

PLANTATION ESTATES RESTRICTIONS

This is to certify that John J. Szymanski and Chris S. Angelo, an equal partnership, the owners of the subdivision known as Plantation Estates, situated about one and a half miles south of East Bernard, Texas, located in the Thomas Slaughter League, Abstract 59, Wharton County, Texas, have caused the same to be surveyed and platted, being a 50.808 acre tract out of the Thomas Slaughter League Abstract 59, which Plat is recorded at Slide 122-A, Recording #91025 of Plat Cabinet, County Clerk's office, Wharton County, Texas, and in connection with the dedication of the streets and easements as shown on the said use and occupancy thereof, whether set out in the deeds to such property or not, such restrictions being as follows:

- (1) These restrictions shall be binding on all parties and all persons claiming under them for a period of 25 years from the date of recording after which time they shall be automatically extended for successive periods of ten years, unless an instrument signed by a majority of the owners of the lots in said subdivision; has been filed for record prior to the end of the 25 year period or at the end of any subsequent 10 year period, agreeing to change said restrictions in whole or in part.
- (2) If any party hereto or any of their successors or assigns, shall violate or attempt to violate any of the restrictions herein, it shall be lawful for any person or persons owning any real property situated in said subdivision to prosecute any real property situated in said subdivision to prosecute any proceeding at law or in equity against the Party or parties violating or attempting to violate any such restrictions either to prevent it or them from doing so, or to recover damages or other dues for such violations. Invalidation of any of these restrictions by judgement or Court Order shall in no wise affect any of the other provisions which shall remain in force and in effect.
- (3) All lots in this subdivision in Block 4 from Lot 1 through Lot 8 and Lot 6 through Lot 10 in Block 1, shall be known and used as residential lots, and no part of any such lots shall be used for any type of business or store. No structure shall be erected, altered, placed or permitted to remain on any lot listed above in Block 1 or Block 3 of this subdivision other than one detached single family dwelling not to exceed two stories in height, and one private garage for not more than three cars. On Lots 1 through Lot 5 in Block 1 and Lots 1 through 5 in Block 2, the restrictions shall be the same as those spelled out for Lots 1 through Lot 8 in Block 3 and Lots 6 through 10 in Block 1.
- (4) Walls and roofs of detached garages shall be of the same material and color as used for the main house. Residence exterior walls below the elevation of the eave fascia trimboard shall be constructed of brick, cedar shakes, board and batten, vertical v joint boards, plain horizontal bevel siding or horizontal square edge lapped siding, stucco board or any new siding material approved by FHA, VA, or Federal Land Bank or which may come on the market in the future and be approved by FHA, VA, or Federal Land Bank. All buildings erected on any lot shall fully completed on the outside before such building or any part thereof shall be occupied as living quarters. No garage shall be used as a residence. All residences constructed on residential building plots shall be constructed on a concrete slab or on continuous grade beams.

(5) The ground floor of the main structure, exclusive of porches or garages constructed in this subdivision shall contain not less than the following number of square feet of living area:

(A) On all lots 6 through 10 in Block 1 and Lots 1 through 8 in Block 3 and Lots 2 through 5 in Block 2 shall have not less than 2500 square feet of living area in a single story house. A two story house ground floor of the main structure is to have at least 1250 square feet of living area on the first floor, and at least 1250 square feet of living area on the second floor, not less than 2500 square feet total living area in the house. On all Lots 1 through 5 in Block 1, the same restrictions apply, as to all lots listed above except all single story houses shall not have less than 1,750 square feet of living area exclusive of porches or garages. All two stories on Lots 1 through 5 of Block 1 should have at least 1,750 square feet in living area.

Houses on corner lots shall face the street on which the lot faces. No building shall be erected on any lot near to the street from the front property line than 60 feet. Also, no building shall be located any closer to the interior residential lot line than 10 feet.

