

THOMAS W. PAHLTOTHE PUBLICDECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THE STATE OF TEXAS §

COUNTY OF GILLESPIE §

THAT WHEREAS, THOMAS W. PAHL, herein called "Pahl", is the record owner of all that 135.20 acres of land, located in Gillespie County, Texas, as described on Exhibit "A", attached hereto and made a part hereof ("Property"); and

WHEREAS, Pahl will hold, sell and convey the above described Property subject to certain protective covenants, reservations, conditions, restrictions and charges as hereinafter set forth:

NOW, THEREFORE, it is hereby declared that all of the above referred Property shall be held, sold and conveyed subject to the following restrictions, covenants and conditions which are for the purpose of protecting the value and desirability of, and which shall run with the land and shall be binding on all parties having a right, title or interest in or to the above described Property or any part thereof, and their heirs, successors and assigns, and which restrictions, covenants and conditions shall inure to the benefit of each owner thereof, and any contract or deed which may hereafter be executed in connection with said Property, or any part thereof, shall be conclusively held to have been executed, delivered and accepted subject to the terms and conditions

contained in this instrument, regardless of whether or not such terms and conditions are specifically set out in said contract or deed.

I.

DEFINITIONS

1.01. "Owner" shall refer to the record owner, whether one or more persons or entities, of the fee simple title to any portion of the above described Property, excluding however, those having any interest therein merely as security for the performance of an obligation.

1.02. "Tract" shall refer to any portion of the Property, as owned by any Owner.

II.

RESTRICTIONS

1. The property shall not be used for any commercial purposes other than routine farming and ranching. Without limitation, "commercial purposes" shall not include the use of the property for general rental or bed and breakfast purposes.
2. No feedlot shall be allowed on the property.
3. Mobile homes, manufactured homes, pre-manufactured and/or industrially built homes shall not be used as a dwelling, or exist on the property. A personal travel trailer, motor home or other recreational vehicle may be stored on the property by the owner, provided it is not used as a home or dwelling.
4. Abandoned or inoperative equipment, vehicles or junk shall not be permitted or stored on the property.

III.

GENERAL PROVISIONS

3.01. Thomas W. Pahl or any Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, covenants and conditions now or hereafter imposed by the provisions of this instrument. Failure to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

3.02. Invalidity of any one of the covenants or restrictions, contained herein, by judgment or court order shall in no way affect any other provision, and all other provisions shall remain in full force and effect.

3.03. The covenants, conditions and restrictions of this instrument shall run with and bind the land and shall inure to the benefit of, and be enforceable by Thomas W. Pahl or the Owner of any Tract subject to this instrument, and their respective legal representatives, heirs, successors and assigns, and shall be effective until twenty-five (25) years, after which time said covenants, conditions and restrictions shall be automatically extended for successive periods of ten (10) years, unless amended as provided herein. The covenants, conditions and restrictions contained in this instrument may be amended at any time after the date hereof, by an instrument signed by not less than the Owners of seventy-five percent (75%) of the above described Property on an

acreage basis. No amendment shall be effective until duly recorded in the Deed Records of Gillespie County, Texas, nor until the approval of any governmental regulatory body, which may be then required, shall have been obtained.

EXECUTED this 19 day of June, 2001.

Thomas W. Pahl
THOMAS W. PAHL

THE STATE OF TEXAS §

COUNTY OF GILLESPIE §

This instrument was acknowledged before me on this the 19 day of June, 2001, by THOMAS W. PAHL.

Anthony Sauer
Notary Public in and for
the State of Texas

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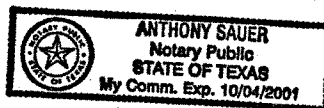


EXHIBIT "A"

157.2 acre tract

THE STATE OF TEXAS, *
COUNTY OF GILLESPIE. *

Field notes of a survey of 157.2 acres of land made at the request of Roy Petsch, et al. Said land is situated in Gillespie County, Texas and comprises part of the Christine Brodbeck Survey No. 490, Abstract No. 992; part of the Hooper & Wade Survey No. 909, Abstract No. 331; part of the J.P. Imhof Survey No. 313, Abstract No. 337; part of the J. Brodbeck Survey No. 910, Abstract No. 994, and comprises part of that 155.5 acre tract described in a conveyance to Erwin Petsch, dated May 28, 1937, found of record in Volume 49, page 296; and part of that 101 acre tract (2); part of that 80 acre tract (3); and part of that 15 acre, more or less, tract (4) described in a conveyance to Erwin Petsch, dated April 27, 1936, found of record in Volume 48, pages 208-210 of the Deed Records of Gillespie County, Texas.

