

Declaration of Restrictive Covenants

Date: _____, 2024

**Declarant and
Declarant's Address:**

BILLY RAY WELLMANN
3502 FM 50, Brenham, Washington County, Texas 77833

TODD D. WELLMANN
613 Yorkshire Drive, College Station, Brazos County, Texas 77845

JOEL C. WELLMANN
5910 Elmwood Hill Lane, Kingwood, Harris County, Texas 77345

Property: Those certain 7 tracts or parcels of land out of the John W. Cole League, Washington County, Texas, and being more particularly described by metes and bounds as Tracts A, B, C, D, E, F, and G, on Exhibit "A" attached hereto and made a part hereof for all purposes pertinent.

Definitions

"Covenants" means the covenants, conditions, and restrictions contained in this Declaration.

"Declarant" means BILLY RAY WELLMANN, TODD D. WELLMANN and JOEL C. WELLMANN.

Clauses and Covenants

A. Imposition of Covenants

1. Declarant imposes the Covenants on the Property.
2. The Covenants are necessary and desirable for the development and use of the Property. The Covenants run with the land and bind all owners, occupants, and any other person holding an interest in the Property.
3. Failure to comply with the Covenants imposed by this agreement may result in enforcement of this agreement by any lawful method and may include recovery of damages or injunctive relief.

B. Use and Activities

1. *Permitted Use.* The Property shall be used for residential, agricultural, or wildlife management purposes only.
2. *Prohibited Uses.*
 - a. Exclusive of existing structures and improvements, the Property shall be used for single family dwellings with related outbuildings only. No multi family dwellings or commercial business operations are allowed; provided, however, this shall not prohibit a home office in which does not involve the presence of clients or customers.

DS DS
TW JW

- b. No manufactured, mobile, modular or RV homes allowed.
- c. No travel trailer, trailer, tents, shack, or any other temporary portable structure may be used as a residence on the Property.
- d. No part of the Property may be used as a junk yard, wrecking yard, derelict car, truck or vehicle lot, or trailer park. No abandoned or junk cars, tractors, or other vehicles are to be permitted on the Property.
- e. Livestock may be kept and maintained on any Tract in numbers not to exceed one (1) animal for each three (3) acres for horses and cattle and may not exceed one (1) animal for each two acres for sheep and goats. Chickens, ducks, geese or other poultry shall be allowed if contained within a pen and do not become an annoyance to neighbors. No more than five (5) animals shall be allowed in any combination. Household pets should be maintained in a sanitary and quiet manner and in no event may more than three (3) pets be kept.

C. General Provisions

- 1. *Term.* This Declaration runs with the land and is binding in perpetuity.
- 2. *Enforcement.* This Declaration may be enforced by any party benefitting from the terms hereof.
- 3. *No Waiver.* Failure to enforce this Declaration is not a waiver.
- 4. *Amendment.* This Declaration may be amended at any time by the Declarant.
- 5. *Severability.* The provisions of this Declaration are severable. If any provision of this Declaration is invalidated or declared unenforceable, the other provisions remain valid and enforceable.
- 6. *Notices.* Any notice required or permitted by this Declaration must be given in writing by certified mail, return receipt requested. Unless otherwise required by law or this Declaration, actual notice, however delivered, is sufficient.
- 7. *Binding Effect.* This agreement shall be binding upon the heirs, successors and assigns of the parties hereto and shall constitute an agreement which shall run with the land.

^{DS}
TW

^{DS}
JU

BILLY RAY WELLMANN

TODD D. WELLMANN

JOEL C. WELLMANN

11/2/2015



Information About Brokerage Services

Texas law requires all real estate licensees to give the following information about brokerage services to prospective buyers, tenants, sellers and landlords.

TYPES OF REAL ESTATE LICENSE HOLDERS:

- A **BROKER** is responsible for all brokerage activities, including acts performed by sales agents sponsored by the broker.
- A **SALES AGENT** must be sponsored by a broker and works with clients on behalf of the broker.

A BROKER'S MINIMUM DUTIES REQUIRED BY LAW (A client is the person or party that the broker represents):

- Put the interests of the client above all others, including the broker's own interests;
- Inform the client of any material information about the property or transaction received by the broker;
- Answer the client's questions and present any offer to or counter-offer from the client; and
- Treat all parties to a real estate transaction honestly and fairly.

