

DEED RECORDS

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161366

LAND USE RESTRICTIONS OF TIMBER RIDGE SUBDIVISION

THE STATE OF TEXAS §

COUNTY OF WALLER §

The undersigned, being the owner of all of the tracts of land in Timber Ridge, Section One, a subdivision in Waller County, Texas, does hereby place and impose upon such tracts the following restrictions:

1. The covenants are to run with the land and shall be binding upon all the parties and all persons claiming under them until January 1st, 2007, at which time said covenants shall be automatically extended for successive periods of ten years; provided that at the time for any renewal a majority of the then owners of such tracts may amend, change or remove these evidencing such action. If the parties hereto, or any of them, or their heirs, successors and assignees, shall violate or attempt to violate any of the covenants herein, it shall be lawful for the undersigned, its successors or assigns, to enter and abate such violations without liability; and any other persons owning any real property situated in said subdivision shall have the right to prosecute any proceeding at law or equity against any person violating or attempting to violate such restrictions and either to prevent them from continuing such violation, or to cause such violation to be removed, or to recover damages.

2. The violation of any restriction or covenant herein shall not operate to invalidate any mortgage, deed of trust or other lien, acquired and held in good faith against said property or any part thereof, but such liens may be enforced against any and all property covered thereby, subject nevertheless to these restrictions.

3. If any one of these restrictions shall be held to be invalid or for any reason is not enforced, none of the others shall be affected or impaired thereby but shall remain in full force and effect.

4. Each and every tract of land sold in this subdivision shall be subject to a \$5.00 per month road maintenance fee. This \$5.00 assessment will not be assessed against the Texas Veterans Land Board but will be the responsibility of the individual Veteran or other land owners who own property herein. These funds will be used for road maintenance within this subdivision until such time that these roads are dedicated, if ever, to the county for permanent maintenance and upkeep. In this event, said funds shall be used for the general upkeep of the property.

5. Only one residence, constructed as herein described, shall occupy a tract of land unless approved in writing by the Dedicator or his nominee.

6. No residential building may be moved on to any tract on the property unless approved by Dedicator or his

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nominee. All structures will be built of new material. A written notice to be accompanied with house plans must be delivered to Dedicator 30 days prior to the start of construction and must be approved by Dedicator in writing. No residential structure shall be built on any tract unless its living area has a minimum of 1000 square feet of floor area, excluding open or screened in porches, carports, and garages.

7. Either frame or brick construction is permitted and all residences shall be placed or built upon a concrete slab or concrete blocks.

8. No buildings shall be erected, placed, altered, or permitted to remain on any tract other than a single family residence and attached or separate garage or barn or stable.

9. Any house or structure must be completed according to approved plans and specifications within nine (9) months after the beginning of construction, or with such additional times as may be approved in writing by undersigned, their heirs, successors or assignees; and no partially completed house or other structure shall be permitted to remain on said property beyond such period of time.

10 Any commercial use of any tract must be approved in writing by the Dedicator or his nominee.

11. For the purpose of this covenant, eaves, and open porches shall be considered as a part of a building.

No building or residence shall be located closer than 100 feet to the front and rear property line and 50 feet to the side line. No improvements shall be erected or constructed within 50 feet of side property lines adjacent to streets except for fences. Every dwelling erected on any tract shall front on and present a good frontage appearance to the street. On corner tracts, dwelling must present a good frontage to both streets.

12. All areas for parking shall be of concrete, asphalt or gravel construction. Driveways may be of limestone or equivalent material. Any exception to this must be approved in writing by Dedicator.

13. The owner of a tract may occupy a mobile home with written permission obtained prior to the placement of mobile home on said tract with the following restrictions:

- A. Mobile home placement must have written approval of Dedicator prior to placement on property.
- B. All mobile homes shall contain at least 600 square feet of living area, and shall not be older than ten years old.
- C. All mobile homes shall be of good repair and attractive design and appearance, and built by a commercial manufacturer. No mobile homes may be constructed or added to on the premises without written consent.
- D. All mobile homes shall meet the building, electrical, wiring, health and safety requirements of the National Mobile Home Manufacturers Association.

