

DECLARATION OF COVENANTS,
CONDITIONS, AND RESTRICTIONS

This Declaration of Covenants, Conditions, and Restrictions is made on January 10, 1995, at Brenham, Texas, by A. A. HODDE, whose mailing address is 613 East Horton, Brenham, Texas 77833.

1. Declarant is the owner of all that certain real property ("the Property") located in Washington County, Texas, described as follows:

59.077 acres out of the James Schrier League, A-98, in Washington County, Texas, being more particularly described in Exhibit A attached hereto and incorporated herein.


2. The Declarant has devised a general plan for the entire Property as a whole, with specific provisions for particular parts and parcels of the Property. This general plan provides a common scheme of development designed to protect and safeguard the Property over a long period.

3. This general plan will benefit the Property in general, the parcels and lots that constitute the Property, the Declarant, and each successive owner of an interest in the Property.

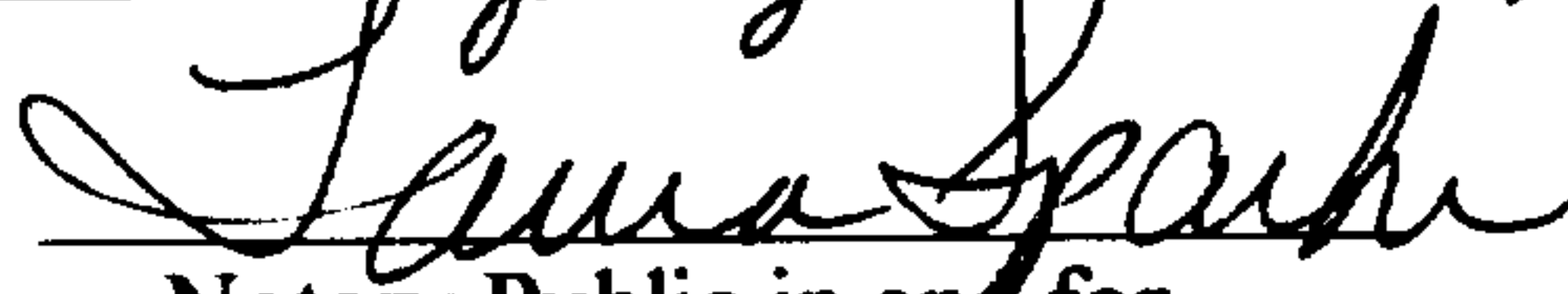
4. Therefore, in accordance with both the doctrines of restrictive covenant and implied equitable servitude, the Declarant desires to restrict the Property according to these covenants, conditions, and restrictions in furtherance of this general development plan.

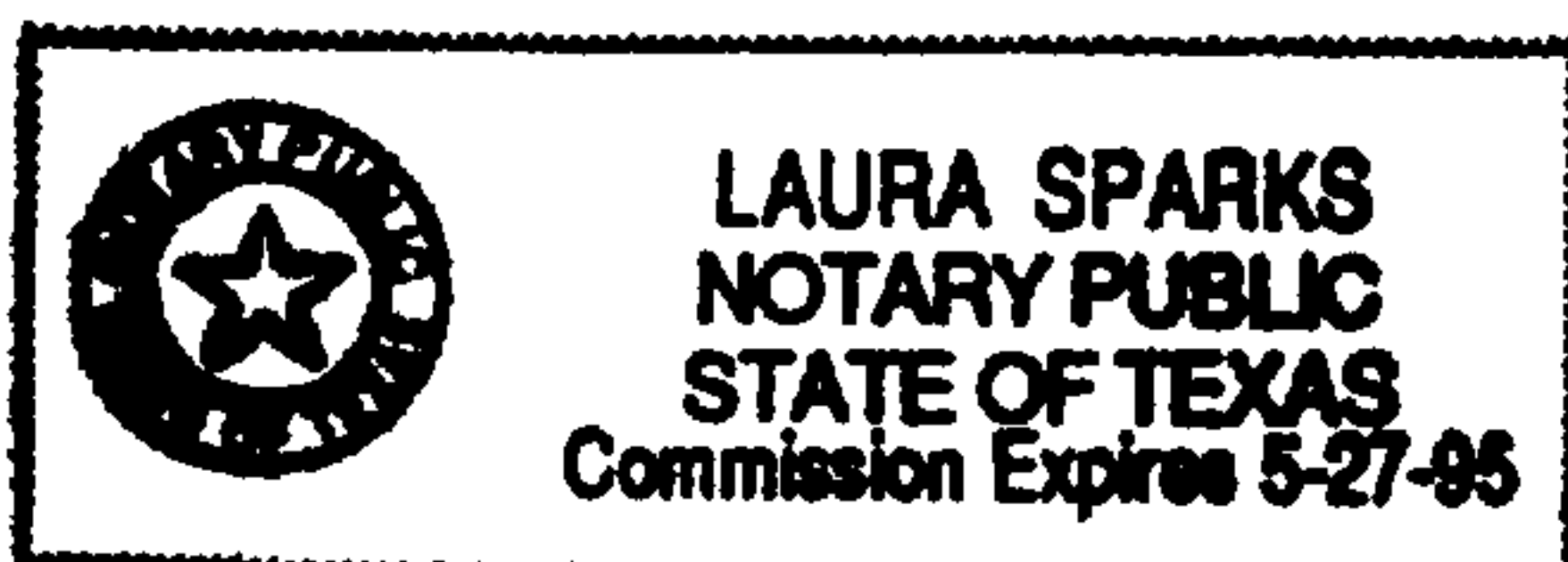
NOW, THEREFORE, it is declared that all of the Property shall be held, sold, and conveyed subject to the following easements, restrictions, covenants, and conditions shown in Exhibit B attached hereto and incorporated herein.

