in Southside Place, a subdivision of the A. C. Reynolds Survey in Harris County, Texas, amended map of which is recorded in volume 7, page 81, Record of Maps in Harris County, Texas, to which reference is here made for description, said land being situated on the South side of Buffalo Bayou, and more particularly described as Lot one (1) in block thirteen (13). To have and to hold the above described property and premises together with all and singular the rights and appurtenances thereto belonging or in anywise incident or appertaining unto the Grantee, his heirs and assigns forever; and subject to the restrictions, covenants, and conditions contained in that certain warranty deed dated October 26, 1931, executed by Grain Ready-Out Rouse Company to Amco Realty Company, conveying the above described property, which deed is duly recorded in the deed records for Harris County, Texas, reference to which is hereby made, Houston Harris Co. hereby binds itself, its successors and assigns to warrant and forever defend all and singular the said property and premises unto the said Grantee, his heirs and assigns, against the lawful claims and demands of any and all persons whomsoever lawfully claiming the same or any part thereof. It is agreed that Grantor herein

1112

THE STATE OF TEXAS:

1865 227021 2807958 LS B PD

COUNTY OF HARRIS:

KNOW ALL MEN BY THESE PRESENTS:

BRANTWOOD
1963 REVIEW

P 1/3

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1807968

WHEREAS, on the 28th day of December, 1938, Effie E. Palmer, E. G. Palmer, W. H. Martin, Trustee, Lilly M. Anderson, and M. Laura Anderson executed one

certain instrument adopting and promulgating specific restrictions and imposing easements, conditions and covenants on all of that property located in Harris County, Texas, known and described as Brantwood Addition according to a map thereof recorded in Volume 15, Page 44 of the Map Records of Harris County, Texas, such instrument being thereafter filed for record on January 24, 1939, at Volume 1112, Page 453 of the Deed Records of Harris County, Texas; and

WHEREAS, such instrument specifically provides that such easements, restrictions, covenants, conditions and other dedications shall be effective for a period of twenty-five (25) years, and, further makes provision for an extension of such restrictions, easements, dedications, covenants and conditions for a like period of twenty-five (25) years upon the specific action of property owners of said subdivision as therein set forth, such action to occur on or before January 1, 1964; and

WHEREAS, each of the undersigned parties is an owner of property located in Brantwood Addition and is desirous of extending such restrictions, covenants, conditions, and dedications for a maximum period of twenty-five (25) years from and after December 31, 1963;

NOW, THEREFORE, in consideration of mutual promises and covenants herein contained each of the undersigned, being an owner of property located in Brantwood Addition, an addition to the City of Houston, Harris County, Texas, and more specifically that property set opposite of the signature of the undersigned does hereby signify his intention and desire consent to have all restrictions, easements, covenants, conditions and dedications contained in one certain instrument dated December 28, 1938, from Effie Palmer, et al, to the public recorded at Volume 1112, Page 453 of the Deed Records of Harris County, Texas, extended and continued in full force and effect without change, amendment or abatement for a period of twenty-five (25) years from December 31, 1963, such restrictions to cover all of the property reflected in the resubdivision of said Brantwood Addition reflected by that map recorded in Volume 15, Page 44 of the Map Records of Harris County, Texas.

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001-28-0247

BRANTLEY 1763

P 2/3

It is the intention and agreement of each of the parties hereto that each signer's heirs, executors, administrators, successors, devisees, grantees, lessees, and sub-lessees, jointly and severally, shall be bound hereby and each of the signers is an owner in fee of property located in such subdivision.

It is further the intention and agreement of each of the parties hereto and such parties do, each for themselves, ratify and confirm the restrictions and covenants contained in that certain instrument dated December 28, 1938, and of record at Volume 1112, page 453 of the Deed Records of Harris County, Texas; do further incorporate here by reference each and all of such restrictions and covenants (including all rights and privileges therein contained) as and to the same extent as if copied here in full; do further agree that such restrictions and covenants are in full force and effect and are and shall be binding on all parties hereto and the property located in said subdivision from and after December 31, 1963, and shall run with the land in accordance with the terms and provisions of this agreement.

