

29637

RESTRICTIVE COVENANTS AND CONDITIONS

THE STATE OF TEXAS)
COUNTY OF BRAZORIA)

KNOW ALL MEN BY THESE PRESENTS:

THAT MANVELTEX, INC., JOHN PYBURN AND JOHN NAILL, the owners in fee simple of those certain tracts or parcels of land described as follows:

TRACT NO. ONE:

37.507 acres of land, being a part of the Amos Pollard Survey, Abstract 359, Brazoria County, Texas, and being more particularly described on Property Exhibit attached hereto and made a part hereof.

TRACT NO. TWO:

24.92 acres of land, being a part of the Amos Pollard Survey, Abstract 359, Brazoria County, Texas, and being more particularly described by metes and bounds on Property Exhibit attached hereto and made a part hereof.

TRACT NO. THREE:

40.00 acres of land, being a part of the Amos Pollard Survey, Abstract 359, Brazoria County, Texas, and being more particularly described by metes and bounds on Property Exhibit attached hereto and made a part hereof.

desires and intends to sell and convey various tracts and parcels of said land to various persons, and desire that said tract be established as a restricted residential district and to place upon said land certain restrictions, covenants and conditions, to the end that the values of said tracts and parcels of land will be upheld and the interests of the present and future owners of said lands protected;

NOW THEREFORE, MANVELTEX, INC., acting herein by and through its duly authorized officers, JOHN PYBURN and JOHN NAILL, do for itself and themselves, their successors, heirs and assigns, grantees and assigns make, create and place upon the aforescribed property and each and every part and parcel thereof, the following covenants

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conditions and restrictions which shall run and be binding upon and against said premises for a period of Twenty-Five (25) years from the date of recording these covenants, after which time said covenants shall be automatically extended for successive periods of Ten (10) years, unless an instrument signed by a majority of the then owners of the tracts and parcels of said land has been recorded agreeing to change said covenants in whole or in part:

1. No part of the above described property shall ever be used for any purposes other than single family residences during the term of these restrictions. All residences shall be of new construction and shall have 51% brick or other masonry exterior walls, except as provided in paragraph 4. No tract shall be used for commercial or industrial purposes. This restriction shall be held and construed to exclude apartment houses, duplex houses and multiple family dwellings of any kind.

2. No dwelling shall be erected on any tract less than (.7) acre in size and no dwelling shall be erected on any tract containing less than 1400 square feet of living floor area, exclusive of open porches, breezeways and attached garages, and each residence is required to be put on a slab in compliance with the 100-year flood plain.

3. Dogs, cats, or other household pets, horses and livestock, except swine, may be kept provided same are not kept, bred or maintained for any commercial purpose and same do not become an annoyance or nuisance to the neighborhood.

4. Except as hereinafter provided, no trailer, basement, tent, shack, garage, garage apartment, barn or other outbuildings erected upon the above described property shall, at any time, be used as a residence, temporarily, or permanently, nor shall any structure of a temporary character be used as a residence. Mobile homes shall be permitted as a "residence", pursuant to these restrictions on Tracts 1 through 11, Tracts 20 through 27 and Tract 41, provided that they are permanently blocked and "skirts" are installed so as to screen the underneath of the trailer from public view. Any porches or other additions to mobile homes must be of new construction and of neat appearance. All mobile homes must be firmly anchored and kept in accordance with any applicable government regulations.

5. No business, trade or manufacturing shall ever be conducted, nor shall any noxious or offensive activity be carried on upon the above described property, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

6. No open or pit type toilets shall ever be constructed upon the above described property and all septic sewage systems shall be constructed in accordance with the standards then approved by the governmental authority having jurisdiction of such matters, whether same be city, county or other governmental authorities.

7. All owners of any portion of said tract shall keep all grass, weeds and brush cut so that property shall have a neat and attractive appearance.

DEED

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8. Such tract shall not be used or maintained as a dumping ground for rubbish, trash, garbage or other waste. All rubbish, trash, garbage or other waste on such tract shall be kept only in sanitary container or containers. All incinerators or other equipment for the storage or disposal of such rubbish, trash, garbage or other waste shall be kept in a clean and sanitary condition.

9. Notwithstanding anything else to the contrary, grantees, their heirs and assigns, may erect a neat outbuilding for housing the animals mentioned in Item 3 above, upon the premises which shall be maintained in a good and slightly condition so as not to become unsightly or unkept, provided further that no building shall be constructed nearer than 15 feet to any property line.

