

196303

RESTRICTIONS & COVENANTS

DEEDS

PERTAINING TO "SOUTHERN OAKS" SUBDIVISION OF 69.86 ACRES OUT OF THE JOHN DORSEY SURVEY, ABSTRACT NUMBER 174, MONTGOMERY COUNTY, TEXAS.

STATE OF TEXAS                    |  
COUNTY OF MONTGOMERY         |         WITNESSETH

THAT, SOUTHERN OAKS, INC., OF CONROE, MONTGOMERY COUNTY, TEXAS HAS AGREED, FIXED AND ADOPTED THE FOLLOWING RESTRICTIONS AND COVENANTS UPON ITS SOUTHERN OAKS SUBDIVISION, SECTION NO.(1), PLAT OF WHICH HAS BEEN DULY FILED IN THE OFFICE OF THE COUNTY CLERK OF MONTGOMERY COUNTY, TEXAS UNDER FILE NO. 194959, SAID PLAT MAP OF SOUTHERN OAKS RECORDED IN VOLUME 7, PAGE 387 OF THE MAP RECORDS IN THE COUNTY CLERK'S OFFICE OF MONTGOMERY COUNTY, TEXAS.

- (1) PURCHASER WILL BE PERMITTED TO CUT AND REMOVE THE NECESSARY TREES ON THAT PORTION OF HIS OR HER TRACT WHERE A RESIDENCE AND OTHER BUILDINGS RELATED TO RESIDENCE ARE TO BE BUILT, BUT OTHERWISE NO MARKETABLE TIMBER TO BE CUT OR SOLD UNTIL PURCHASER HAS PAID TO SOUTHERN OAKS CORPORATION AT LEAST ONE-HALF( $\frac{1}{2}$ ) OF THE PURCHASE PRICE FOR THE FARM TRACT, OR OTHERWISE RECEIVES PERMISSION FROM THE SOUTHERN OAKS CORP.
- (2) NO DUMPING OR SEWAGE INTO ROAD DITCHES AND ALL GARBAGE TO BE BURNED OR BURIED, AND NO BUILDING TO BE CONSTRUCTED WITHIN 45 FEET OF ROAD LINES.
- (3) THE PREMISES HEREIN CONVEYED IS FOR RESIDENTIAL PURPOSES ONLY, AND NO OWNER SHALL ENGAGE OR UTILIZE HIS OR HER TRACT FOR ANY TYPE OF COMMERCIAL USE.
- (4) NO MOBILE HOMES OR HOUSE TRAILERS, TEMPORARY DWELLINGS, HOUSES OR STRUCTURES, TENTS, ETC., WILL BE PERMITTED.
- (5) ANY RESIDENCE CONSTRUCTED ON AN OWNERS TRACT SHALL CONTAIN A MINIMUM OF ONE-THOUSAND(1000) SQUARE FEET OF LIVING AREA. SLAB FOUNDATIONS REQUIRED FOR ALL RESIDENCES. ALL RESIDENCES TO BE BUILT WITH MINIMUM OF ONE-HALF( $\frac{1}{2}$ ) BRICK OR SIMILAR BRICK MATERIAL.
- (6) NO OUT DOOR TOLIETS PERMITTED, AND THE RESIDENCE SHALL BE SERVICED BY A SEPTIC TANK WITH A MINIMUM CAPACITY OF 500 GALLONS, AND A MINIMUM OF 150 FEET OF FIELD DRAIN CONNECTED TO SAID SEPTIC TANK. GREASE TRAPS WILL BE REQUIRED ON ALL RESIDENCES.
- (7) NO HOGS, GOATS, SHEEP PR WILD ANIMALS PERMITTED ON PROPERTY. THE OWNER WILL BE PERMITTED TO HAVE ONE(1) HORSE ON A TRACT OF LAND, PROVIDED THAT SAID OWNER OWNS A MINIMUM OF TWO(2) ACRES. DOMESTIC FOWLS ARE PERMITTED FOR FAMILY USE. ALL SUCH LIVESTOCK MUST BE KEPT HOUSED AT LEAST 125 FEET FROM THE FRONT PROPERTY, AND ALSO 125 FEET FROM OTHER PROPERTY LINES, AND ALL BUILDINGS TO HOUSE SUCH ANIMALS MUST BE AT LEAST 125 FEET FROM THE PROPERTY LINES, AND SUCH BUILDINGS MUST BE CONSTRUCTED WITH NEW MATERIALS. NO TAR PAPER SIDING OR ITS EQUIVALENT WILL BE PERMITTED ON PROPERTY.
- (8) ANY TRACT RESOLD IN SOUTHERN OAKS SHALL NOT BE REDIVIDED INTO LESS THAN ONE-HALF( $\frac{1}{2}$ ) ACRE IN SIZE.