EXECUTED in multiple original counter-parts on the date set opposite the signatures hereto at Houston, Texas.

WIN 5355
NMI 376

001-28-0248

1953 DEC 18 AM 9 18

HARRIS COUNTY CLERK
HARRIS COUNTY, TEXAS

50

THE STATE OF TEXAS:

DEED RECORDS

COUNTY OF HARRIS:

VOL 5355 PAGE 392

Brantwood #1963 P 3/3

001-28-0264

BEFORE ME, the undersigned authority, on this day personally appeared C. R. Barke, and wife Joyce G Barke known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed; and the said Joyce G Barke, wife of said C. R. Barke, having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Joyce G Barke, acknowledged said instrument to be her act and deed and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office this the 29th day of Sept A.D. 1963.
Mason C Warren
 Notary Public in and for Harris County, Texas.

THE STATE OF TEXAS:

COUNTY OF HARRIS:

BEFORE ME, the undersigned authority, on this day personally appeared J. O. Bravillett, and wife Geraldine Bravillett known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed; and the said Geraldine Bravillett, wife of said J. O. Bravillett, having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Geraldine Bravillett, acknowledged said instrument to be her act and deed and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office this the 29th day of Sept A.D. 1963.
Mason C Warren
 Notary Public in and for Harris County, Texas.

BRANTWOOD P1/3
1988 REVIEW
120-69-1340
with AUTO 10 years

06/28/88 00502871 L729758 \$ 514.00

Restr

PETITION FOR
EXTENSION OF DEED RESTRICTIONS

FROM: The Petition Committee of
Brantwood Addition,
Harris County, Texas

TO: The Public

THE STATE OF TEXAS

COUNTY OF HARRIS

§
§ KNOW ALL MEN BY THESE PRESENTS:
§

WHEREAS, on the 28th day of December, 1938, Effie E. Palmer, R. G. Palmer, W. H. Martin, Trustee, Lilly M. Anderson, and M. Laura Anderson executed one certain instrument adopting and promulgating specific restrictions and imposing easements, conditions and covenants on all of the property located in Harris County, Texas, known and described as Brantwood Addition according to a map thereof recorded in Volume 15, Page 44 of the Map Records of Harris County, Texas, such instrument being thereafter filed for record on January 24, 1939, at Volume 1112, Page 453 of the Deed Records of Harris County, Texas (the "Existing Restrictions"); and

WHEREAS, on the eighteenth day of December, 1963, four documents, duly executed by a sufficient number of the real property owners in Brantwood Addition, extending the Existing Restrictions for a maximum period of twenty-five (25) years from and after December 31, 1963 were recorded in Volume 5355, Pages 375, 394, 417, and 430 of the Deed Records of Harris County, Texas; and

WHEREAS, the Existing Restrictions do not make provisions for an additional extension of such restrictions, easements, dedications, covenants, and conditions beyond December 31, 1988; and

WHEREAS, Johnnie M. Anderson, Sharon W. Locke, George G. McMillin, and Elizabeth D. McMillin have formed a Petition Committee pursuant to Section 201.005 of the Texas Property Code (the "Code") for the purpose of extending the term of the Existing Restrictions (the "Petition Committee"), and a notice thereof was filed for record on January 7, 1988, at File No. L493024, Film Code 144-00-0535, Deed Records, Harris County, Texas; and

WHEREAS, the Existing Restrictions contain a provision numbered "(2)", relating to race which is void and unenforceable under the United States Constitution and Section 5.026 of the Code and shall, by the provisions of this Petition, be declared to be deleted from the Existing Restrictions as if the provision had never been contained therein; and

NOW THEREFORE, in consideration of mutual promises and covenants herein contained, the undersigned persons hereby agree as follows:

1. Each of the persons executing this Petition as a "Consenting Party" does hereby signify his/her election and consent to have the Existing Restrictions extended and continued in full force and effect as to the whole of Brantwood Addition, including the property in the Brantwood Addition owned by the Consenting Party, with the following deletion and amendment:

