

2004-043744

569-10-2236

5
A

ID. # 72045.0

S 897100

DEED RESTRICTIONS

SPRING BRANCH TRAILS

SECTION ONE

35 RESIDENTIAL LOTS * 1 BLOCK

**A SUBDIVISION OF 45.000 ACRES OF LAND IN THE WILLIAM RANKIN
SURVEY, A-30**

MONTGOMERY COUNTY, TEXAS

THIS DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS ("Declaration") is made this day by GE & CE, L.L.C., hereinafter called the "Declarant".

PREAMBLE

WHEREAS, the Declarant is the owner of the real property described in Exhibit "A" of this Declaration and desires to create their own Section One of SPRING BRANCH TRAILS, which shall be a duly approved and recorded subdivision in Montgomery County, Texas; and

WHEREAS, the Declarant desires to provide for the preservation and enhancement of property values and amenities in said community contributing to the personal and general health, safety and welfare of residents, and for the maintenance of the land and improvements thereon, and to this end desires to subject the real property described in Exhibit "A" to the covenants and restrictions hereinafter set forth, all of which is and are for the benefit of said property and each owner thereof; and

WHEREAS, to provide a means for meeting the purposes and intents herein set forth, the Declarant shall incorporate under the laws of the State of Texas the SPRING BRANCH TRAILS HOMEOWNERS ASSOCIATION; and

FURTHER, Declarant hereby delegates and assigns to SPRING BRANCH TRAILS HOMEOWNERS ASSOCIATION the power of maintaining and administering the common areas and facilities, administering and enforcing the covenants and restrictions, collecting and disbursing the assessments and charges hereinafter created, and promoting the recreation, health, safety, and welfare of the residents.

NOW, THEREFORE, the Declarant declares that the real property described in Exhibit "A" is and are and shall be held, transferred, sold, conveyed and occupied subject to the covenants, conditions, and restrictions hereinafter set forth.

HOMEOWNER'S ASSOCIATION

SPRING BRANCH TRAILS HOMEOWNER'S ASSOCIATION is hereby created to oversee the affairs of the Spring Branch subdivision with such powers including but not limited to the creation of a board of directors for the association, the creation and enforcement of deed restrictions and or rules and regulations governing the operation of the association and subdivision, the assessment and collection of maintenance fees and the use of such fees in the operation of the association and subdivision. A maintenance charge of Two Hundred Fifty Dollars (\$250.00) a year is hereby imposed on each lot in Spring Branch Trails; once the lot is sold from the developer. The maintenance charge is due by January 1 each year commencing with the date of conveyance of such lot by the Declarant. The maintenance charge may be raised by the Homeowners Association by Ten percent (10%) per year. Changes to the deed restrictions and maintenance charge can be made upon approval of Seventy-five percent (75%) of the land owners. Land owners that own multiple lots will receive one (1) vote per lot that they own. The Homeowner's association shall consist of one member from each home site in Spring Brach Trails.

ARCHITECTURAL CONTROL COMMITTEE

The Architectural Control Committee shall be responsible for the Approval of all building plans and projects, and lot improvements. The Architectural Control Committee may grant variances to the deed restrictions, in its judgment will result in a more beneficial use of the property. The Architectural Control Committee will consist of Neal McCraw and Jody Boyd. After Seventy-five percent (75%) of original lots are sold in Spring Branch Trails the Architectural Control Committee will be turned over to the Homeowners Association.

PROTECTIVE COVENANTS

Plan Approval: All property owners shall submit plans and specifications for any structure to be placed upon the property to the Architectural Control Committee prior to commencing any construction upon the property. Said plans will be reviewed for compliance with the restrictions and for architectural acceptability. No construction is to commence until the house plans are approved by the Architectural Control Committee.

New Construction: No residence shall be erected on any lot which does not contain at least FIFTEEN HUNDRED (1500) square feet exclusive of porches, breezeways, patios, and garages. Buildings must be new construction and be built on a solid concrete slab. All residences must have at least a two (2) car garage.

Exterior Construction Materials: All exterior construction materials shall consist of masonry products (brick, hardiboard, stucco, or stone) and be approved by the Architectural Control Committee.

Single-Family Residence: The land shall be used for single-family residential purposes only, with only one (1) single family residence (which may include a garage, guest house, and quarters for live-in servants) permitted on each lot. No multi-unit type structures such as apartment buildings, duplexes, condominiums, town homes, and cluster homes.


No Modular, Mobile, or Temporary Structures: No modular, mobile home, trailer, tent, shack, or other temporary structures shall be erected, placed, or garage shall be used for human habitation, either temporarily or permanently.

Business or Commercial Structures: No business or commercial structure of any kind or nature whatsoever shall be built on any portion of the property.

Driveways: All driveways shall be constructed of concrete. Dirt driveways are not allowed.