Said 157.2 acre tract of land is described by metes and bounds as follows, to wit:

BEGINNING at a 1/2 inch dia. steel bar found set in the west right-of-way line of R.M. Highway No. 1376, for the N.E. corner of that 16.0 acre tract described in a conveyance to Thomas Wayne Pahl by the Veterans Land board of the State of Texas, dated October 7, 1988, found of record in Volume 188, pages 666-671 of the Deed Records of Gillespie County, Texas, for the E.S.E. corner of this tract of land;

THENCE S. 88 deg. 15 min. W. 740.5 feet to a 1/2 inch dia. steel bar found set for the N.W. corner of said 16.0 acre tract, for a reentrant corner of this tract of land;

THENCE S. 1 deg. 45 min. E., at 941.35 the S.W. corner of said 16.0 acre tract, 1100.6 feet in all to a 1/2 inch dia. steel bar found set in fence, for the S.W. corner of that 2.29 acre tract described in a conveyance to Thomas W. Pahl, by Roy E. Petsch, et ux, dated June 21, 1988, found of record in Volume 187, pages 1-3 of the Deed Records of Gillespie county, Texas, for the S.S.E. corner of this tract of land;

THENCE with fence, S. 84 deg. 18 min. 24 sec. W. 1956.13 feet to a 1/2 inch dia. steel bar found set at a 30 inch dia. L.O. tree, for the N.W. corner of that 50.00 acre tract described of record in Volume 143, pages 16-18 of the Deed Records of Gillespie County, Texas, for the S.S.W. corner of this tract of land;

THENCE with fence, N. 55 deg. 20 min. 57 sec. W. 72.52 feet to a 6 inch dia. cedar post found set in the west line of the Hooper & Wade Survey No. 909, for the W.S.'W. corner of this tract of land;

THENCE with fence along the west line of said Survey No. 909, N. 0 deg. 15 min. 13 sec. W. 2846.41 feet to a 1/2 inch dia. steel bar set at a fence corner, for the N.W. corner of this tract of land;
(continued on page 2)

page 157.2 acre tract

THENCE with fence as follows:

N. 85 deg. 49 min. 11 sec. E. 1411.09 feet to an 18 inch dia. L.O. tree;

S. 87 deg. 42 min. 50 sec. E. 1233.45 feet to a steel bar set at in the west right-of-way line of R.M. Highway No. 1376, for the N.E. corner of this tract of land;

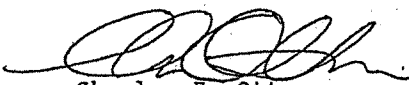
THENCE with the west right-of-way line of R.M. Highway No. 1376 as follows:

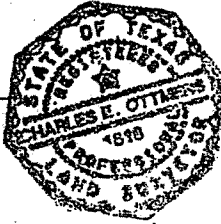
with the arc of a curve to the right, having a radius of 1869.9 feet and a central angle of 11 deg. 19 min. 01 sec., in a southerly direction, a distance of 369.34 feet (LC. brs. S. 7 deg. 22 min. 19 sec. E. 368.74 feet) to a concrete monument;

S. 1 deg. 44 min. 12 sec. E. 1259.4 feet to the place of beginning.

and containing 157.2 acres of land, more or less.

Survey completed February 1994 (Plat and Field Notes)


Charles E. Ottmers
Reg. Prof. Land Surveyor



SAVE AND EXCEPT the following described tract of land:

THE STATE OF TEXAS, *
COUNTY OF GILLESPIE *

Field notes of a survey of 16.0 acres, more or less, of land made at the request of Tom W. Pahl. Said land is situated in Gillespie County, Texas, comprising approximately 13 acres, part of the Hooper & Wade Survey No. 909, Abstract No. 331; approximately 3 acres, part of the Christine Brodbeck Survey No. 490, Abstract No. 992, and being part of that 157.2 acre EXHIBIT "C" tract described in a conveyance to Thomas W. Pahl by James Conyers, et ux, dated June 27, 1994, found of record in Volume 269, pages 344-353 of the Real Property Records of Gillespie County, Texas.