- (i) Restriction 2 relating to race shall be deleted from the Existing Restrictions as if said restriction had never been contained therein.
- (ii) The following provision shall be added to the Existing Restrictions:

HELD FOR RECORD

L729758

514
8

120-59-1341

2/3
Brantwood
1988

10 year
Auto
RENEW
AFTER 1988

"Notwithstanding any provision contained herein, these restrictions shall apply to and burden all real property in Brantwood Addition for an initial period of ten (10) years from and after December 31, 1988; provided that at the expiration of the initial ten (10) year period, the restrictions contained herein, as extended herein, will be automatically extended and continued in force and effect for an unlimited number of successive periods of ten (10) years each, subject to, upon expiration of each ten (10) year period, a right of modification, waiver, or termination in whole or in part, provided that the owners of at least seventy-four (74) percent of the fee ownership interests in real property in Brantwood Addition signify their intention and desire to modify, waive, or terminate in whole or in part such restrictions by an instrument in writing, signed and acknowledged by such property owners and recorded in the Deed Records of Harris County, Texas."

2. Each of the persons executing this Petition as a "Non-Consenting Party" hereby elects to exclude the property owned by the Non-Consenting Party in the Brantwood Addition from the rights, privileges, benefits and restrictions resulting from this extension of the Existing Restrictions, pursuant to Section 201.009(b)(2) of the Code.

3. As required by Section 201.007(a)(8) and (9) of the Code, all persons who do not sign this Petition are advised that: (1) they must file suit under Code Section 201.010 before the 181st day after the date on which the certificate called for by Code Section 201.008(e) is filed in order to challenge the procedures followed in extending the Existing Restrictions; and (2) they may delete their property from the operation of the Existing Restrictions, as extended in this Petition by filing a statement described in Code Section 201.009(b)(4) before one year after the date on which the owner receives actual notice of the filing of this Petition.

4. Each signer's heirs, executors, administrators, successors, devisees, grantees, lessees, and sub-lessees, jointly and severally, shall be bound hereby, and each of the signers is an owner of record title to property located in the Brantwood Addition.

5. Each Consenting Party does hereby ratify and confirm the Existing Restrictions and does incorporate herein by reference each and all of the Existing Restrictions, except restriction (2), as and to the same extent as if copied herein in full; and each Consenting Party does further agree that the Existing Restrictions are in full force and effect and are and shall be binding on each Consenting Party from and after December 31, 1988, and shall run with the land in accordance with the terms and provisions of this Petition.

6. This Petition may be executed in multiple original counterparts, and each of such counterparts shall be deemed to be an original instrument, but all such counterparts together shall constitute one Petition for all purposes. For purposes of recording this Petition, each of the undersigned hereby grants permission to the Petition Committee to detach the pages containing the relevant property description, street address, signature(s), and acknowledgment(s) from the original Petition and to consolidate those pages with similar pages signed by other property owners, so that the text of this Petition is recorded only once.

EXECUTED on the date reflected in the appropriate acknowledgments.

[PROPERTY DESCRIPTIONS, ADDRESSES,
SIGNATURES AND ACKNOWLEDGMENTS
ARE ON THE FOLLOWING PAGES]

Brantwood
1988 P313

3/3

1120-69-1575

JUN 28 9 17 AM '88

FILED

Pete Anderson
COUNTY CLERK
HARRIS COUNTY, TEXAS

ANY PROVISION HEREIN WHICH ATTEMPTS TO AFFECT, ALTER, OR LIMIT THE EFFECTIVE PERIOD OF THIS INSTRUMENT SHALL BE VOID AND UNENFORCEABLE UNDER THE LAWS OF THE STATE OF TEXAS.
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number _____ Sequence on the date and at the time stamped herein by me, and was duly RECORDED in the Official Public Records of said Property of Harris County, Texas on

JUN 28 1988



Pete Anderson
COUNTY CLERK
HARRIS COUNTY, TEXAS