

RESTRICTIONS OF

MILLS FOREST SUBDIVISION

5323

THE STATE OF TEXAS X

COUNTY OF POLK X

KNOW ALL MEN BY THESE PRESENTS that I, WM. E. HAYNIE of Liberty County, Texas, the owner of that certain 59.456 acres of land, more or less, situated upon the J. B. Hardin Survey, A-273, in Polk County, Texas, heretofore subdivided into a rural subdivision designated as "MILLS FOREST" and depicted upon plat duly recorded in Volume 6, Page 34 of the Plat Records of Polk County, Texas, to which plat and its recordation reference is hereby made for all pertinent purposes, hereby set forth the restrictive covenants which shall govern and apply to each and every lot within such subdivision, and which are hereby declared to be restrictions for the mutual benefit of the purchasers of said subdivision lots, which shall be enforceable by them or the undersigned Wm. E. Haynie, his heirs, personal representatives or assigns, or by the Architectural Control Committee herein created, or any one of them, as herein provided, said restrictive covenants being as follows:

Part I - RESIDENTIAL AREA COVENANTS

I. Any lot in MILLS FOREST can be used for either residential or commercial purposes. However, no buildings, mobile home or other structure shall be erected, altered, placed upon or permitted to remain on any lot except with permission from the "Architectural Control Committee" as hereinafter constituted, first had and obtained. No owner of any lot in MILLS FOREST, his tenants or any other person occupying said lot shall be permitted to own, keep or maintain thereon any hogs, goats, chickens or other fowl. No more than one cow or in the alternative one horse for each full acre shall be allowed to be kept

and maintained on any lot in the subdivision, No "Junk Yard" or "Automobile Wrecking Yard" as those terms are commonly used or business for the storage or resale of second hand automobile parts shall be placed upon any lot in the subdivision or such business done thereon.

II. EASEMENTS - Easements for installation and maintenance of utilities are hereby reserved along and adjacent to each street shown on the recorded plat of MILLS FOREST ten (10) feet in width and for such purpose said space included within such easements shall be kept open and unobstructed of any barrier of a permanent nature. No lot owner shall alter the topography of his lot in such a manner as to change the flow of surface water thereon or to artificially divert, impound or flood the lands of any other lot owners in the subdivision.

Part II - ARCHITECTURAL CONTROL COMMITTEE

There is hereby created the "Architocatural Control Com- mittee" for MILLS FOREST Subdivision, to be initially composed of Wm. E. Haynie and Wanda L. Haynie of Liberty County, Texas, and Edward W. Jones of Livingston, Texas. Any member of such Committee may resign at any time by a Letter of Resignation directed to the other members of the Committee or filed for record in the office of the County Clerk of Polk County, Texas. In the event of death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor. At any time hereafter, the Committee, by a majority vote thereof, shall be entitled to transfer the powers herein created and vested in it to a Committee of not less than three lot owners in Mills Forest and by designation of such successor committee in the Deed Records of Polk County, Texas, by the committee herein constituted, all powers shall vest in such Architectural Control Committee as subsequently composed of lot owners in the subdivision. Annually thereafter during the term of these Restrictions, upon or as close as may

be convenient to the anniversary date of the vesting of power in an Architectural Control Committee composed of lot owners in the subdivision, such committee shall call an election of lot owners to serve upon such committee by a majority vote of the lot owners of record in Mills Forest Subdivision. At any such annual meeting of the lot owners for the purpose of electing the Architectural Control Committee, such lot owners, by a majority vote, shall have the power through a duly recorded written instrument to change the membership of the committee, or to withdraw from the committee or restore to it any powers and duties.

II. PROCEDURE - The Committee's approval or disapproval as required in these covenants of any building, house, mobile home or other structure to be constructed or placed upon lots or a lot in Mills Forest shall be in writing. In the event the Committee fails to approve or disapprove of such structure, house or mobile home within thirty (30) days after plans and specifications therefor have been submitted to it, its approval shall be presumed and the requirements hereof shall be deemed complied with.

Part III - GENERAL PROVISIONS.

I. These covenants shall run with the land and be binding upon all persons, firms or corporations owning any lot in Mills Forest or occupying or claiming any rights to any lot in Mills Forest for a period of ten (10) years from the date these covenants are recorded. After such time, the owners of lots in the subdivision may by a majority vote extend the same for an additional ten (10) years, if they choose, by recordable instrument to be filed in the Deed Records of Polk County, Texas.

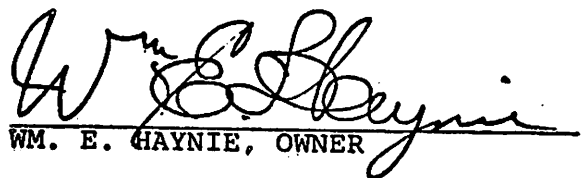
II. ENFORCEMENT: If any person, firm or corporation, whether a lot owner in Mills Forest Subdivision or a person occupying any lot in said subdivision shall violate or attempt to

violate any of the covenants herein, it shall be lawful for the Architectural Control Committee or any person or persons owning any property situated in said subdivision to prosecute any proceedings at law or in equity against the persons, firms or corporations, violating or attempting to violate any such covenant and either to prevent him or them from so doing or recover damages for such violation.

III. SEVERABILITY: Invalidation of any one or more of these covenants by judgment or court order shall in no wise affect any of the other provisions herein which shall remain in full force and effect.

IV. RULES OF CONSTRUCTION; In the event there is any doubt or ambiguity as to the intent or meaning of any covenant contained herein or any portion thereof, all doubt shall be resolved in favor of upholding the broadest construction of said covenant or any portion thereof. Furthermore, all presumptions shall be resolved in favor of the validity of the decisions of the Architectural Control Committee.

IN WITNESS WHEREOF, I have hereunto signed my name this the 23RD day of September, A. D. 1974, joined herein by Mrs. Carrie Jane Walker, lien holder on such land for the limited purpose of evidencing her consent to the creation of these restrictive covenants against the lands included within Mills Forest Subdivision.


WM. E. HAYNIE, OWNER


CARRIE JANE WALKER, LIEN HOLDER

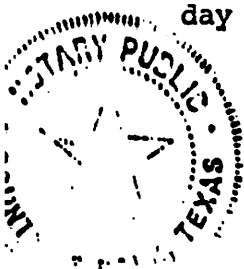
BOOK 294 PAGE 324

THE STATE OF TEXAS X

COUNTY OF POLK X

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared WM. E. HAYNIE, known to me 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 the 23RD day of September, A. D. 1974.



Arthur J. Moore Jr.
Notary Public in and for Polk County, Texas.

THE STATE OF TEXAS X

COUNTY OF POLK X

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared CARRIE JANE WALKER, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 23RD day of September, A. D. 1974.



Arthur J. Moore Jr.
Notary Public in and for POLK County, Texas.

THE STATE OF TEXAS
County of Polk

I hereby certify that the foregoing instrument with its certificate of authentication was filed for record in my office on the .23rd day ofSeptember.....197...4.. at 11:45... o'clock..A....M. and was this day duly recorded at 8:30..... o'clock.....A. M., in Vol....294..... Pages320..... et. seq. Deed Records of said County.

Witness my hand and official seal at office in Livingston this1st day ofOctober.....197....4

K. W. KENNEDY

Clerk, County Court, Polk County, Texas

By*Jane Armes*..... Deputy