Said 16.0 acre, more or less, tract is described by metes and bounds as follows, to wit:

BEGINNING at a 1/2 inch dia. steel bar found set at a 30 inch dia. L.O. tree, for the N.W. corner of that 50.00 acre tract described of record in Volume 143, pages 16-18 of the Deed Records of Gillespie County, Texas, for the E.N.E. corner of that 139.9 acre TRACT TWO described of record in Volume 320, pages 200-208; for the S.S.W. corner of that 157.2 acre EXHIBIT "C" tract described in said conveyance to Thomas W. Pahl by James Conyers, et ux, found of record in Volume 269, pages 344-353, Real Property Records of Gillespie County, Texas, for the S.S.W. corner of this tract of land;

THENCE with fence along the N.E. line of said 139.9 acre tract, N. 55 deg. 20 min. 57 sec. W. 72.52 feet to a 6 inch dia. cedar post found set for the S.E. corner of that 64.4 acre tract described of record in Volume 185, pages 636-637 of the Deed Record of Gillespie County, Texas, for the W.S.W. corner of said 157.2 acre tract, for the W.S.W. corner of this tract of land;

THENCE with the west boundary of said 157.2 acre tract, N. 0 deg. 15 min. 13 sec. W. 1288.94 feet to a point, for the N.W. corner of this tract of land, from which a 1/2 dia. steel bar set in fence bears N. 89 deg. 13 min. 19 sec. W. 4.0 feet;

THENCE S. 89 deg. 13 min. 19 sec. E. 540.3 feet to a 1/2 inch dia. steel bar set, for the N.E. corner of this tract of land;

THENCE S. 0 deg. 12 min. 29 sec. W., crossing a 30 ft. wide road easement, 1275.71 feet in all to a 1/2 inch dia. steel bar set in fence along the north line of said 50.0 acre tract, for the S.E. corner of this tract of land;

THENCE with fence along the north line of said 50.00 acre tract and along the south boundary of said 157.2 acre tract, S. 84 deg. 16 min. 37 sec. W. 472.61 feet to the place of beginning.

Surveyed August 1999

Charles E. Ottmers
Reg. Prof. Land Surveyor

EXHIBIT "A"

424

669



Field Notes)

SAVE AND EXCEPT the following described tract of land:

THE STATE OF TEXAS, *
COUNTY OF GILLESPIE. *

Field notes of a survey of 6.0 acres, more or less, of land made at the request of Tom Pahl. Said land is situated in Gillespie County, Texas, comprising approximately 1.0 acre, part of the Hooper & Wade Survey No. 909, Abstract No. 331; approximately 5.0 acres, part of the J. Brodbeck Survey No. 910, Abstract No. 994, and being part of that 157.2 acre tract described in a conveyance to Thomas W. Pahl by James Conyers, et ux, EXH. "C", dated June 27, 1994, found of record in Volume 269, pages 344-353 of the Real Property Records of Gillespie County, Texas.

Said 6.0 acre, more or less, tract of land is described by metes and bounds as follows, to wit:

BEGINNING at a ½ Inch dia. steel bar set in the west right-of-way line of R.M. Highway No. 1376, in the east boundary of that 157.2 acre tract described in said conveyance to Thomas W. Pahl, found of record in Volume 269, pages 344-353 of the Real Property Records of Gillespie County, Texas, 170.74 feet N. 1 deg. 45 min. W. from a ½ Inch dia. steel bar found set for the N.E. corner of that 1.01 acre, more or less, tract described in a conveyance to R.M. Crowder, et ux, by Thomas Wayne Pahl, dated July 22, 1999, found of record in Volume 379, pages 310-316 of the Real Property Records of Gillespie County, Texas, for the S.E. corner of this tract of land;

THENCE N. 89 deg. 11 min. 34 sec. W. 711.43 feet to a ½ Inch dia. steel bar set, for the S.W. corner of this tract of land;

THENCE N. 6 deg. 46 min. 12 sec. E. 386.25 feet to a ½ inch dia. steel bar set, for the N.W. corner of this tract of land;

THENCE S. 89 deg. 00 min. E. 654.25 feet to a ½ inch dia. steel bar set in the west right-of-way line of R.M. Highway No. 1376, for the N.E. corner of this tract of land;

THENCE with the west right-of-way line of R.M. Highway No. 1376, S. 1 deg. 45 min. E. 382.33 feet to the place of beginning.

Survey completed November 9, 2000

(Plat & Field Notes)


Charles E. Ottmers
Reg. Prof. Land Surveyor



EXHIBIT "A"

424

670

012827

ACT
12.00
6.00

FILED FOR RECORD
AT 9:57 O'CLOCK A M

JUN 19 2001

DEBBIE WAHL
CLERK COUNTY COURT
GILLESPIE COUNTY, TEXAS
By Colleen Ketron Deputy

THE STATE OF TEXAS } I, DEBBIE WAHL, Clerk of
County of Gillespie } the County Court of said County,

do hereby certify that the foregoing instrument of writing with
its certificate of authentication was filed for record on date
stamped hereon and duly recorded this 20th day of
June A.D. 20 01, at 8:20 o'clock a M., in the
Official Public records of said County, in Volume
424, on Pages 663-671.

Witness my hand and seal of the County Court of said
County, at office in Fredericksburg, Texas, the day and
year last above written.

DEBBIE WAHL
Clerk, County Court, Gillespie County, