

DEED
VOL 1577 PAGE 667

RESTRICTIONS AND COVENANTS
FOR HEIGHTS RIDGE V

18573

STATE OF TEXAS X
COUNTY OF BRAZORIA X

That DELTA SAVINGS ASSOCIATION, ALVIN, TEXAS, BEING THE OWNER of the following described tract:

(SEE ATTACHED LEGAL DESCRIPTION)
Exhibit "A"

in order to provide for a uniform building program upon said property hereinabove described, and to assure the present and future owners of lots or tracts within said property will be maintained as a desirable residential area, does hereby impress upon said property the following restrictive covenants, which will run with the land and shall be binding on all persons claiming under it, as well as upon all persons who may own, lease, use, or occupy said land or any part thereof, until January 1st, of the year 2010, at which time said covenants shall be automatically extended for successive periods of ten years unless by a vote of the majority of the then owners of the tracts within the above described area, it is agreed to change said covenants in whole or in part.

If any person or persons shall violate or attempt to violate any of the covenants herein, any person or persons owning any real property situated in said development and the undersigned (whether the owner of any such lots/tracts or not) shall have the right to prosecute any procedure at law or in equity against the person or persons violating or attempting to violate any such covenants and either to prevent him or them from doing so or to recover damages or other dues for such violations.

Invalidation of any of these covenants by judgement or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

A Building Committee composed of Mr. Carl G. Gerjes, Ron R. Carr and W. A. Erskine, and such persons as may be designated by DELTA SAVINGS ASSOCIATION, or by a representative, designated by a majority of the members of said Building Committee shall first examine all plans and specifications and plot plans of proposed building, as to cost, materials, conformity, and harmony of external design with existing (and approved proposed) structures in the subdivision, and as to location of the building with respect to topography and finished ground elevation.

Upon approval by the Committee of each and every set of plans and specifications as herein provided, such committee shall evidence their approval in writing, by separate memorandum or directly upon said plans. Such committee shall approve or reject any such plans and specifications submitted to them within thirty days (30), after same have been submitted. In case the committee fails to approve or disapprove such plans and specifications within the thirty day (30) period, such approval will not be required, provided a receipt in writing of the filing of such plans and specifications can be produced which acknowledges that said plans and specifications were submitted to any member of said Building Committee. Upon approval of such plans and specifications, one approved and signed copy will remain with DELTA SAVINGS ASSOCIATION, until the improvements have been completed and the Building Committee of their designated representative have satisfied themselves or himself that all of the requirements have been met.

CERTIFIED COPY CERTIFICATE
STATE OF TEXAS
COUNTY OF BRAZORIA
The above and foregoing is a full, true and correct
photographic copy of the original record now in my lawful
custody and possession, as the same is filed/recorded in
the public records of my
office. I hereby certify on 12-20-99



JOYCE HUDMAN
BRAZORIA COUNTY, TEXAS
BY Joyce Hudman DEPUTY

If such plans and specifications are not submitted to the Building Committee and if no suit to enjoin the erection of such building or the making of such alterations has been commenced prior to the completion of such improvements, such approval will not be required, but such shall not preclude recovery of any actual damages by any property owner resulting from violation of this or any other restriction.

Neither the members of such Building Committee or its designated representatives shall be entitled to any compensation for services performed pursuant thereto. In the event of the death or resignation of any member of said Building Committee, the remaining member or members shall have full authority to continue to approve or disapprove such plans and specifications or to designate a representative with like authority, or to designate successors with all of the above powers and authority or designated representatives shall be evidenced in writing and filed in the County Clerk's Office of Brazoria County, Texas.

1. All lots in this tract shall be known and described as residential lots and shall be used for single-family residential purposes and not otherwise.
2. No building shall be erected, altered, placed or permitted to remain on any residential lot other than one residential structure not to exceed two stories in height plus a private garage and such other outbuilding as are incidental to single-family residential use of the lot.
3. No structure shall be built nearer to the street than the building set-back line (or lines) shown on said subdivision plat, except that in no event will any structure or dwelling be closer than Seventy-Five Feet (75') from the front property line and in the case of corner lots, the set-back will be determined by the size and shape of the lot, except that in no event will the set-back be less than Twenty Feet (20') from the side property line and only then if such set-back does not hamper, obstruct or otherwise conflict with the harmony of the rest of the subdivision. In the case of interior lots, no structure shall be built within Ten Feet (10') of the side property line.
4. No noxious or offensive activity, nor any trade or business of any kind shall be carried on upon any lot covered by these covenants or the improvements thereon, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
5. No signs of any kind shall be placed upon such lots except small signs which may be used for the purpose of selling said property or by the builder to advertise the sale of houses. In any event, such signs used for this purpose will be placed in a neat and orderly manner upon such properties and maintained and shall be no larger than the usual and standard signs in use by established Real Estate firms.
6. No trailer, mobile home, tent or shack shall be placed on any lot covered hereby for residential purposes or otherwise, nor shall any basement, garage, or other outbuilding be used as a residence temporarily during construction or otherwise, excepting that builders construction office and storage trailers may be used during construction.

