

COMPARED

DEED VOL. 533 PAGE 529

RESTRICTIVE COVENANTS  
PART OF THE JAMES CONNER SURVEY,  
ABSTRACT NO. 157

AND

186709 PART OF THE INTERNATIONAL & GREAT  
NORTHERN RAILROAD COMPANY SURVEY  
H, ABSTRACT NO. 366

Frank E. Williams, et al  
To  
The Public

THE STATE OF TEXAS §§  
§§  
COUNTY OF FORT BEND §§

WHEREAS, FRANK E. WILLIAMS, is the Owner of the fol-  
lowing described property to-wit:

TRACT I:

A tract or parcel of land out of and a part of the James Conner Survey, Abstract No. 157, in Fort Bend County, Texas, being a part of that certain 73.83 acres, described in deed dated June 15, 1970, from Dale S. Porter, et al to Frank E. Williams, recorded in Volume 531, Page 66 of the Deed Records of Fort Bend County, Texas; and being described by metes and bounds as follows:

COMMENCE at an iron pipe set at a fence post found for the Southeast corner of the James Conner Survey A-157, and the Northeast corner of the Alex Phillips Survey, A-330, in Fort Bend County, Texas;

THENCE, South  $89^{\circ} 59'$  West, 2146.37 feet along a fence line marking the common boundary between the Phillips and Conner Survey to a corner;

THENCE, North  $20^{\circ} 34' 50''$  East, 1034.39 feet to a point in the Southeast line of the Willard K. Porter 5 acre tract; said point being in the centerline drainage ditch (lateral VA-6, Tributary of Willow Fork of Buffalo Bayou, Fort Bend Drainage District in Volume 418, Page 224 of the Deed Records of Fort Bend County, Texas) for a corner of this tract;

THENCE, North  $66^{\circ} 20' 50''$  East, 328.83 feet along the centerline of said ditch to an iron pipe set for the Southeast corner of the Willard K. Porter 5 acre tract and a corner of this tract;

THENCE, in an Easterly direction along the centerline of said drainage ditch Lateral VA-6 of Fort Bend County Drainage District to its intersection with the Southwest line of that certain 16.8 acres owned by the State of Texas, for a corner of this tract;

THENCE, South  $45^{\circ} 03'$  East, along the boundary of said State Tract, same being a boundary line of the James Conner Survey to an iron pipe set for a corner of the James Conner Survey and a corner of this tract;

THENCE, South 0° 03' East, 577.8 feet to the PLACE OF BEGINNING.

TRACT II:

A tract or parcel of land containing 67.17 acres, out of and a part of the International & Great Northern Railroad Company, Survey H., Abstract No. 366, in Fort Bend County, Texas, being a part of that certain 71.73 acres described in the Deed dated June 15, 1970, from Dale S. Porter, et al to Frank E. Williams, recorded in Volume 531, Page 72 of the Deed Records of Fort Bend County, Texas, and being described by metes and bounds as follows:

COMMENCE at the North corner of the T. Robinson Survey A-311, in the Southwest line of the Geo. Cartwright Survey, A-149, in Fort Bend County, Texas, for the East corner of I & G N RR. Co. Survey H, and this tract;

THENCE, South 45° West along the common boundary line of the T. Robinson Survey, A-311, and I & G N RR. Co. Survey H, 2441.5 feet to an iron pipe set in the East line of the Alex Phillips Survey A-300, for the South corner of I & G N RR Co. Survey H, and this tract;

THENCE, North 0° 03' West along the Phillips Survey and I & G N RR Co. Survey H, at 1933.0 feet pass an iron pipe set for the Northeast corner of the Phillips Survey and the Southeast corner of the James Conner Survey, A-157, continuing along the common boundary line of the Conner Survey and I & G N RR. Co. Survey H, at 2510.8 feet pass an iron pipe set for a corner of the Conner Survey, continuing along said bearing at 3416.9 feet past the Southwest boundary of Katy-Gaston Road, and continuing in all the total distance of 3449.4 feet to a point in Katy-Gaston Road, and the Southwest boundary of the Geo. Cartwright Survey for the North corner of this tract;

THENCE, South 45° 03' East along a line in Katy-Gaston Road, and the Southwest boundary line of the Geo. Cartwright Survey, 2441.2 feet to the PLACE OF BEGINNING and containing 67.17 acres

and DALE S. PORTER, BRUCE F. PORTER, GRACE PORTER ROBINSON, WILLARD K. PORTER and FREDDA MAE BOEHME, acting by and through BRUCE F. PORTER, their duly appointed Attorney in Fact by instrument dated June 15, 1970, recorded in Volume 531, Page 77 of the Deed Records of Fort Bend County, Texas, are all of the lien holders of certain interests in said above described tract of land; and,

WHEREAS, the Owner joined herein by all of said lienholders desire to make and declare certain restrictive covenants to apply to and affect each and every part of said above described tracts of land on the conditions more specifically

hereinafter outlined in detail to insure the development of a first class residential area and maintain the value of said lands as restrictive covenants running with the title of said lands and to remain in full force and effect on said lands, regardless of ownership in accordance with the terms hereinafter set forth.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That we, FRANK E. WILLIAMS of the County of Harris, State of Texas; BRUCE F. PORTER, of the County of Harris, State of Texas, Individually and as Attorney in Fact for DALE S. PORTER, GRACE PORTER ROBINSON, WILLARD K. PORTER and FREDDA MAE BOEHME, do hereby establish and impose the following restrictions upon each and every parcel and tract of land included in the property above described for the benefit of each and every parcel and tract of land, the said restrictions shall constitute covenants running with the land and shall inure to the benefit of each of the undersigned makers hereof, their heirs, successors, and every purchaser or assign of any part or portion of the property specifically above described, to-wit:

1. SUBDIVISION AND HOMESITES

All or any part of this property may be subdivided into homesites or lots, provided, however, that no residence shall ever be constructed on a homesite or lot containing less than one acre of land.

