

STATE OF TEXAS
COUNTY OF HARRIS

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KNOW ALL MEN BY THESE PRESENTS:

THAT I, E. A. KELLY, TRUSTEE, owner of that certain Subdivision known and described as Magnolia Bend, Section One, in Montgomery County, Texas, as shown by the plat of said Subdivision recorded under County Clerk's File No. 147757 in the map Records of Montgomery County, Texas, do hereby create and establish the following restrictions, restrictive covenants and easements affecting the use and occupancy of the lots and tracts in said Subdivision:

PART ONE

- (1) These restrictions and restrictive covenants constitute a general plan for the improvement of all of the property in the Subdivision and for the maintenance and preservation of its uniform desirable character and are to run with the land and shall be binding on all parties until July 1, 1982, at which time all such restrictions shall be automatically extended for consecutive periods of five (5) years each, unless, by vote of the then owners of the majority of the lots in such Subdivision, it is agreed to alter, amend or rescind the same in whole or in part.
- (2) These restrictions shall be binding upon the owners of all lots in said Subdivision and on all persons holding or claiming any right of possession or other interest therein, each of whom shall be obligated and bound to observe such restrictions and restrictive covenants; and in the event of violation of any of such restrictions with respect to any of such lots, it shall be the legal right of any other person owning any interest in any property in the Subdivision to institute and maintain any proceeding at law or in equity against the person or persons violating or attempting to violate any of such restrictions, provided that no person or persons shall be liable in damages for any violation or breach of such restrictions, except in respect to violations or breaches committed during his or her ownership and control of said property. Failure to enforce any restriction herein contained shall not be deemed to be a waiver of the right to enforce such restriction at any time thereafter as to the same violation or breach or as to any other violation or breach occurring either prior or subsequent thereto.

- (3) All of the lots in said Subdivision are designated as residential lots and shall be used for residential purposes only as hereinafter more particularly provided, except Lots One (1) through Nine (9) in Block One (1) and Lots One (1) through Four (4) in Block Four (4), which are designated as business and commercial lots and Lots Ten (10) through Eighteen (18) in Block One (1) which are designated as semi-commercial lots.
- (4) Commercial and business lots, being Lots One (1) through Nine (9) in Block One (1) and Lots One (1) through Four (4) in Block Four (4), which are designated as business and commercial lots, may be used for any commercial or business purpose, including the maintenance and operation of offices, retail stores or local retail shop purposes, but shall not be used for heavy industry or for the conduct of any business which may be noxious or harmful by reason of the emission of odors, dust, smoke, gas fumes or unreasonable noise and vibration. Any such commercial and business lot may further be used for any purpose, permitted on a residential lot in said Subdivision. Any building or structure created on any commercial and business lot shall conform to the requirements as to size and type of construction set out in the restrictions on residential lots.
- (5) Semi-commercial lots, being Lots Ten (10) through Eighteen (18) in Block One (1) may be used for the construction and operation of duplexes and apartment houses and may further be used for business and commercial purposes, provided, that use of any such lots for business or commercial purposes shall be restricted to such use in connection with the business or commercial lot adjoining such lot on the East. Any building or structure erected on any semi-commercial lot shall conform to the requirements as to size and type of construction set out in the restrictions on residential lots.
- (6) Only one single family private dwelling unit or residence designed for the occupancy of one family and one appurtenant garage shall be erected on the front Seventy (70) feet of any residential lot in said Subdivision. Such residence or dwelling unit shall contain not less than Six Hundred (600) square feet of floor space in the enclosed living area, exclusive of open or screened porches, breezeway or garage.
- (7) One single family temporary dwelling unit or guest house containing not less than six hundred (600) square feet of building area, including open or screened porches or breezeways, may be constructed on the rear of any lot before or after the construction of the main dwelling unit, but no part of such temporary dwelling unit or guest house shall be closer than seventy (70') feet to the front property line.