A LICENSE HOLDER CAN REPRESENT A PARTY IN A REAL ESTATE TRANSACTION:

AS AGENT FOR OWNER (SELLER/LANDLORD): The broker becomes the property owner's agent through an agreement with the owner, usually in a written listing to sell or property management agreement. An owner's agent must perform the broker's minimum duties above and must inform the owner of any material information about the property or transaction known by the agent, including information disclosed to the agent or subagent by the buyer or buyer's agent.

AS AGENT FOR BUYER/TENANT: The broker becomes the buyer/tenant's agent by agreeing to represent the buyer, usually through a written representation agreement. A buyer's agent must perform the broker's minimum duties above and must inform the buyer of any material information about the property or transaction known by the agent, including information disclosed to the agent by the seller or seller's agent.

AS AGENT FOR BOTH - INTERMEDIARY: To act as an intermediary between the parties the broker must first obtain the written agreement of each party to the transaction. The written agreement must state who will pay the broker and, in conspicuous bold or underlined print, set forth the broker's obligations as an intermediary. A broker who acts as an intermediary:

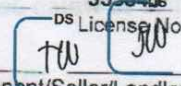
- Must treat all parties to the transaction impartially and fairly;
- May, with the parties' written consent, appoint a different license holder associated with the broker to each party (owner and buyer) to communicate with, provide opinions and advice to, and carry out the instructions of each party to the transaction.
- Must not, unless specifically authorized in writing to do so by the party, disclose:
 - that the owner will accept a price less than the written asking price;
 - that the buyer/tenant will pay a price greater than the price submitted in a written offer; and
 - any confidential information or any other information that a party specifically instructs the broker in writing not to disclose, unless required to do so by law.

AS SUBAGENT: A license holder acts as a subagent when aiding a buyer in a transaction without an agreement to represent the buyer. A subagent can assist the buyer but does not represent the buyer and must place the interests of the owner first.

TO AVOID DISPUTES, ALL AGREEMENTS BETWEEN YOU AND A BROKER SHOULD BE IN WRITING AND CLEARLY ESTABLISH:

- The broker's duties and responsibilities to you, and your obligations under the representation agreement.
- Who will pay the broker for services provided to you, when payment will be made and how the payment will be calculated.

LICENSE HOLDER CONTACT INFORMATION: This notice is being provided for information purposes. It does not create an obligation for you to use the broker's services. Please acknowledge receipt of this notice below and retain a copy for your records.

Market Realty Inc	462379	burton@marketrealty.com	(979)251-4078
Licensed Broker /Broker Firm Name or Primary Assumed Business Name	License No.	Email	Phone
Susan Kiel			
Designated Broker of Firm	License No.	Email	Phone
Licensed Supervisor of Sales Agent/ Associate	License No.	Email	Phone
Roger Chambers	355849	appraisals@marketrealty.com	(979)830-7708
Sales Agent/Associate's Name	License No.	Email	Phone
		6/5/2024	6/4/2024
Buyer/Tenant/Seller/Landlord Initials		Date	

Regulated by the Texas Real Estate Commission
TXR-2501

Information available at www.trec.texas.gov

Market Realty, Inc. 2201 Becker Dr. Brenham, TX 77833

Phone: (979)836-9600

Fax:

IABS 1-0 Date

Roger Chambers

Produced with Lone Wolf Transactions (zipForm Edition) 717 N Harwood St, Suite 2200, Dallas, TX 75201

www.lwlf.com

wellmann listi

cm = control monument
 pp = power (utility) pole
 OLE = overhead electric line
 D.R.W.C. = Deed Records of Washington County, Texas
 O.R.W.C. = Official Records of Washington County, Texas

