

**Pine Country of Tomball
Restrictions**

The Joseph Family Limited Partnership, Ltd. (JFLP, Ltd.)(herein referred to as "owner") is the owner of 60.060 acres of land in the John Edwards Survey, A-20 and the Chauncey Goodrich Survey, A-311 city of Tomball, Harris County, Texas, described in Exhibits "A" (5.000 acres), "B" (15.050 acres) and "C" (40.010 acres) attached hereto and incorporated herein for all interests and purposes.

Owner desires to create and carry out a uniform plan for the improvement and development of 4.358 acres of the 60.060 acre land for all interests and purposes in the land "DEED RESTRICTIONS" of Harris County and to this purpose, do hereby adopt and make applicable to the 4.358 acres the restrictions, conditions and covenants hereinafter set forth. The remaining 55.702 acres of the 60.060 acres are unrestricted subdivision at this recording. The Final Plat as approved by City of Tomball and recorded with Harris County, Texas will detail the 4.358 acres restricted (divided by lot and section/blocks.)

Restrictions

1.Duration and Amendment of the Restrictions. These restrictions and reservations shall run with and bind the designated 4.358 acres land until January 1, 2027, and shall be automatically renewed for successive ten (10) year periods thereafter unless 75% of the owners of the 4.358 acres (supra) elect to terminate them. This declaration may be amended during its term by an instrument signed by 75% of the lot owners of the total 4.358 acreage. Any amendment must be recorded in the office of the County Clerk of Harris County, Texas.

2. Single-Family Residential Construction. All lots in the 4.358 acres (Sections/Blocks) shall be used for the purpose of only one (1) single-family residence. No building shall be erected other than single-family residential dwelling, private garages for not less than two (2) cars, and bon a fide servants' quarters which structure shall not exceed the main dwelling in height. An in-home office is allowed for business purposes with no more than three (3) business visitors per day coming to the residence (in-home office) for business purposes, so long as restriction #11 is not violated, nor for any commercial or manufacturing purposes. The restrictions shall not be construed as to prohibit a resident from keeping business accounts, handling professional telephone calls and correspondence, and activities declared customarily incidental to the principal residential use and are not in violation of the restrictions.

No building shall be erected, placed, or altered on any lot (Section/Blocks) until the construction plans and a plot plan showing the location of the structure have been approved by the Architectural Control Committee (ACC) to general compatibility of external design with existing structure, and as to location with respect to topography and finish grade elevation. In considering the harmony of external design between existing structures and the proposed building being erected, placed, or altered, the ACC shall consider only the general appearance of the proposed building as that can be determined

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from rear and side elevations on submitted plans. The ACC's objective is to prevent unusual, radical, uncommon, curious, odd, extraordinary, bizarre, peculiar or irregular designs and appearances (ie., exterior paint colors, etc.) from being built in the subdivision.

3. Pine Country of Tomball Homeowner's Association, Inc.'s (PCTHA) Architectural Control Committee (ACC). The initial ACC is composed of the initial PCTHA Board of Directors, Russ Brown and Les Edwards. A majority of the initial ACC may elect successors, in the event of resignation or vacancy, or designate a representative to act for it at the time or for any period. In the event of death or resignation of any member of the initial ACC, the remaining members shall have full authority to designate a successor. A resignation is effective when given verbally or in writing to the remaining members of the ACC or its successors. The powers and duties of such initial ACC and of its designated representatives and requirement of this restriction shall transfer to the PCT lot owners through the PCTHA, in conjunction with paragraph 30 as follows. The PCTHA ACC's approval or disapproval as required in these restrictions shall be in writing. In the event this ACC or its designated representatives fails to approve or disapprove within twenty (20) days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related restrictions shall be deemed to have been fully complied with. Approval or disapproval requires a 66.7% majority of ACC. There shall be no review of any action of the ACC except by procedures for injunctive relief when such action is patently arbitrary and capricious; and under no circumstances shall such ACC be subject to any suit by anyone for damages.

4. Minimum Square Footage Within Improvements. The living area on the ground floor of the main structure of any single-family residential building, exclusive of any open or closed porches and the garage and/or servants' quarters shall not be less than nineteen hundred (1900) square feet. For split level or multi-level dwellings the minimum shall be determined by the ACC's review.