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JOYCE HUDMAN
BRAZORIA COUNTY, TEXAS
BY Vickie Durling DEPUTY
VICKIE DURLING



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- 7. No dwelling shall be constructed on said lots which contains a floor area within the main structure, exclusive of open porches, garages, breezeways or storage of less than 1300 square feet net liveable area.
- 8. All dwellings shall be of masonry construction provided however, a combination of masonry and frame exterior construction will be permitted subject to the approval of the Building Committee.
- 9. No fence, wall or mass planting of shrubs or hedges may be constructed or grown or erected on interior lots between the building set-back line and the front property line and no construction of walls, fences or growth of hedges or shrubs shall be placed on corner lots in such a fashion as to obstruct the view of drivers approaching the intersection thus constituting a safety hazard.
- 10. Domestic pets, such as dogs and cats, may be kept unless they constitute a health, safety hazard or nuisance in the neighborhood.

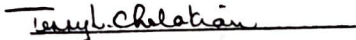
EXECUTED this the 23 rd day of June, 1981.

DELTA SAVINGS ASSOCIATION



Carl G. Gerjes
President

ATTEST:



Terry Cholakian

CORPORATE ACKNOWLEDGEMENT

STATE OF TEXAS X
 X
 COUNTY OF BRAZORIA X

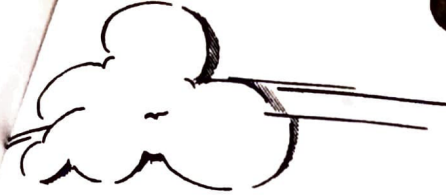
BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared CARL G. GERJES, PRESIDENT, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said DELTA SAVINGS ASSOCIATION, ALVIN, TEXAS, a Corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 23 rd day of June A.D., 1981.

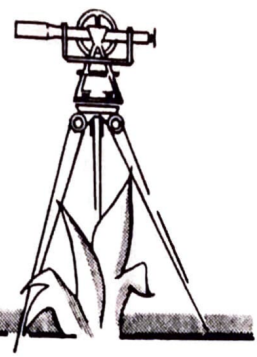

 Notary Public in and for
 Brazoria County, Texas
 Commission expires 09-28-81

CERTIFIED COPY CERTIFICATE
 STATE OF TEXAS
 COUNTY OF BRAZORIA
 The above and foregoing is a full, true and correct photographic copy of the original record now in my lawful custody and possession, as the same is filed/recorded in the public records of my office. I hereby certify on 12-20-99
 JOYCE HUDMAN
 BRAZORIA COUNTY, TEXAS
 BY  DEPUTY
 VICKE DURLINGER





DEED
VOL 1577 PAGE 670



D. H. ADAMS
Registered Public Surveyor

217 W. Sealy St. - Ph. 331-3523
ALVIN, TEXAS 77511

FIELD NOTES
HEIGHTS RIDGE V

39.813 acres of land, being Tracts 26, 27, 34 and 35 of the Subdivision of the A. C. H. & B. Survey, Abstract 412, Brazoria County, Texas, according to the Plat recorded in Volume 8, page 622, Deed Records of Brazoria County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod marking the most northerly corner of the herein described tract, said iron rod also being the most northerly corner of Tract 34;

THENCE South 47 deg. 56 min. East, along the northeast line of Tracts 34 and 35, a distance of 1315.0 feet to an iron rod marking the most easterly corner of the herein described tract, also being the most northerly corner of Emerald Manor Subdivision;

THENCE South 42 deg. 06 min. West, along the northwest line of Emerald Manor Subdivision, a distance of 1320.0 feet to a point for corner in Heights Road and being the most southerly corner of the herein described tract;

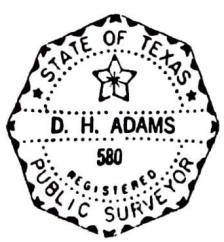
THENCE North 47 deg. 56 min. West, along the southwest line of Tracts 26 and 27, a distance of 1312.68 feet to a point marking the most westerly corner of the herein described tract, said point also being the most westerly corner of Tract 27;

THENCE North 42 deg. 00 min. East, along and with the northwest line of Tracts 27 and 34, a distance of 1320.0 feet to the PLACE OF BEGINNING and containing 39.813 acres of land.

Field notes written June 5, 1981.

D. H. Adams

D. H. ADAMS, Registered Public Surveyor No. 580



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FILED FOR RECORD
AT 8:15 O'CLOCK *A* M.
JUN 24 1981
H. R. STEVENS, JR.
CLERK COUNTY COURT, BRAZORIA CO., TEXAS
BY *D. R. [Signature]* DEPUTY

CERTIFIED COPY CERTIFICATE
STATE OF TEXAS
COUNTY OF BRAZORIA
The above and foregoing is a full, true and correct photographic copy of the original record now in my lawful custody and possession, as the same is filed/recorded in the public records of my office. I hereby certify on 12-20-99
JOYCE HUDMAN