

RESTRICTIONS

STATE OF TEXAS §
COUNTY OF WALLER § KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, CHARLES E. POWELL and CHARLES CRISHAM JOINT VENTURERS, owners of that certain 26.368 acre tract of land out of the S. C. Bady Survey, A-31, Waller County, Texas, more fully described in Exhibit "A" of a Deed from Theodore Freitag to Charles E. Powell, Trustee dated July 10, 1984 and recorded in Volume 369, Page 520 of the Deed Records of Waller County, Texas, do hereby impress all of said property with the following restrictions:

1. Provisions hereof shall be deemed covenants running with the lands and shall be binding on the owners herein named and all persons claiming under it and the purchasers of each tract, their heirs, successors and assigns thereof, until seventy-five percent (75%) of said property has been sold, at which time same shall be automatically extended for successive periods of ten (10) years each, unless by a vote of the majority of the then owners of the tracts of land covered hereby, it is agreed to change same in whole or in part. With reference to said vote, each owner shall be entitled to one (1) vote.

2. No obnoxious or offensive trades or activities shall be carried on on any of the tracts, nor shall anything be done thereon which will cause a nuisance or be offensive to residents of usual sensibilities in this area. No tracts shall be used or occupied for any vicious or immoral purpose, nor for any use or purpose in violation of the law of local, state or federal governments. No inoperative vehicle may be stored on any tract or street. Trash must be disposed of properly. Owners are to keep property clean at all times.

3. The property shall be used for single family residential purposes only. No structure shall be erected on any residential lot other than one detached single-family dwelling not to exceed 2-1/2 stories in height and a private garage, and other out-buildings incidental to the residential use of the lot. All residences shall be of new construction. No lot shall be used for commercial purposes. Lots may be further subdivided but into no parcel containing less than one (1) acre.

4. Every one story residence shall contain a minimum of 1,700 square feet; a residence more than one (1) story shall contain a minimum of 2,000 square feet; the foregoing exclusive of open and screened porches, breezeways, portecochers, and attached garages. No artificial tar paper or sheet metal shall be used on any structure. All wood shall be either painted or stained with not less than two (2) coats of paint or protective materials. No building shall be built less than fifty feet (50') from the front line and twenty feet (20') from the side or back property lines. Minimum two (2) car garage, attached or detached, for each residence. The exterior of buildings shall be completed not later than fifteen (15) months after laying foundation of the building. Servants quarters, guest houses and out-buildings may only be constructed on the property after the completion of the residence. No building shall be occupied until the exterior thereof shall be completely finished and dwelling is connected to a septic tank or other approved disposal system.

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5. No animals, livestock, fowl or poultry of any kind shall be raised, bred or kept on any part of the property for any commercial purposes. This provision shall never be construed to prohibit the keeping of any animal, livestock, fowl or poultry for a pet or hobby; provided only that such animals, livestock, fowl or poultry shall be kept and maintained in a clean and sanitary condition which will not be a nuisance or become offensive to the neighborhood.

6. No trailer, trailer house, basement, tent, shack, garage, barn or other building or outbuilding erected on the tract shall at any time be used as a residence, temporarily or permanently, nor shall any residence of a temporary character be permitted. No mobile homes are to be maintained on any of the tracts. *

7. Whenever a residence is established on any tract, it shall be provided an inside toilet and shall be connected with a septic tank and drain field until such time as sanitary sewers may be available for use in connection with such tract. Such installations shall comply with the standards established by the Board of Health of the State of Texas, or such other governmental agency having jurisdiction over such matters. No cesspool shall ever be dug, used or maintained on any parcel of land in

This subdivision and drainage of septic tanks or sewage into roads, streets, alleys, ditches, ravines, or upon open ground shall be prohibited and enforceable as any other violation of these restrictions by any resident in the subdivision. Each resident shall, upon constructing any residence upon his tract, place a culvert at least to county specifications as to number of inches in diameter at a point between the roadway and his property and shall fill in sufficient dirt over and around same to construct a driveway to the premises. The inside bottom of said culvert must be even with or below the level of the ditch.

8. No type of fence or structure shall be maintained or built along or on the road right-of-way. No barbed wire fences shall be maintained or built on any tract.

9. Each buyer must keep his property reasonably mowed and clear of all grasses, weeds and underbrush, to the best of his or her ability.

10. No sign of any kind shall be displayed to the public view on any of the property, except one sign of not more than five (5) square feet to advertise the property for sale or rent. This shall not be interpreted to exclude the use of any sign which the developers of such property may deem necessary in the development of such properties.

11. All tracts are sold subject to easements for public utilities as may be already existing, or as may become reasonably necessary to create in the future, right to do so being hereby reserved, so as to permit good development of the subdivision and provide the necessary utilities. Tracts are also subject to a thirty foot (30') roadway easement, and possible dedication to property owners.

12. Some portions of this property are subject to pipeline easement. No improvements are to be built or maintained on this easement.

13. If the parties hereto or any one of the owners of any portion of said tract, their heirs or assigns, shall violate any of the covenants or restrictions herein contained, the Seller or any owner of any portion of said tract shall have the right to prosecute any proceeding, at a law or in equity, against any person violating or attempting to violate any of the covenants or restrictions, and either prevent such person, or persons, from so doing by prohibitive or mandatory injunction and to recover damages for such violations. It is further stipulated that the invalidation

of any one or more of these covenants, restrictions or conditions by any judgment or court order shall in no wise affect or invalidate any of the other provisions, but all such provisions shall remain in full force and effect.