5. Minimum Masonry 75%. For all purposes of these restrictions, masonry includes stucco and all materials commonly referred to in Harris County, Texas building industry as masonry. A minimum of 75% of the first floor wall area to top of first floor window height and exclusive of openings shall be of masonry or masonry veneer construction, but in no case shall there be less than front and two sides masonry, except that split-level and multi-level construction may be waived by the ACC should the plans and specifications so indicate and the plans and specification be approved and presented without conditions attached.

6. Residential Building Site Setback Requirements. Setbacks must comply with City of Tomball ordinances.

7. Subdivision of Lots/Lot Combinations. No lot as originally conveyed and no lot as shown on the Final Plat recorded in Harris County Clerk's office may be subdivided or

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its boundaries changed unless City of Tomball would authorize a combination (only) of adjoining lots. In that case (a combination of adjoining lots) the City of Tomball and the ACC must both approve the combination and the revision of the recorded plat. All expenses would be bore by the lot(s) owner. In any case, only one (1) single-family residence may be built on the combined lots.

8. Easements. These are controlled by City of Tomball ordinances and are set forth on the Final Plat of the subdivision as recorded in Harris County Clerk's office.

9. Temporary Structures and Site Alterations. No structure of a temporary character, trailers (with or without wheels and whether or not attached to a foundation), mobile home (with or without wheels and whether or not attached to a foundation) modular or prefabricated home, tent, shack, barn or any other temporary structure or building shall be placed on any lot, either temporarily or permanently or used at any time as a residence.

10. Animal Husbandy. No livestock of any kind (ie., horses, cattle, swine, etc.) may be kept or permitted on any lot except domestic pets for family use only. Domestic pets are allowed, so long as Restriction #11 is not violated.

11. Annoyance or Nuisances. No noxious or offensive activity shall be permitted or carried on upon any lot nor shall anything be done thereon which may become an annoyance or a nuisance to the neighbors or neighborhood.

12. Oil and Gas Mining Operations. No oil and gas and mining operations are allowed in Pine Country of Tomball except those already existing but current by all regulations (city, county, or state) unless required by the City of Tomball permitting process or other government authorities after all appeals.

13. Signs. No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than eight (8) square feet advertising the property for sale or rent, or sign used by a builder to advertise the property during construction and sales period.

14. Garbage and Refuse Disposal. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall not be kept except in sanitary container. The buyer is responsible for removing all stumps and debris brought about by clearing the building site. Said stumps and debris must not be pushed on other property.

15. Lot Maintenance. According to City of Tomball ordinances, owners are required to keep lots free of weeds, rubbish, stagnant water, unsanitary or other objectionable matter. The Pine Country Home Owner's Association requires mowing regularly during grass growing season and kept clean of debris.

16. Noise. Refer to City of Tomball Ordinances for unlawful noises that disturb the comfort of residents.

17. **Residential Construction Time Frame.** All construction of the primary single-family residence dwelling and the landscaping are to be completed within one (1) year from the date the foundation footings are dug.

18. **Land Elevation and Landscaping.** No substantial changes in the elevation of the lot shall be made without the prior written approval of the ACC. The exterior landscaping shall consist of solid sod in the front and side yards with trees, shrubs, plants and ground cover sufficient to make the yard aesthetically pleasing. Landscaping plans other than the above shall be approved by the ACC.

19. **Tree Removal.** No tree larger than six inches in diameter at the base that are outside or beyond ten feet of the house foundation or five feet of driveways or sidewalks shall be removed without prior written approval of the ACC.

20. **Motor Homes, Boats, Trailers, or Commercial Vehicles.** No trucks, boats, trailers, etc. commercial type vehicles, motor homes, construction or like equipment or mobile or stationary trailers or any kind shall be stored or parked on any lot (except while parked in a closed garage or behind a fence) nor parked on any residential street in the subdivision except while engaged in transporting to or from a residence in the subdivision. According to City of Tomball ordinances, it is unlawful and considered a public nuisance to store junked and abandoned vehicles that are visible to the public.

21. **No Individual Water Supply.** No individual water supply system shall be permitted on any lot after City of Tomball utilities are available.

22. **No Individual Sewage Disposal.** No individual sewage disposal system shall be permitted on any lot after City of Tomball utilities are available.

23. **Fences.** No fence, wall or hedge shall be built or maintained forward of the front edge of the residential structure on any lot. The ACC will review and approve any fence design prior to construction. Chain link fencing is not allowed.