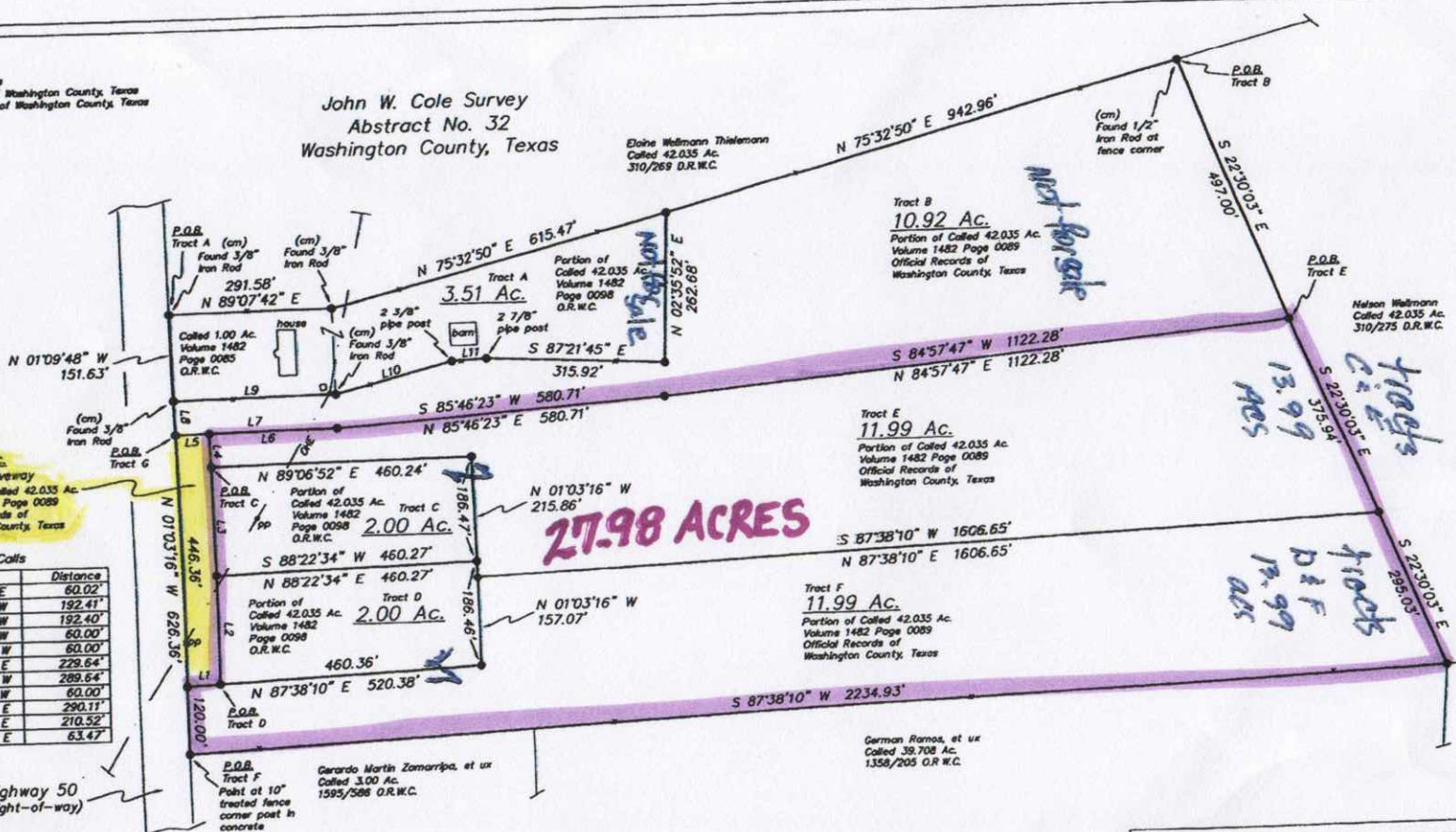
John W. Cole Survey
 Abstract No. 32
 Washington County, Texas

Eloise Wellmann Thielmann
 Called 42.035 Ac.
 310/269 D.R.W.C.

Scale 1" = 200'

Property Address:
 3502 FM 50
 Burhan, TX 77833

Nelson Wellmann
 Called 11.00 Ac.
 306/790 D.R.W.C.



Tract G
 0.613 Ac.
 Shared Driveway
 Portion of Called 42.035 Ac.
 Volume 1482 Page 0089
 Official Records of
 Washington County, Texas

Boundary Calls

Bearing	Distance
L1 N 87°38'10" E	60.02'
L2 N 01°03'16" W	192.41'
L3 N 01°03'16" W	192.40'
L4 N 01°03'16" W	60.00'
L5 S 89°06'52" W	60.00'
L6 N 89°06'52" E	229.64'
L7 S 89°06'52" W	289.64'
L8 N 01°03'16" W	60.00'
L9 N 89°06'52" E	290.11'
L10 N 75°10'52" E	210.52'
L11 N 86°53'44" E	63.47'

F.M. Highway 50
 (public right-of-way)

Note:
 The tracts shown hereon do not lie within the
 Special Flood Hazard Boundary according to the
 FEMA Flood Insurance Rate Map for Washington
 County, Texas, Map Number 48477003250,
 effective date 5/16/2018.