IT IS FURTHER AGREED by A. A. HODDE that during the time he owns any portion or remainder of the above described land, he will also be subject to said restrictions as set out in Exhibit B attached hereto.


A. A. HODDE

Subscribed and sworn to before me on this the 13th day of January, 1995


Notary Public in and for
The State of Texas



THE STATE OF TEXAS

A. A. HODDE

COUNTY OF WASHINGTON

59.077 ACRES

EXHIBIT "A"
SURVEYOR'S LEGAL DESCRIPTION

All that certain tract or parcel of land, lying and being situated in Washington County, Texas, part of the James Schrier League, A-98, being part of the same 312.573 acres as described in the deed from Clamens W. R. Tiemann, et al, to A. A. Hodde, dated November 10, 1983, as recorded in Vol. 458, Page 624, in the Deed Records of Washington County, Texas, and being more fully described by metes and bounds as follows, To-Wit:

BEGINNING at a 1/2 inch iron rod set at a point where the Southwest margin of Tigerpoint Road intersects the Northwest right of way line of F. M. Highway No. 332, in a curve of same for the East corner of the tract described herein, said beginning point being S 17 deg. 42 min. 01 sec. W 20.49 feet from the East corner of said original tract which is situated in said Tigerpoint Road;

THENCE leaving said beginning point and along a curved portion of the Northwest right of way line of said highway for a Southeast line of the tract described herein, having a chord of S 36 deg. 12 min. 13 sec. W 518.39 feet, (radius= 4135.96 feet) for an arc distance of 518.73 feet to a concrete highway monument found on said right of way line at the end of said curved portion of same;

THENCE along a portion of the Northwest right of way line of said highway for a Southeast line of the tract described herein, S 32 deg. 36 min. 38 sec. W 374.53 feet to a 1/2 inch iron rod set on said right of way line and S 31 deg. 55 min. 38 sec. W 799.79 feet to a concrete Highway monument found on said right of way line at the beginning of a curve;

THENCE along a curved portion of said Northwest right of way line of said highway for a Southeast line of the tract described herein, have a chord of S 31 deg. 33 min. 50 sec. W 28.47 feet (Radius=2242.57 feet) for an arc distance of 28.47 feet to a 1/2 inch iron rod found for the South corner of the tract described herein, being the East corner of the H. L. Thomas, et ux, 20.000 acres as described in the deed recorded in Volume 674, Page 477 in the Official Records of said County;

THENCE leaving said highway and along the Northeast line of said Thomas tract for the Southwest line of the tract described herein, N 66 deg. 55 min. 11 sec. W at 1474.38 feet passing a 1/2 inch iron rod set on this line for reference and at a total distance of 1544.88 feet to a point in the center of Coe Creek for the West corner of the tract described herein, being the North corner of said Thomas tract;