24. **Sight Distance At Intersections.** No fences, wall, hedge or shrub planting which obstructs sight lines at elevations between two (2) and six (6) feet above the roadways shall be placed or permitted to remain on any corner lot with the triangular area formed by the street property lines and line connecting them at points twenty-five (25) feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. No tree shall be permitted to remain within such distance of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

25. **Buildings Previously Constructed Elsewhere.** No building previously constructed elsewhere shall be moved onto any lot in this subdivision.

26. **Pools.** Swimming pools shall not be nearer than fifteen feet to any adjoining lot and shall not project more than two feet above the established grade. No pool of any type

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Lot owners are encouraged to become active participants in suggesting and planning activities or events that they would enjoy participating in to the Board. Lot owners with special skills are encouraged to volunteer and share their expertise for the benefit of PCOT subdivision community.

31. City Code. Any conflict between the covenant and City of Tomball Code, the City of Tomball Code shall prevail.

The Joseph Family Limited Partnership, Ltd. ³⁰
BY: The Joseph Management Trust, General Partner

Russell E. Brown
BY: RUSSELL E. BROWN
ITS: TRUSTEE

STATE OF TEXAS
COUNTY OF BANDERA

BEFORE ME, the undersigned authority, on this day personally appeared RUSSELL E. BROWN, TRUSTEE OF THE JOSEPH MANAGEMENT TRUST, GENERAL PARTNER FOR THE JOSEPH FAMILY LIMITED PARTNERSHIP, LTD., known to me through Texas drivers license identification to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 8 day of September, 2003.



Susan Smoot Sims
Notary Public, State of Texas

After Recording Return to:
Joseph Family Partnership
Russell E. Brown, Trustee
P.O. Box 1177
Bandera, Texas 78003

574-83-1497

574-83-1581

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS VOID AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on this date and of the fee stamped hereon by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas on:

SEP 10 2003



Dorely L. Kayman
COUNTY CLERK
HARRIS COUNTY, TEXAS

Amend
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Restriction I

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AMENDMENT TO PINE COUNTRY OF TOMBALL RESTRICTIONS

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This Amendment is made to be effective the 14th day of September, 2004 by THE JOSEPH FAMILY LIMITED PARTNERSHIP, LTD, (herein referred to as JFLP), being the owner of 75% of the land as described in the Pine Country of Tomball Restrictions (herein referred to as Restrictions) as recorded in 574-83-1492 thru 574-83-1501 of the Official Public Records of Harris County, Texas.

Whereas the need has arisen to amend the Restrictions.

JFLP, by its signature hereto, amends Item 1 of the Restrictions follows:

1. Duration and Amendment of the Restrictions. These restrictions and reservations shall run with and bind the designated 4.348 acres of land until January 1, 2027, and shall be automatically renewed for successive ten (10) year periods thereafter unless 75% of the owners of the 4.248 acres (supra) elect to terminate them.

Except as herein expressly provided, no changes are made to the Restrictions, of which are and shall be and remain in full force and effect in accordance with their terms, as amended hereby.

THE JOSEPH FAMILY LIMITED PARTNERSHIP, LTD.
BY: The Joseph Management Trust, General Partner

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Russell E. Brown
BY: RUSSELL E. BROWN
ITS: TRUSTEE, Grantor

20235
Tomball Country
Steve Stone
861-455-3006

FILED FOR RECORD
8:00 AM

OCT - 4 2004

Dorothy S. Kofman
County Clerk, Harris County, Texas

STATE OF TEXAS §
COUNTY OF BANDERA §

BEFORE ME, the undersigned authority, on this day personally appeared RUSSELL E. BROWN, TRUSTEE OF THE JOSEPH MANAGEMENT TRUST, GENERAL PARTNER FOR THE JOSEPH FAMILY LIMITED PARTNERSHIP, LTD., known to me through Texas drivers license identification to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 14th day of September, 2004.

Susan Smoot Sims

NOTARY PUBLIC, STATE OF TEXAS

After Recording Return to:
Mr. Russ Brown
P.O. Box 1177
Bandera, Texas 78003

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Prepared by the Law Office of:

SUSAN SMOOT SIMS, P.C.
P.O. Box 441
Bandera, Texas 78003
830/796-3061

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Separation on the date and at the time stamped herein by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas on

OCT - 4 2004



Dorely L. Kayman
COUNTY CLERK
HARRIS COUNTY, TEXAS

593-39-2161