10. Each of the deeds conveying property and out of the above described 37.507 acre tract, 24.92 acre tract and 40.00 acre tract of land shall make exception of all the oil, gas and other minerals, in or under such property, together with the rights of prior owners in connection with such minerals.

11. Enforcement of these conditions and restrictions shall be by proceedings at law or equity for violation of any of said conditions and restrictions either to restrain violation or to recover damages. The invalidity of one or more of the provisions hereof shall not impair or prevent the enforceability of the remaining provisions.

EXECUTED this 8th day of August, 1978.

MANVELTEX, INC.

BY: [Signature]
President

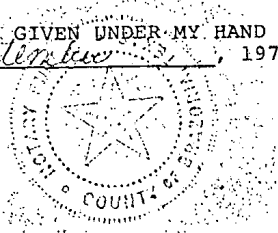
[Signature]
JOHN PYBURN
[Signature]
JOHN NAILL

THE STATE OF TEXAS)
COUNTY OF BRAZORIA)

BEFORE ME, the undersigned authority, on this day personally appeared Wicks Dubox, President of Manveltex, Inc., a Texas corporation, 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, in the capacity therein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 8th day of September, 1978.

[Signature]
Notary Public in and for
Brazoria County, Texas.

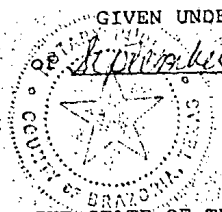


my commission expires 9-30-78

THE STATE OF TEXAS)
COUNTY OF Brazoria

BEFORE ME, the undersigned authority, on this day personally appeared John Pyburn, 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 on this 8th day of September, 1978.



Horinda Brumby
Notary Public in and for
Brazoria County, Texas.

My Commission Expires 9-30-78

THE STATE OF TEXAS)
COUNTY OF Brazoria

BEFORE ME, the undersigned authority, on this day personally appeared John Naill, 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 on this 8th day of September, 1978.



Horinda Brumby
Notary Public in and for
Brazoria County, Texas.

My Commission Expires 9-30-78

TRACT NO. ONE: 37.507 acres of land, being a part of the Amos Pollard Survey, Abstract 359, Brazoria County, Texas, and being more particularly described as follows:

BEGINNING at a point marking the northwest corner of the herein described tract, said point being located in the common line between the A. J. Watts Survey, Abstract 584, and the Amos Pollard Survey, Abstract 359, Brazoria County, Texas, and said point being located South 27 deg. 48 min. 16 sec. East 462.87 feet from the northwest corner of the aforementioned Amos Pollard Survey;

THENCE North 62 deg. 11 min. 44 sec. East along the centerline of a 60.0 foot road a distance of 450.88 feet to an angle point;

THENCE South 27 deg. 45 min. 16 sec. East continuing along the centerline of said 60.0 foot road a distance of 3402.33 feet to an angle point;

THENCE South 19 deg. 16 min. 44 sec. West 529.91 feet to an angle point;

THENCE South 02 deg. 42 min. 44 sec. West 32.0 feet to another angle point;

THENCE South 27 deg. 41 min. 16 sec. East a distance of 271.34 feet to a point for corner in the South line of the aforementioned Amos Pollard Survey;

THENCE South 60 deg. 16 min. 44 sec. West along the South line of said Survey a distance of 43.06 feet to an iron rod marking the southwest corner of the herein described tract;

THENCE North 27 deg. 48 min. 16 sec. West along the common line between the A. J. Watts Survey, Abstract 584 and the Amos Pollard Survey, Abstract 359, a distance of 4063.51 feet to the PLACE OF BEGINNING and containing 37.507 acres of land.