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- E. Prior to occupancy, mobile homes must be properly blocked with cement blocks of solid construction and anchored.
 - F All porches and steps must be approved by Dedicator
 - G. Unless authorized in writing by Dedicator, only one mobile home shall be placed or maintained on any single tract; however nothing herein shall prohibit double wides, expando mobile homes designed for connection on location, or additional rooms.
 - H. All mobile homes shall be underskirted with acceptable materials and properly anchored, both box and frame, within 90 days after occupancy.
 - I. All out-building must be approved by Dedicator.
 - J. Runners must be provided for the Mobile home wheels, and be constructed of concrete.
 - K. No fence shall be constructed nearer than 25' to a road or highway.
14. All utilities, water lines, and drainage facilities supplying or serving a tract shall be located within the streets or easements as reserved.
15. No tract shall be used or maintained as a dumping ground for rubbish or any other material. Trash, garbage or other waste shall not be kept except in sanitary containers. The owners or occupants of any tract shall at all times keep all weeds and grass thereon cut in a sanitary, healthful, and attractive manner, and shall in no event use any tract for storage of material, trucks, trailers, or equipment except for normal residential requirements, nor have any but vehicles that have current legal licenses, current inspection stickers, or permit the accumulation of garbage, trash, or rubbish of any kind

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thereon. In the event of default on the part of the owner or occupants of any tract in observing the above requirements, or any of them, the undersigned, their heirs, successors, or assigns may, without liability to the owner or occupant, trespass or otherwise enter upon said tract, cut or cause to be removed such weeds and grass, and remove or cause to be removed such garbage, trash, rubbish, material, trucks, trailers, equipment, etc., so as to place said tract in a neat, attractive, healthful, and sanitary condition, and may bill either the owner or occupant, as the case may be, for the cost of such work. The owner or occupant agrees to pay such statement immediately upon receipt thereof.

16. There shall be no radio or TV tower, or any other kind of outdoor tower or antenna more than twenty (20) feet higher than the normal roof apex of the residence on such tract.

17. Bridges or culverts constructed over property line ditches shall be constructed over concrete pipe or steel of a size and quality not less than Waller County requirement or such larger dimension as may be required to provide adequate drainage.

18. No building or structure shall be occupied or used until the exterior thereof is completely finished. No basement, tent, shack, garage, barn or other out building erected on any of said tracts shall at any time be used as a residence, temporarily

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or permanently, nor shall any structure of a temporary character be used as a residence.

19. No outside privies or toilets shall be permitted on any tract. All toilets shall be inside the houses and shall be connected to a sewage disposal system or a septic tank prior to occupancy, all at the expense of the owner of the tract. Any septic tanks shall have field lines and shall be constructed and maintained in accordance with the requirements of the Health Departments of all governmental agencies having jurisdiction over this land.

20. No noxious or offensive, unlawful or immoral activity shall be carried on upon any tract, nor shall anything be done thereon which shall become an annoyance or nuisance to the neighborhood.

21. No exotic animals, goats, hogs, guineas, or peacocks shall be allowed.

22. Poultry may be kept, not to exceed 20 fowl; horses and cattle may be kept, but limited to two (2) per 5 acres. Household pets may be kept, but no more than five (5) each of dogs and cats may be kept at any residence, except with written permission of Dedicator of his nominee.

23. No advertising or sign shall be erected on any tract without written approval of Dedicator, the undersigned, their heirs, successors, or assigns other than name and street number sign, and individual "For Sale" signs.

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24. No removal of trees and no excavation of materials for other than landscaping or construction of buildings or driveways will be permitted without written permission of Dedicator or his nominee.

25. No further subdivision of a tract in subject subdivision may be made.

26. There is hereby dedicated for the use and benefit of the owners of any portion of Timber Ridge, Section 1, a subdivision in Waller County, Texas, according to the map or plat thereof recorded in the Waller County Plat Records, being a subdivision of 257.2089 acres out of the John C. White Survey, Abstract 274, Waller County, Texas, a private road assessment over and across all of the roads or streets shown on any subdivision plat for ingress and egress.