Building Lines: All building lines are shown on the Spring Branch Trails Final Plat. The only exception to these building lines are for lots three (3) and four (4); the front building line may be moved as necessary in order to fit a house and septic on the usable part of the lots. All other lots have a seventy-five foot (75') front building line except the lots sixteen (16) thru nineteen (19) around the cul-de-sac have a fifty-foot (50') building line. There is a ten-foot (10') building line along all side lot lines, except for lot one (1) and lot thirty-five (35), which there is a thirty-foot (30') build line on the east side along Spring Branch Road; lot three (3) and four (4) have a fifteen-foot (15') building line along the drainage easement; lot seventeen (17) and eighteen (18) have a twenty-foot (20') building line along the drainage easement to detention pond. Rear building lines are set at fifty-foot (50'), but lots five (5) thru ten (10) have a thirty-foot (30') Santa Fe Pipeline Easement which extends across the back part of the lots.

Offensive Activity: No activity which is unlawful or illegal or which is noxious or offensive or constitutes a health hazard to the neighborhood or which is hazardous by reason of danger from fire or explosion shall be permitted on the land or any tract therein, nor shall anything be done thereon which may be or become an annoyance or nuisance to adjoining property owners.

 **Firearms and Fireworks:** The use or discharge of firearms and the use of explosives and fireworks is strictly prohibited anywhere on the land and on each residential tract.

Trash: No trash, garbage, or debris of any kind shall be dumped or permitted to accumulate on said property.

Outbuildings: All outbuildings must be located behind the main house. Outbuildings consist of second garages, workshops, storage facilities, or guest quarters. The front of the outbuilding must be built with the same material as the front of the

house. All structures must conform to the character of the main house, be properly maintained, and be approved by the Architectural Control Committee.

Vehicles On Premises: A camper or motor home may be kept on the premises after completion of a permanent residence if the camper or motor home is owned by the owner of the lot upon which it is kept, is not connected to permanent utilities, and is not occupied. Such camper, motor home, or any boat and/or trailer must be kept at the rear of the lot behind the residence in a fully enclosed structure placed in such a way as to be as inconspicuous as possible from the road. No automotive vehicles that are not in good running condition and regular use will be allowed on the land. No tractor/trailer type truck, dump truck, delivery truck, or construction equipment of any kind shall be parked on the land or any residential tract at any time except temporarily while such vehicles are being used in the construction of improvements thereon.

Septic: No cesspool shall be dug or permitted on the property. Septic tanks will be permitted on the property but their construction and location shall comply with all existing state, federal, or county laws.

Building Materials: No building materials of any kind or character shall be placed or stored upon the property for a period of more than thirty (30) days prior to the commencement of construction of improvements and then such materials shall be placed within the property lines of the residential tract upon which the improvements are to be erected, and shall not be placed on the street.

Lot Maintenance: Grantees, their heirs, assigns and legal representatives, are bound and obligated through the purchase of said property, to maintain the same, at their own expense, in a neat and presentable manner and are obligated to keep the grass, vegetation, and weeds on said lot cut as often as may be necessary to keep the property in a neat and attractive condition.

Animals: No commercial livestock or poultry of any kind shall be raised, bred or kept on any Lot. Dogs, cats and other household pets may be kept, provided they are not raised, bred, kept or maintained for commercial purposes. Dogs are not permitted to run loose and must be kept in a fenced area.

Fences: Fencing may be a wood privacy fence or a three rail fence. Fencing must not exceed six (6) feet in height and be no further forward than the front of the house. No chain link or wire fence type construction will not be permitted on any lot unless screened from public view. All fencing and materials must be approved in advance by the Architectural Control Committee. Barbwire may only be used on the rear property lines of the lots.



END OF RESTRICTIONS

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has executed this Declaration to be effective on April 26 2004.

Jay R

GE & CE, L.L.C.

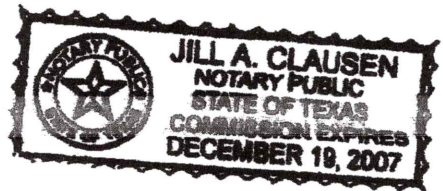
This instrument was acknowledged before me on April 26 2004.

Jill A. Clausen

Notary Public in and for
THE STATE OF TEXAS

Notary's Printed Name:
Jill A Clausen
My Commission Expires: *12-19-07*

Lot 10
Homeland Real Estate
10414 Green Valley
Houston, TX 77064



RECORDER'S MEMORANDUM:
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All black-outs, additions and changes were present at the time the instrument was filed with the recorder.

FILED FOR RECORD

2004 APR 26 PM 4: 05

Mark J. Tubball
COUNTY CLERK
MONTGOMERY COUNTY TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY
I hereby certify this instrument was filed in File Number Sequence on the date and at the time stated herein by me and was duly RECORDED in the Official Public Records of Real Property at Montgomery County, Texas.

APR 26 2004



Mark Tubball
County Clerk
Montgomery County, Texas