

865543

JERRY EDWARD BRDECKA, ET AL	*	
TO	*	RESTRICTIONS
GOLDEN ACRES	*	
THE STATE OF TEXAS	*	
COUNTY OF FORT BEND	*	

WHEREAS, Violet L. Brdecka, the unremarried widow of Jerry Brdecka, deceased, Jerry Edward Brdecka and Donald Gene Brdecka are the owners of a 123.986 acre tract described in a deed recorded in Vol. 225, Page 296 of the Fort Bend County Deed Records, and in the A. H. Thomas Survey, Abs. 720, Fort Bend County, Texas; and

WHEREAS, said owners have subdivided said land consisting of 123.986 acres according to the map or plat as made by Kelly R. Kaluza, Registered Public Surveyor, dated April 18, 1985, and duly appearing of record in Slide #780 A & B, of Fort Bend County Plat Records, to which refer in aid hereof; and

WHEREAS, said subdivision is designated on said map and will be known as Golden Acres.

WHEREAS, the subdivision owners are desirous of placing and publishing certain restrictions, limitations and conditions which shall apply to the property above described, and to the portions thereof in the manner as hereinafter provided as may hereafter be sold off, which restrictions, limitations and conditions shall relate to and affect the said subdivision as hereinafter provided.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: that we, Violet L. Brdecka, Jerry Edward Brdecka and Donald Gene Brdecka, do hereby publish and set forth the following restrictions applicable to that certain 123.986 acre tract shown on map prepared by Kelly R. Kaluza referred to above and reference is made to said plat or map for all purposes and such conditions, limitations and restrictions are as follows:

I.

No part of the above described property shall ever be used for any other purpose other than single family residences during the term of these restrictions. All residences shall be of new construction. 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 one (1) acre in size and no dwelling shall be erected on any tract containing less than one thousand (1000) square feet of living floor area, exclusive of open porches, breezeways and attached garages. All such dwellings must be constructed on concrete slabs and of at least 51% brick or other masonry construction. Any other type of siding must be approved in writing by either Jerry Edward Brdecka or Donald Gene Brdecka. Log cabin type construction is expressly prohibited.

3.

Dogs, cats or other household pets, horses and livestock 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.

No trailer, trailer house, 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.

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 and 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 123.986 acre tract shall keep all grass, weeds and brush cut so that property will have a neat and attractive appearance.

8.

Any house shall be set back a distance of forty (40) feet or thirty (30) feet from the front property line, depending on lot as shown by plat of said subdivision made by Kelly R. Kaluza. There will be utility easements on said lots, as shown by said recorded plat. Where a person or owner buys and owns more than one contiguous lot fronting on the same street, the person may build across the dividing line or lines between his or her lots.

9.

These restrictions are to run with the land and shall be binding on all parties and all persons claiming under them for a period ending January 1, 2006, after which time said restrictive covenants shall be automatically extended for recessive periods of ten (10) years unless an instrument signed by a majority of the then owners of all of said tracts in said 123.986 acre tract has been recorded, agreeing to change said restrictive covenants in whole or in part.

10.

Each lot owner shall provide for an adequate culvert or other approved structure for drainage along the street in front of his lot, and said owner shall install and maintain said drainage structures.

11.

Enforcement of these restrictive covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any restriction, either to restrain violation or to prevent damages and it is hereby expressly provided any specified that any owner of any tract out of said 123.986 acre tract, or any group of owners shall have the right in himself or themselves to institute and prosecute a suit in the District Court of this county against anyone violating any of these restrictions. The invalidation of any one of these restrictions by judgment or court order shall in no wise affect any of the other restrictions which shall remain in full force and effect.

12.

The following lots or tracts as shown on map of Kelly R. Kaluza are not now restricted in any manner and are hereby excluded from the above restrictions and are to be handled by owners, and may be sold as residential lots without any restrictions or handled in any such manner as owners may desire, to-wit:

Reserves A, B, C, unrestricted.

13.

That we, the undersigned, do further state as the owners of the lands shown and described on that certain map or plat referred to above prepared by Kelly R. Kaluza, have caused all of said lands to be surveyed, subdivided and platted as shown upon the described plat or map of Golden Acres; and we do declare that all of the streets and easements shown upon such plat and map are dedicated, and same are hereby dedicated, to the public forever, to be so used as streets and easements; and we designate said subdivision as Golden Acres. Easements for public utilities are retained and reserved as shown on said plat of Kelly R. Kaluza.

SIGNED this 22nd day of October, 1986.

Violet L. Brdecka
Violet L. Brdecka

Jerry Edward Brdecka
Jerry Edward Brdecka

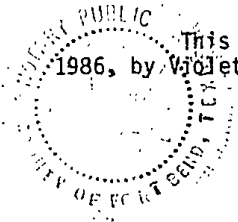
Donald Gene Brdecka
Donald Gene Brdecka

THE STATE OF TEXAS

*

COUNTY OF FORT BEND

*



This instrument was acknowledged before me on the 23rd day of October, 1986, by Violet L. Brdecka.

Barbara Gibson
NOTARY PUBLIC, STATE OF TEXAS
Notary Public, State of Texas
My Commission Expires 9/30/88

Notary's Printed Name

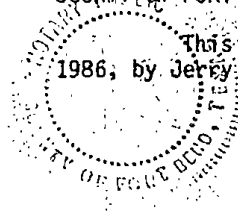
My Commission Expires: _____

THE STATE OF TEXAS

*

COUNTY OF FORT BEND

*



This instrument was acknowledged before me on the 22nd day of October, 1986, by Jerry Edward Brdecka.

Barbara Gibson
NOTARY PUBLIC, STATE OF TEXAS
BARBARA GIBSON
Notary Public, State of Texas
My Commission Expires 9/30/88

Notary's Printed Name

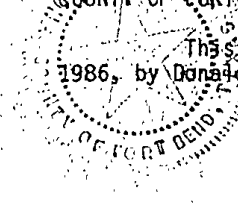
My Commission Expires: _____

THE STATE OF TEXAS

*

COUNTY OF FORT BEND

*



This instrument was acknowledged before me on the 22nd day of October, 1986, by Donald Gene Brdecka.

Barbara Gibson
NOTARY PUBLIC, STATE OF TEXAS
BARBARA GIBSON
Notary Public, State of Texas
My Commission Expires 9/30/88

Notary's Printed Name

My Commission Expires: _____

AFTER RECORDING, RETURN TO:

JERRY EDWARD BRDECKA, ET AL
Route 1, Box 147
Rosenberg, TX 77471

FILED

'86 OCT 27 A9:30

[Faint handwritten notes]

STATE OF TEXAS
I hereby certify that this instrument was filed on the
date and at a stamped hour to me and was duly recorded in
the volume and page of the public records of Fort Bend
County, Texas as stamped herein by me on

OCT 29 1936



James Wilson
County Clerk, Fort Bend Co., Tex.