CHARLES POWELL and CHARLES GRISHAM, owners of the referenced subdivision, do hereby impose the above restrictions on land use within said subdivision.

EXECUTED this 22 day of August, 1984.

CHARLES POWELL AND CHARLES GRISHAM
JOINT VENTURERS

Charles Powell
CHARLES POWELL

Charles Grisham
CHARLES GRISHAM

STATE OF TEXAS
COUNTY OF WALLER

Before me, the undersigned authority, on this day personally appeared CHARLES POWELL and CHARLES GRISHAM, owners, 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.



Jerry Smith
Notary Public, State of Texas

Jerry Smith
(Printed name of Notary)
My commission expires: 9-8-84

CONTAIN 26.568 acre tract of land situated in the Samuel C. Hady Survey, A-31, Waller County, Texas. Said 26.568 acre tract of land being a portion of a called 33-1/3 acre tract of land conveyed from W. M. Wilpitz to Dan Wilpitz by Will dated February 8, 1938 and recorded in Volume M, Page 529 of the Probate Records of Waller County, Texas. Said 26.568 acre tract of land being more particularly described as follows:

BEGINNING at a 1-inch iron rod set at an 18-inch diameter elm tree fence corner in the south line of the said Hady Survey and the north line of the J. McFarland Survey, A-46 for the southwest corner of the said called 33-1/3 acre tract and the southwest corner of this tract;

THENCE: In a northeasterly direction along the existing west fence line of said called 33-1/3 acre tract the following calls: (1) N 44°44'05" E, 11.67 feet to tree angle point; (2) N 24°30'38" E, 25.82 feet to tree angle point; (3) N 33°40'48" E, 235.20 feet to tree angle point; (4) N 24°58'35" E, 15.78 feet to tree angle point; (5) N 33°35'35" E, 343.20 feet to tree angle point; (6) N 34°46'35" E, 197.05 feet to fence post angle point; (7) N 34°04'51" E, 119.73 feet to fence corner angle point; (8) N 33°57'11" E, 150.93 feet to fence post angle point; (9) N 35°20'50" E, 321.07 feet to fence post angle point; (10) N 35°12'02" E, 316.34 feet to a 1-inch iron rod set at the intersection of said west fence line with the existing south right-of-way fence line of Stenzel Road;

THENCE: In a northeasterly direction along the east right-of-way fence line of Stenzel Road the following calls: (1) N 32°04'47" E, 9.78 feet to tree angle point; (2) N 68°17'31" E, 48.56 feet to fence post angle point; (3) N 34°29'19" E, 476.99 feet to fence post angle point; (4) N 34°39'39" E, 18.02 feet to a 1-inch iron rod set for the northwest corner of this tract and the southwest corner of a 5.483 acre tract surveyed this date out of the northern portion of the said called 33-1/3 acre tract;

THENCE: S 55°00'52" E, along the south line of said 5.483 acre tract, 483.73 feet to a 1-inch iron rod set at an existing fence corner in the east fence line of said called 33-1/3 acre tract for the northeast corner of this tract and the southeast corner of said 5.483 acre tract;

THENCE: In a southwesterly direction along the east fence line of said called 33-1/3 acre tract the following calls: (1) S 33°41'21" W, 232.33 feet to tree angle point; (2) S 32°37'19" W, 359.06 feet to tree angle point; (3) S 35°35'07" W, 119.40 feet to fence post angle point; (4) S 34°38'18" W, 280.56 feet to fence post angle point; (5) S 35°48'17" W, 673.88 feet to fence post angle point; (6) S 36°19'24" W, 388.86 feet to fence post angle point; (7) S 34°53'37" W, 174.07 feet to tree angle point; (8) S 45°39'01" W, 39.59 feet to a 1-inch iron rod set at a 10-inch diameter tree fence corner on the south side of a small creek in the south line of the said Hady Survey for the southeast fence corner of said called 33-1/3 acre tract;

THENCE: In a westerly direction along the south fence line of said Hady Survey and said called 33-1/3 acre tract the following calls: (1) N 56°25'26" W, 268.69 feet to tree angle point; (2) N 56°52'41" W, 126.68 feet to tree angle point; (3) N 58°56'31" W, 60.83 feet to fence corner angle point; (4) N 54°07'18" W, 23.23 feet to the POINT OF BEGINNING containing 26.568 acres of land.

January 27, 1984

O'MALLEY & CLAY, INC.
BRENNHAM, TEXAS

[Signature]

Dan H. Kennedy
Registered Public Surveyor, #3345



EXHIBIT "A"

W.O. 484-0066

STATE OF TEXAS
COUNTY OF WALLER

I hereby certify that this instrument was FILED on the date and at the time stamped herein by me and was duly RECORDED, in the Volume and Page of the official RECORDS of Waller County, Texas, as assigned herein by me, on

AUG 1 8 1984



ELVA D. MATYS
COUNTY CLERK
WALLER COUNTY, TEXAS

[Signature]