(6) Easements affecting the lots in this subdivision are reserved as shown on the recorded plat for installation and maintenance of utilities and drainage facilities. Title to any lots or portions of lots conveyed by the owner hereof shall not include title to water lines, sewer lines, or any public utility lines located in the easement or street. The front 7½ feet of Lots 6 through 10 of Block 1, a easement for street lights and underground wiring, the right of entry to any easement for the purpose of maintaining or repairing utility lines is expressly reserved, and neither the owners of this subdivision nor their assigns, nor the operator of any public utility shall be liable on an easement because of construction, maintenance or repair of utilities. The undersigned owners of this subdivision reserve the right to build, maintain, repair, sell or lease utility lines in such easements of streets.

(7) No animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, or other household pets may be kept provided they are not kept, bred or maintained for any commercial purposes.

(8) No trailer, tent, shack, garage or barn erected on any lot in this subdivision shall be at any time used as a residence, temporarily or permanently, nor shall any structure of a temporary character be used as a residence, nor shall any residence be moved onto a building plot in this addition.

(9) No sign of any kind shall be displayed to the public view on any residential lot, except one sign of not more than six square feet advertising the property for sale or rent, or signs used by the builder to advertise the property during the construction and sales period and/or signs designating dead end streets, street names, and traffic control signs, and one large sign advertising lots for sale by the developers and the name of the subdivision.

(10) No oil, gas, or other mineral drilling or developing operations, refining, quarrying or mining operations of any kind shall be permitted upon any residential lot. No derrick or other structure designed for use in boring for oil or gas shall be permitted, erected or maintained on any lot.

(11) Grass and weeds are to be kept down on all vacant lots to prevent unsightly appearance. This is an obligation of the owner of the lot and is to be done at his expense.

(12) The purchasers of lots agree to install septic tanks and extend sewer lines to meet all county, state, or federal regulations, which ever may apply. The purchaser also will be located the distance from the septic tank and lines as called for by the Health Department of the County, State or Federal Regulation and that the purchaser will contact the County Health Department before he starts any construction.

(13) 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 containers. All containers or other equipment for storage or disposal of such material shall be kept in a clean and sanitary condition.

(14) No fence, wall or hedge, or shrub planting which obstructs sight lines, at elevations between two feet and six feet above roadways shall be placed or permitted to remain on any lot within ten feet from front property lines. No trees or fences shall be permitted to remain on such tracts within ten feet of the front property lines unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines. All fences constructed on lots in this subdivision shall be maintained and kept in good repair by the lot owners.

(15) No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything to be done thereon which may be or become an annoyance or a nuisance to the neighborhood.

(16) These lots in this subdivision shall not be used for outside storage of non-running automobiles, nor automobiles without current, valid inspection stickers and/or license tags, nor second hand appliances or other unsightly storage. These lots are further restricted as to non-use for motor car or truck sales or repair.

Executed this the 31st day of January 1991.

[Signature]
John J. Szymanski
[Signature]
Chris S. Angelo

THE STATE OF TEXAS

COUNTY OF WHARTON

This instrument was acknowledged before me on the 31st day of January, 1991, by JOHN J. SZYMANSKI and CHRIS S. ANGELO.

[Signature]
NOTARY PUBLIC, WHARTON COUNTY
TEXAS

My commission expires:

MADELINE J. SCHUMAKER
MY COMMISSION EXPIRES
March, 1993

Printed or stamped name of notary

OFFICIAL RECORDS

VOL. 49 PAGE 462

FILED FOR RECORD
at 3:30 o'clock P M

MAR - 1 1993

DELFIN MAREK
COUNTY CLERK, WHARTON CO., TEXAS

By Bonnie Galletta

Pd \$7.00

John G. Dzymancki
PO Box 200
East Bernard, TX 77435

STATE OF TEXAS COUNTY OF WHARTON

I hereby certify that this instrument was filed on
the date and time stamped hereon by me and was duly
recorded in the volume and page of the named records
of Wharton County Texas as stamped hereon by me on

MAR - 3 1993



COUNTY CLERK, Wharton, County, Texas
BY Bj Deputy

Welf Wanch
COUNTY CLERK, Wharton, County, Texas

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