Bearings shown hereon are based on the record
 bearing for the Northwest line of the original called
 42.035 acre tract, recorded in 1482/0089 O.R.W.C.

This plat accompanied by metas and bounds descriptions.

All corners shown hereon are marked with Set 1/2"
 Iron Rods unless otherwise noted.

I, Michael J. Blakey, Registered Professional Land Surveyor, do hereby certify that the plat shown hereon accurately represents the results of an on the ground survey, made by me on January 11, 2024, and all corners are as shown. This survey was performed without the benefit of a current title report which may indicate easements or other encumbrances of record, not apparent on the ground.



Michael J. Blakey
 Registered Professional Land Surveyor No. 5935

W.O.#2023-3482

Todd D. Wellmann, et al

Blakey Surveying, LLC

RPLS 4052 RPLS 5935

TEXAS FIRM REGISTRATION NO. 10085000

4850 Fildelm Lane
 Burton, Texas 77835

(978) 277-8649

cm = control monument
 pp = power (utility) pole
 OHE = overhead electric line
 D.R.W.C. = Deed Records of Washington County, Texas
 O.R.W.C. = Official Records of Washington County, Texas

John W. Cole Survey
 Abstract No. 32
 Washington County, Texas

Eloise Wellmann Thielmann
 Called 42.035 Ac.
 310/269 O.R.W.C.

N 75°32'50" E 942.96'

P.O.B.
 Tract B
 S 22°30'03" E
 497.00'

Scale 1" = 200'
 Property Address:
 3502 FM 50
 Brenham, TX 77833

Tract B
 10.92 Ac.
 Portion of Called 42.035 Ac.
 Volume 1482 Page 0089
 Official Records of
 Washington County, Texas

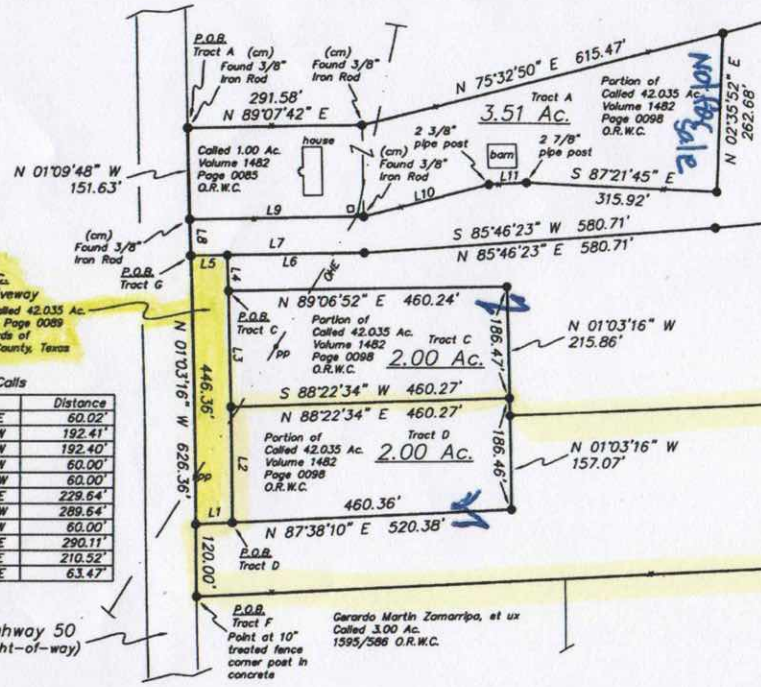
Nelson Wellmann
 Called 42.035 Ac.
 310/275 O.R.W.C.

Tract E
 11.99 Ac.
 Portion of Called 42.035 Ac.
 Volume 1482 Page 0089
 Official Records of
 Washington County, Texas

Tract F
 11.99 Ac.
 Portion of Called 42.035 Ac.
 Volume 1482 Page 0089
 Official Records of
 Washington County, Texas

German Ramos, et ux
 Called 39.708 Ac.
 1358/205 O.R.W.C.