2. LAND USE

All of the lands covered by these restrictions shall be known and used for residential purposes. No structure shall be erected, altered, placed or permitted to remain on each lot or homesite, other than one single family dwelling, a private garage, servants quarters, barn and outbuildings used in connection with such dwelling. This provision shall exclude hospitals, duplex houses, apartment houses, multiple family houses, places of worship, and all structures of whatever kind or character designed or used for commercial or

industrial purposes.

### 3. STRUCTURES

All structures, residences, garages, barns and out-buildings constructed, erected or placed on any lot or home-site shall be new constructions. New constructions means that no used or secondhand structure shall be moved in or placed on any of said lands. In addition to the foregoing, every residence shall contain a minimum of 1700 square feet of ground floor living area; no residence shall be more than two (2) stories in height; provided that any story and one-half or two story residence shall contain not less than 1750 square feet of living area, with a ground floor living area of not less than 1200 square feet; living area does not include porches (either open, screened or closed), garages or other areas not occupied and used by the owners as living space. Materials of owners choice may be used in construction of improvements on this property, except that no artificial tar, paper brick or sheet metal shall be used on any structure on said lands. In this connection, the owners of said lands may use manufactured colored metal panels for the construction of improvements on said lands. All wood shall be either painted or stained with not less than 2 coats of paint or protective material.

### 4. ANIMALS

No animals, livestock, fowl or poultry of any kind shall ever be raised, bred or kept on any part of this property for any commercial or semi-commercial purposes. This provision shall never be construed to prohibit the keeping of any animal, livestock, fowl or poultry for the purpose of a pet or hobby; provided only that such animals, livestock, fowl or poultry shall be kept and maintained in a clean and sanitary condition which will not be a nuisance or become offensive to the neighborhood.

5. TEMPORARY RESIDENCES OR BUILDINGS

No structure of a temporary character, house trailer basement, tent, shack, garage, barn or other similar type erected on any part of said property, shall be used at any time as a residence, either temporarily or permanently.

6. CULVERTS AND CROSSINGS

All driveways or culverts crossing ditches or public drains shall be installed in accordance with the rules and regulations of the governing body having control over the streets and drains within said property. Driveways shall have a width of not less than fifteen (15) feet.

7. TERM

These restrictions are covenants running with the title of the land and every owner, or the heirs, legal representative or assigns of such owner and all parties or persons claiming under such title shall be governed by these restrictive covenants for a period of twenty (20) years from the date these restrictive covenants are recorded in the Deed Records of Fort Bend County, Texas.

8. ENFORCEMENT

If any person or owner subject to these covenants shall violate or attempt to violate any of the provisions herein contained, it shall be lawful for any other person or persons owning an interest in any part of the lands covered by these restrictions to prosecute a proceeding in law or equity against such person, persons or owner violating or attempting to violate such covenant or covenants and to prevent any of them from doing so and to recover damages and other dues or claims from such violations where the same is recoverable.

9. WAIVER AND INVALIDATION

The violation of any covenant herein shall never at any time work an estoppel upon any person entitled to claim the benefits of the covenants and restrictions, nor shall the continuance of any violation ever be deemed to have created a waiver of

any covenant or restriction contained herein. Invalidation of any part of these restrictions by any Court shall in no wise affect the other provisions, covenants and restrictions as contained herein.

IN WITNESS WHEREOF each of the parties hereto have executed these presents in the capacities heretofore set forth as duly authorized, on this 8 day of September, 1970.

Frank E. Williams  
Frank E. Williams

Bruce F. Porter  
Bruce F. Porter, Individually and as Attorney in Fact for Dale S. Porter, Grace Porter Robinson Willard K. Porter and Fredda Mae Boehme

THE STATE OF TEXAS   §  
                                  §  
COUNTY OF HARRIS   §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared FRANK E. WILLIAMS, 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 this the 8 day of September, A. D., 1970.

MARVIN J. DUNLAP, JR.  
Notary Public in and for Harris County, Texas  
My Commission Expires June 1, 1971

Marvin J. Dunlap, Jr.  
Notary Public in and for Harris County, Texas

THE STATE OF TEXAS §§  
  §§  
COUNTY OF HARRIS §§

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared BRUCE F. PORTER, 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 this the 9 day of September, A. D., 1970.

*W. B. Williams*  
Notary Public in and for  
Harris County, Texas

THE STATE OF TEXAS §§  
  §§  
COUNTY OF HARRIS §§

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared BRUCE F. PORTER, known to me to be the person whose name is subscribed to the foregoing instrument as Attorney in Fact of DALE S. PORTER, GRACE PORTER ROBINSON, WILLARD K. PORTER and FREDDA MAE BOEHME, the parties hereto, and acknowledged to me that he executed the same as Attorney in Fact for the said DALE S. PORTER, GRACE PORTER ROBINSON, WILLARD K. PORTER and FREDDA MAE BOEHME, and that the said DALE S. PORTER, GRACE PORTER ROBINSON, WILLARD K. PORTER and FREDDA MAE BOEHME executed the same by and through him, for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 9 day of September, A. D., 1970.

*W. B. Williams*  
Notary Public in and for  
Harris County, Texas

FILED FOR RECORD  
AT 2 O'CLOCK A.M.  
SEP 21 1970  
*Ella Macek*  
County Clerk, Fort Bend, Co., Tex.

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Duly Recorded this the 22 day of September A.D. 1970 at 4:30 O'Clock P.M.  
By *Betty Enckhardt* Deputy  
Ella Macek, County Clerk  
Fort Bend County, Texas