Dedicator reserves unto itself, its successors and assigns, and unto C. Michael Scherer, Trustee, his successors and assigns (hereinafter referred to as "Lienholder"), from this grant and dedicate said private road or roads, to the public for public road and public utility purposes at any time in the future without the owner of any third parties. Any and all conveyances of title to all or any portion of said private road or roads shall conclusively be deemed to be made and accepted subject to the reservation, regardless of whether or not this reservation is set forth in said conveyance or conveyances. This reservation in favor of Dedicator is separate and independent from this reservation in favor of Lienholder and either Dedicator or

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Lienholder shall be entitled to exercise the rights herein reserved without the joinder of the other party, provided that Lienholder shall not be entitled to exercise the rights herein reserved in favor of Lienholder until and unless Lienholder acquires the fee simple title to any portion of the real property adjacent to any portion of the private road or roads dedicated hereby.

DONE AND EXECUTED in the State of Texas, this 13th day of July, 1988 A. D..

AMERICAN NATIONAL DEVELOPMENT
CO., INC..


GEORGE D. PRICE, President

ATTEST:


EDITH F. STEWART, Secretary


C. MICHAEL SCHERER, Trustee

LIENHOLDER

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SAFAR, INC.

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Melvin M. Engel

MELVIN M. ENGEL, TRUSTEE OF
THE NORMAN L. JOHNSON
CHILDREN'S TRUST

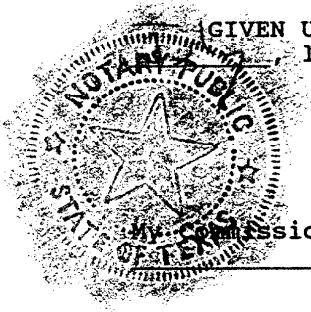
BY

Albert Prevot
ALBERT PREVOT

THE STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared George D. Price, in his capacity as President of AMERICAN NATIONAL DEVELOPMENT CO., 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 purpose and consideration therein expressed as the act and the deed of said corporation.

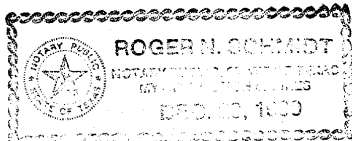
GIVEN UNDER MY HAND AND SEAL OF OFFICE this 13th day of 1988.



My Commission Expires: _____

[Signature]

Notary Public, State of Texas
Printed Name: _____



THE STATE OF TEXAS §
COUNTY OF FORT BEND §

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BEFORE ME, the undersigned authority personally appeared C. Michael Scherer, Trustee, in his capacity as Trustee, 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 purpose and consideration therein expressed and in his capacity as Trustee.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 21st day of September, 1988.



Janet B. Tate
Notary Public, State of Texas
Printed Name: _____

My Commission Expires:

THE STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Melvin M. Engel, Trustee, in his capacity as Trustee of the Norman L. Johnson Children's Trust, 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 purpose and consideration therein expressed and in his capacity as Trustee.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 13th day of July, 1988.

Sharon Ann Heineke
Notary Public, State of Texas
Printed Name: _____

My Commission Expires:



THE STATE OF TEXAS §
COUNTY OF HARRIS §

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BEFORE ME, the undersigned authority personally appeared ALBERT PREVOT, in his capacity as President of Safar, 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 purpose and consideration therein expressed as the act and the deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 13th day of July, 1988.

Sharon Ann Heineke
Notary Public, State of Texas
Printed Name: _____

My Commission Expires:



Filed For Record Sept. 21, A.D., 1988 at 1:05 o'clock PM.
R e c o r d e d Sept. 23, A.D., 1988 at 1:40 o'clock PM.
ELVA D. MATHIS, County Clerk, Waller County, Texas.
By Louise Avery Deputy