THESE RESTRICTIONS AND COVENANTS SHALL RUN WITH THE LAND AND ARE TO BE BINDING ON ALL PARTIES, SELLERS AND PURCHASERS, AND ALL PERSONS CLAIMING UNDER THEM UNTIL JANUARY 1, 1999, AT AND AFTER WHICH TIME SAID RESTRICTIONS AND COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIOD OF TEN(10) YEARS UNLESS BY VOTE OF A MAJORITY OF THE THEN OWNERS OF THE TRACTS VOTE TO CHANGE IN WHOLE OR IN PART.

INVALIDATION OF ANY ONE OF THESE RESTRICTIONS OR COVENANTS BY JUDGEMENT OR COURT ORDER SHALL IN NO WISE EFFECT ANY OF THE OTHER PROVISIONS HEREOF WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

NO VIOLATION OF THESE RESTRICTIONS AND COVENANTS ON THE PART OF ANY PERSON ACQUIRING ANY TRACT OF LAND IN THIS SUBDIVISION SHALL EFFECT OR IN ANY WAY INVALIDATE ANY LIEN OR LIENS UPON SUCH TRACT OR TRACTS OF LAND GIVEN TO SECURE THE PAYMENT OF NOTES FOR PURCHASE MONEY ADVANCED AND/OR IMPROVEMENTS MADE AND TO BE MADE, BUT SUCH LIEN OR LIENS SHALL REMAIN IN FULL FORCE AND PRIORITY IN THE CASE OF ANY JUDGEMENT AGAINST ANY SUCH OWNER OF ANY TRACT OR TRACTS OF LAND, SAID PREMISES SHALL NEVERTHELESS REMAIN SUBJECT TO SUCH LIEN OR LIENS AND TO THE LIEN OR LIENS SECURING ANY RENEWAL OR EXTENSION OF SUCH INDEBTEDNESS OR NOTES OR ANY PART OF THEM; BUT NO RELEASE OF ANY SAID RESTRICTIONS OR COVENANTS IS INTENDED HEREBY AS AGAINST THE ORIGINAL PURCHASER, HIS HEIRS, EXECUTORS, ADMINISTRATORS, ASSIGNS, OR SUCCESSORS, AS THE CASE MAY BE, AND SALE UNDER A FORECLOSURE OF THE LIEN OR LIENS HEREIN ABOVE RECITED SHALL PASS TITLE TO THE TRACT OR TRACTS OF LAND SUBJECT TO THESE HEREINBEFORE RECITED RESTRICTIONS AND COVENANTS.

IT IS UNDERSTOOD HEREIN THAT THESE RESTRICTIONS AND COVENANTS ARE ADOPTED FOR THE PURPOSE OF INSURING UNIFORMITY AND HARMONY IN CONNECTION OF DWELLINGS ERECTED AND TO MAINTAIN AN EXCLUSIVE RESIDENTIAL SUBDIVISION AND TO CARRY OUT A GENERAL PLAN FOR THE PROTECTION, BENEFIT AND USE OF EVERY PURCHASER OF TRACT OR TRACTS THEREIN, WHICH WILL ENHANCE THE VALUE OF SAID TRACTS FOR EACH AND EVERY OWNER.

IN WITNESS WHEREOF THE CORPORATION ABOVE NAMED HAS CAUSED THESE PRESENTS TO BE SIGNED BY IT AT CONROE (MONTGOMERY COUNTY), TEXAS, THIS THE 10TH DAY OF OCTOBER, 1966.



*Richard E. Hill*

RICHARD E. HILL, PRESIDENT  
SOUTHERN OAKS, INC.

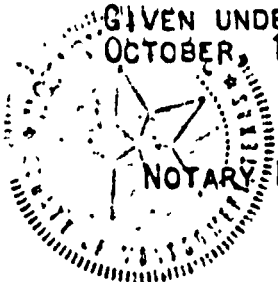
*David Nicol Jr.*

DAVE NICOL, VICE PRESIDENT SECRETARY  
SOUTHERN OAKS, INC.

THE STATE OF TEXAS  
COUNTY OF MONTGOMERY

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED RICHARD E. HILL AND DAVE NICOL, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS PRESIDENT AND VICE PRESIDENT OF THE SOUTHERN OAKS CORPORATION, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED, AND AS THE ACT OF SAID RICHARD E. HILL AND DAVE NICOLS.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 10TH DAY OF OCTOBER, 1966.



*Katy Hill*

NOTARY PUBLIC IN AND FOR MONTGOMERY COUNTY, TEXAS

Filed for Record at 3 o'clock p.m. 10/10/66 W. T. Hooper,  
Clerk County Court, Montgomery Co., Texas - By *A. Haysham* Deputy