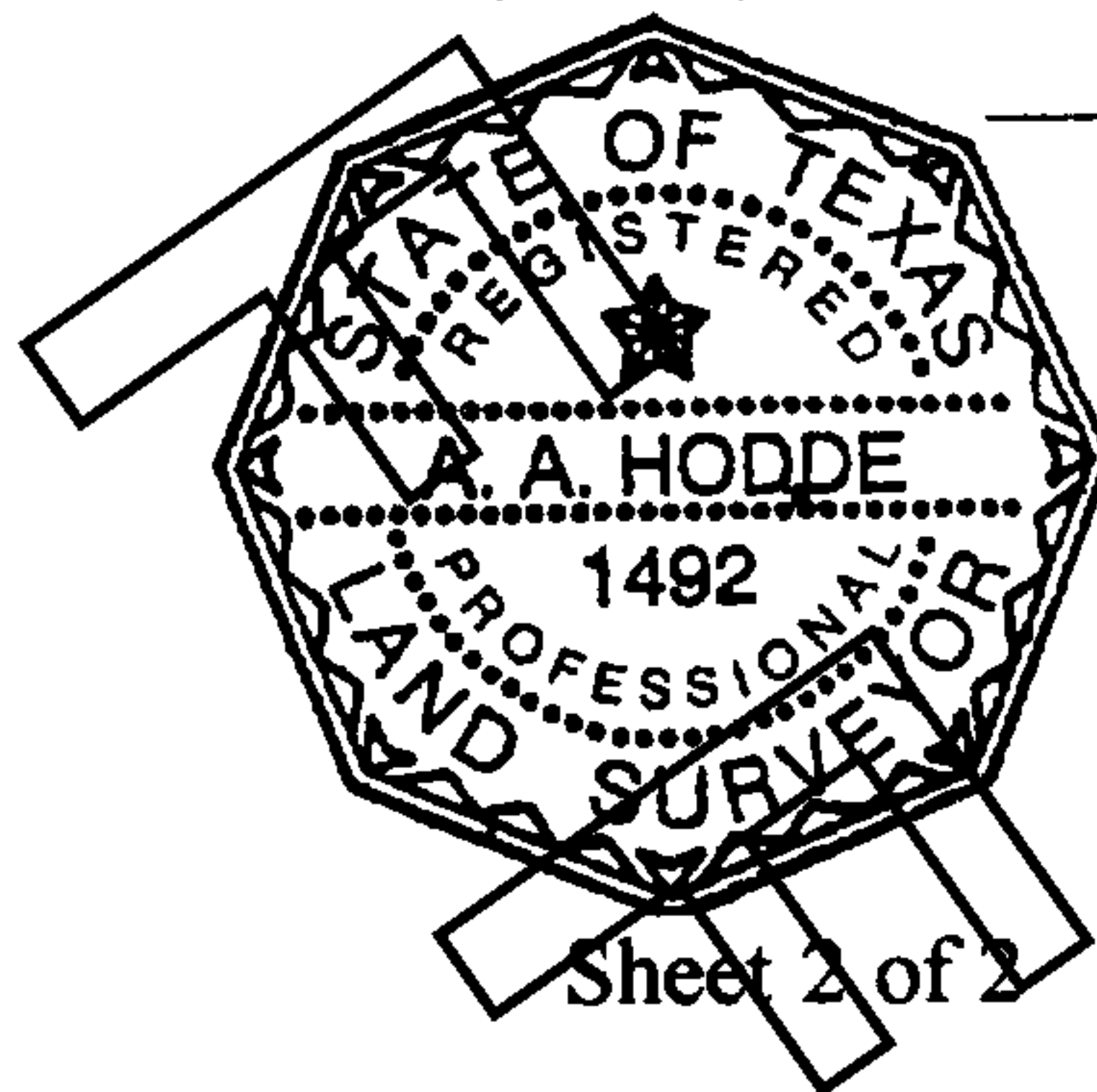
THENCE along the center of said Coe Creek with its meanders as follows: N 53 deg. 53 min. 16 sec. E 36.24 feet, N 76 deg. 38 min. 16 sec. E 57.00 feet, N 62 deg. 08 min. 16 sec. E 145.00 feet, N 42 deg. 23 min. 16 sec. E 135.00 feet, N 33 deg. 23 min. 16 sec. E 151.00 feet, N 22 deg. 23 min. 16 sec. E 195.00 feet, N 09 deg. 36 min. 44 sec. W 54.00 feet, N 38 deg. 38 min. 16 sec. E 201.00 feet, N 31 deg. 08 min. 16 sec. E 208.00 feet, N 17 deg. 53 min. 16 sec. E 28.00 feet, N 26 deg. 51 min. 44 sec. W 72.00 feet, N 05 deg. 53 min. 16 sec. E 60.00 feet, N 35 deg. 23 min. 16 sec. E 177.00 feet, N 44 deg. 23 min. 16 sec. E 59.00 feet, N 86 deg. 23 min. 16 sec. E 51.00 feet, N 22 deg. 08 min. 16 sec. E 93.50 feet, and N 06 deg. 23 min. 16 sec. E 47.28 feet to a point where the centerline of said Coe Creek intersects the South margin of said Tigerpoint Road for the North corner of the tract described herein;