Gerardo Martin Zamarripa, et ux
 Called 3.00 Ac.
 1595/586 O.R.W.C.



Tract G
 0.613 Ac.
 Shared Driveway
 Portion of Called 42.035 Ac.
 Volume 1482 Page 0089
 Official Records of
 Washington County, Texas

Boundary Calls

Bearing	Distance
L1 N 87°38'10" E	60.02'
L2 N 01°03'16" W	192.41'
L3 N 01°03'16" W	192.40'
L4 N 01°03'16" W	60.00'
L5 S 89°06'52" W	60.00'
L6 N 89°06'52" E	229.64'
L7 S 89°06'52" W	269.64'
L8 N 01°03'16" W	60.00'
L9 N 89°06'52" E	290.11'
L10 N 75°10'52" E	210.52'
L11 N 86°53'44" E	63.47'

F.M. Highway 50
 (public right-of-way)

Note:
 The tracts shown hereon do not lie within the Special Flood Hazard Boundary according to the FEMA Flood Insurance Rate Map for Washington County, Texas, Map Number 48477C03250, effective date 5/16/2019.

Bearings shown hereon are based on the record bearing for the Northwest line of the original called 42.035 acre tract, recorded in 1482/0089 O.R.W.C.

This plot accompanied by metes and bounds descriptions.

All corners shown hereon are marked with Set 1/2" Iron Rods unless otherwise noted.

I, Michael J. Blakey, Registered Professional Land Surveyor, do hereby certify that the plat shown hereon accurately represents the results of an on the ground survey, made by me on January 11, 2024, and all corners are as shown. This survey was performed without the benefit of a current title report which may indicate easements or other encumbrances of record, not apparent on the ground.