- (8) Neither the main dwelling unit nor the temporary or guest house or any other building on the premises shall be constructed of "boxed" or "sheet metal" construction and all improvements in the Subdivision shall be constructed in a substantial workmanlike manner to correspond with the character of the neighborhood. All exterior woodwork of all houses and buildings in said Subdivision shall be painted with at least two coats of paint, varnish or stain immediately upon completion and before occupancy.
- (9) No residence or dwelling unit shall be constructed or permitted on any residential lot containing less than 6,000 square feet of surface area or in violation of the terms of the written dedication of the plat of the Subdivision.
- (10) No old or existing house or structure or automobile trailer house shall be moved or placed on any lot in the Subdivision without the written approval of the owner and developer of the Subdivision.
- (11) All improvements placed on any lot in the Subdivision shall be erected and used so as to front upon the street that such lot faces except that on any corner lot the garage and guest house may be erected and used facing on the side street. A corner lot shall be deemed to front on the street on which it has the narrower frontage.
- (12) No tent, shack, barn or shed used or intended to be used for the purpose of human habitation shall be erected, placed or permitted to remain on any lot in said Subdivision.
- (13) All lavatories, toilets and bath facilities shall be built indoors and connected with adequate septic tanks constructed to comply with the specifications of State and local health authorities and no "outside" or "surface" toilets shall be permitted under any circumstances.
- (14) No bill boards, sign boards or unsightly objects of any kind shall be installed or maintained on any residential lot of such Subdivision, except that suitable signs for the sale of lots or residences may be placed upon the site that is for sale.
- (15) No residential lot shall be used for the purpose of raising hogs, goats, sheep, rabbits or other animals for commercial purposes, or as a place for keeping horses, mules, cattle or other animals, provided that the occupant of each residence may keep domestic animals for his own use and pleasure, including not more than one milk cow and one horse or mule. No commercial dog kennel shall be maintained in the Subdivision.
- (16) No public nuisance or offensive, noisy or illegal trade or calling or act shall be done, suffered or permitted in any portion of the Subdivision.

- (17) All buildings in the Subdivision shall conform to the building setback lines as shown on the recorded plat and dedication of the Subdivision and no residence or dwelling shall be constructed closer than five (5) feet to the side property line of any residential lot on which it is located.
- (18) No building, structure or any part thereof, shall be constructed or permitted to extend over or encroach upon any street or utility easement as shown by the plat of this subdivision.
- (19) All grants, sales and conveyances of lots shall be subject to the street and utility easements as shown by the plat of said Subdivision and shall be further subject to these restrictions.
- (20) The purpose of the foregoing restrictions is to maintain a high standard of living conditions in the Subdivision and thereby make it a desirable residential section and in order to accomplish this purpose and objective, it shall be the right and privilege of any owner of property in the Subdivision to enforce such restrictions in any manner provided by law. In the event of a violation or attempted violation of any of such restrictions by any purchaser, the seller shall not be in any way responsible, either financially or otherwise, but will use reasonable efforts, personally or through sales representatives, to adjust any such violations.

EXECUTED at Houston, Texas, this 19 day of July, 1962.

E. A. Kelly, Trustee
E, A, KELLY, TRUSTEE

STATE OF TEXAS X
 X
COUNTY OF Montgomery X
 X
 X
 X

BEFORE ME, the undersigned authority, on this day personally appeared E, A, KELLY, TRUSTEE, known to me to be the person whose name is subscribed to the above and foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN under my hand and seal of office this 19th day of July, A.D. 1962.



(H.O. Howell) *H. O. Howell*
Notary Public in and for
Montgomery Harris County, T e x a s .

FILED FOR RECORD July 19, 1962 at 11:10 o'clock A. M.
RECORDED July 26, 1962 at 5:00 o'clock P. M.
A. C. Howell, Clerk County Court, Montgomery Co. Texas
By: Belle Sanders Deputy