THENCE leaving said creek and along a portion of the South margin of said Tigerpoint Road for a portion of the North line of the tract described herein, as follows: S 81 deg. 01 min. 09 sec. E at 55.31 feet passing a 1/2 inch iron rod found on said road margin for reference and at a total distance of 940.00 feet to an angle point, S 79 deg. 34 min. 10 sec. E 60.88 feet to an angle point and S 72 deg. 29 min. 24 sec. E 44.33 feet to an angle point, being on the South margin of said Tigerpoint Road;

THENCE along a portion of the Southwest margin of said Tigerpoint Road for the Northeast lines of the tract described herein, as follows: S 65 deg. 55 min. 24 sec. E 35.38 feet to an angle point, S 56 deg. 49 min. 10 sec. E 61.16 feet to an angle point and S 47 deg. 33 min. 46 sec. E 474.61 feet to the place of beginning and containing 59.077 acres of land.

I, A. A. Hodde, a Registered Professional Land Surveyor No. 1492 of the State of Texas, do hereby certify that the foregoing description describing 59.077 acres of land is true and correct in accordance with an actual survey made on the ground under my personal direction and supervision.

Dated this the 29th day of December, 1994, A. D.



A.A. Hodde
A.A. Hodde
Registered Professional
Land Surveyor No. 1492

ORIGINAL

"RESTRICTIONS"

1. No outdoor toilets or privies shall be erected upon the property described in the Instrument attached hereto, but only approved type septic tanks and water wells shall be used on said property, and the same shall be constructed and maintained in accordance with the standards specified by the State Department of Health, or other governmental agencies whose rules and regulations govern installation and use of sewerage disposal system.

2. No part of the land or premises shall be used as a junk yard, wrecking yard or derelict car lot or trailer park. Also, no abandoned or junk cars, junk tractors and the like are to be permitted on the property. Structures of a temporary character, including mobile homes, manufactured homes, or trailer houses, railroad passenger cars, box cars, cabooses, old school buses, and the like, shall not be used on the property as a residence. If a new residence is constructed in place of the existing home it shall be constructed to appear neat and attractive containing at least 2,000 square feet of living area, excluding garage. If the existing home is to remain it shall be maintained to appear neat and attractive and shall not be decreased in size, but can be increased in size if desired so long as the entire residence is maintained to appear neat and attractive.

3. Except for existing improvements situated on the property and in the event a house is moved onto the property the same must be completed and made habitable within 90 days including the exterior must be renovated within such time so that the house has been placed in a neat and attractive condition and shall be a minimum of 2,000 square feet of living area. All existing improvements situated on the property shall be made to appear neat and attractive within one year from the date of the conveyance of the subject property.

4. No part of the subject property shall be used for a hog or poultry farm or commercial feed lot operation, nor may more than one cow/calf unit or one mare/colt unit per 2 acres be kept on the property on a permanent basis not including any fenced out residential areas. Special student or children's 4-H or FFA poultry and livestock projects shall not be restricted.

5. Any Owner of this or adjacent tracts shall have the right to enforce, by an proceeding at law or in equity, all restrictions, conditions, and reservations imposed hereby. Failure to enforce any covenant or restriction shall not be deemed a waiver of the right of enforcement either with respect to the violation in question or any other violation. All waivers must be in writing and signed by the party to be bound.

6. The property shall be subject to any utility easements that may already exist upon the ground and in addition thereto, A. A. Hodde hereby reserves the right to create rights of ways to bring utility service along minimum required easements necessary to get utility service to adjacent properties so long as the same is reasonable and necessary in order for such adjacent properties to receive the services of required utilities.

7. These easements, restrictions, covenants, and conditions are for the purpose of protecting the value and desirability of the property. Consequently, they shall run with the real property and shall be binding on all parties having any right, title or interest in the property in whole or in part, and their heirs, successors, and assigns.

8. The covenants, conditions and restrictions of this reservation shall be effective for a term of 30 years from the date hereof, being January 10, 1995.

9. If any controversy, claim, or dispute arises relating to this instrument, its breach, or enforcement, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorney's fees and costs.

STATE OF TEXAS
COUNTY OF WASHINGTON

I hereby certify that this instrument was FILED on the date and at the time affixed hereon by me and was duly RECORDED in the volume and page of the OFFICIAL RECORDS of Washington County, Texas, as stamped hereon by me on **JAN 16 1995**



Beth A. Rothermel
Beth Rothermel, County Clerk
Washington County, Texas

FILED
AT 4:35 P.M.
JAN 13 1995
Beth A. Rothermel
BETH ROTHERMEL
COUNTY CLERK, WASHINGTON COUNTY, TX