Michael J. Blakey
 Registered Professional Land Surveyor No. 5935

W.O.#2023-3482

Todd D. Wellmann, et al

Blakey Surveying, LLC

RPLS 4052 RPLS 5935

TEXAS FIRM REGISTRATION NO. 10085000

4850 Wilhelm Lane
 Burton, Texas 77835

(979) 277-8548

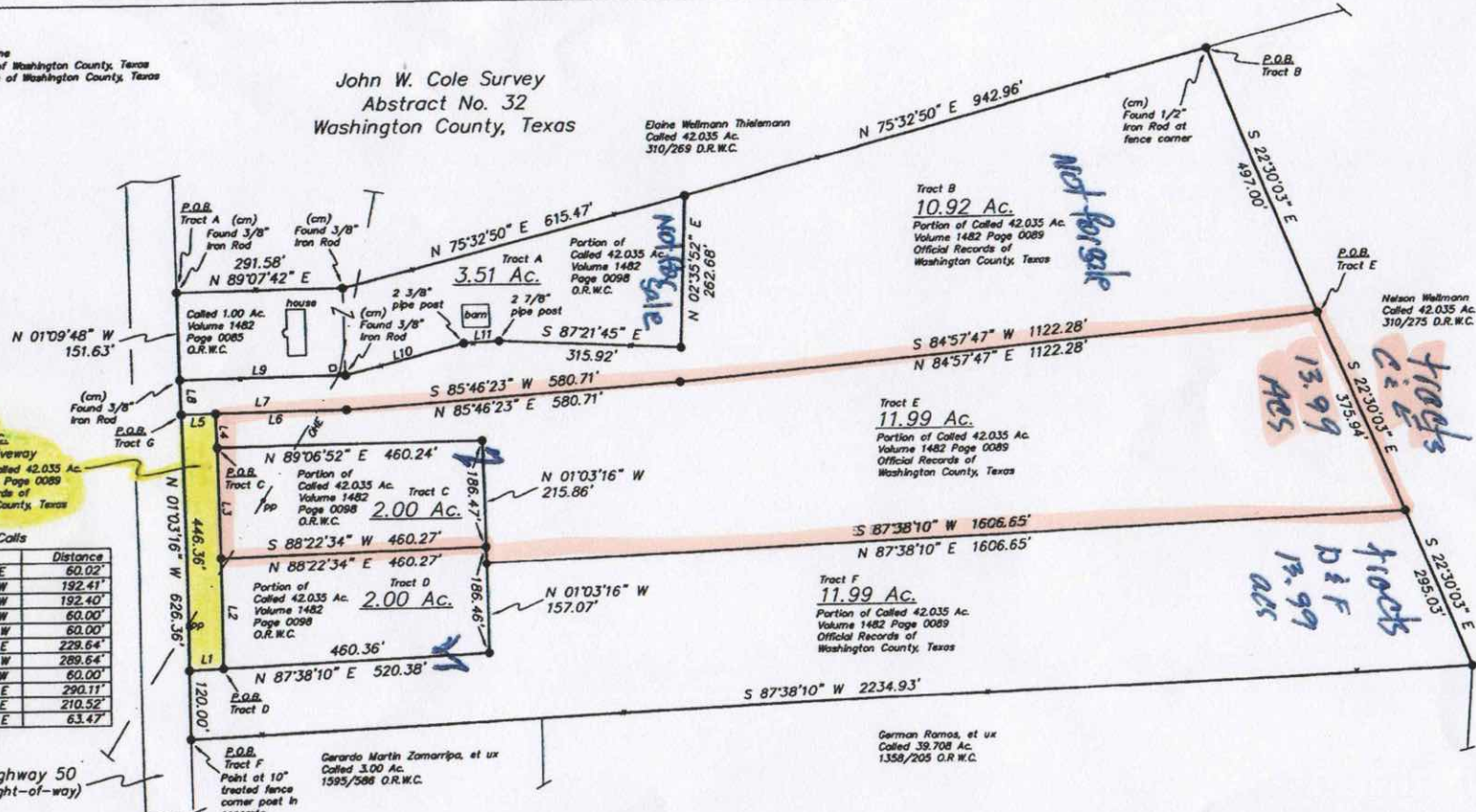
cm = control monument
 pp = power (utility) pole
 O.E. = overhead electric line
 D.R.W.C. = Deed Records of Washington County, Texas
 O.R.W.C. = Official Records of Washington County, Texas

John W. Cole Survey
 Abstract No. 32
 Washington County, Texas

Elaine Wellmann Thielmann
 Called 42.035 Ac.
 310/269 D.R.W.C.

Scale 1" = 200'

Property Address:
 3502 FM 50
 Brenham, TX 77833



Tract G
 0.613 Ac.
 Shared Driveway
 Portion of Called 42.035 Ac.
 Volume 1482 Page 0089
 Official Records of
 Washington County, Texas

Boundary Calls

	Bearing	Distance
L1	N 87°38'10" E	60.02'
L2	N 01°03'16" W	192.41'
L3	N 01°03'16" W	192.40'
L4	N 01°03'16" W	60.00'
L5	S 89°06'52" E	60.00'
L6	N 89°06'52" E	229.64'
L7	S 89°06'52" W	289.64'
L8	N 01°03'16" W	60.00'
L9	N 89°06'52" E	290.11'
L10	N 75°10'52" E	210.52'
L11	N 86°53'44" E	63.47'

F.M. Highway 50
 (public right-of-way)

Note:

The tracts shown hereon do not fit within the Special Flood Hazard Boundary according to the FEMA Flood Insurance Rate Map for Washington County, Texas, Map Number 48477C03250, effective date 5/16/2018.

Bearings shown hereon are based on the record bearing for the Northwest line of the original called 42.035 acre tract, recorded in 1482/0089 O.R.W.C.

This plat accompanied by metes and bounds descriptions.

All corners shown hereon are marked with Set 1/2" Iron Rods unless otherwise noted.

I, Michael J. Blakey, Registered Professional Land Surveyor, do hereby certify that the plat shown hereon accurately represents the results of an on the ground survey, made by me on January 11, 2024, and all corners are as shown. This survey was performed without the benefit of a current title report which may indicate easements or other encumbrances of record, not apparent on the ground.



Michael J. Blakey
 Registered Professional Land Surveyor No. 5935

W.O.#2023-3482

Todd D. Wellmann, et al

Blakey Surveying, LLC

RPLS 4052 RPLS 5935
 TEXAS FIRM REGISTRATION NO. 10085000

4650 Wilhelm Lane
 Burton, Texas 77835

(979) 277-8549