TRACT NO. TWO: 24.92 acres of land, being a part of the Amos Pollard Survey, Abstract 359, Brazoria County, Texas, and being more particularly described as follows:

BEGINNING at a point marking the northwest corner of the herein described tract, said point being at the intersection of two 60.0 foot roads, said point also being located South 27 deg. 48 min. 16 sec. East 462.87 feet and North 62 deg. 11 min. 44 sec. East 450.88 feet from the northwest corner of the aforementioned Amos Pollard Survey;

THENCE North 62 deg. 11 min. 44 sec. East along the centerline of said road a distance of 376.62 feet to an angle point;

THENCE North 68 deg. 11 min. 44 sec. East a distance of 73.78 feet to a point for corner;

THENCE South 27 deg. 45 min. 16 sec. East a distance of 2407.66 feet to the southeast corner of the herein described tract, in the North line of a tract heretofore sold containing 40.0 acres;

THENCE South 62 deg. 14 min. 44 sec. West at 420.0 feet pass an iron rod set for reference corner and continue for a total distance of 450.0 feet to a point for corner in the centerline of a 60.0 foot road;

THENCE North 27 deg. 45 min. 16 sec. West along the centerline of said road, a distance of 2414.98 feet to the PLACE OF BEGINNING and containing 24.92 acres of land.

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TRACT NO. THREE:

PROPERTY EXHIBIT

40.00 acres of land, being a part of the Amos Pollard Survey, Abstract 359, Brazoria County, Texas, and being more particularly described as follows:

BEGINNING at a point in the southeast line of the aforementioned Amos Pollard Survey, said point being located North 60 deg. 16 min. 44 sec. East - 43.06 feet from the most southerly corner of the aforementioned Amos Pollard Survey;

THENCE North 60 deg. 16 min. 44 sec. East - 404.21 feet to a point for corner in the centerline of Chocolate Bayou;

THENCE up Chocolate Bayou with its meanders as follows:

North 43 deg. 57 min. 54 sec. West - 146.8 feet;

North 20 deg. 43 min. 20 sec. West - 75.93 feet;

North 13 deg. 37 min. 06 sec. East - 119.12 feet;

North 44 deg. 05 min. 06 sec. East - 64.15 feet;

North 76 deg. 46 min. 23 sec. East - 90.87 feet;

North 83 deg. 25 min. 27 sec. East - 123.47 feet;

North 74 deg. 33 min. 43 sec. East - 100.57 feet;

North 49 deg. 41 min. 45 sec. East - 80.4 feet;

North 42 deg. 21 min. 36 sec. East - 80.56 feet;

North 27 deg. 52 min. 36 sec. East - 101.81 feet;

North 06 deg. 49 min. 37 sec. East - 87.13 feet;

North 05 deg. 56 min. 45 sec. West - 293.4 feet;

North 30 deg. 06 min. 33 sec. East - 20.62 feet;

North 66 deg. 26 min. 46 sec. East - 133.07 feet;

North 49 deg. 02 min. 27 sec. East - 67.13 feet;

North 28 deg. 12 min. 51 sec. East - 109.0 feet;

North 04 deg. 28 min. 50 sec. West - 133.79 feet;

North 08 deg. 31 min. 33 sec. West - 133.18 feet;

North 14 deg. 02 min. 27 sec. East - 85.77 feet;

North 20 deg. 13 min. 15 sec. East - 203.01 feet;

North 11 deg. 37 min. 14 sec. East - 85.84 feet;

North 07 deg. 00 min. 51 sec. West - 71.94 feet;

North 20 deg. 28 min. 32 sec. West - 77.16 feet;

North 20 deg. 50 min. 45 sec. West - 70.18 feet;

North 06 deg. 17 min. 28 sec. East - 51.08 feet;

North 14 deg. 34 min. 19 sec. West - 27.93 feet;

North 01 deg. 33 min. 38 sec. West - 83.32 feet to a point for corner;

(RECORDED AS PER ORIGINAL)

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THENCE South 62 deg. 14 min. 44 sec. West a distance of 1586.22 feet to a point for corner in the centerline of a 60.0 foot road;

THENCE South 27 deg. 45 min. 16 sec. East a distance of 987.35 feet to an angle point;

THENCE South 19 deg. 16 min. 44 sec. West - 529.91 feet to an angle point;

THENCE South 02 deg. 42 min. 44 sec. West - 32.0 feet to an angle point;

THENCE South 27 deg. 41 min. 16 sec. East a distance of 271.34 feet to the PLACE OF BEGINNING and containing 40.00 acres of land.

(RECORDED AS PER ORIGINAL)

FILED FOR RECORD

AT 3:00 O'CLOCK P.M.

SEP 14 1978

H. R. STEVENS, JR.
CLERK COUNTY COURT, BRAZORIA CO., TEXAS
BY *Thomas A. Smith* DEPUTY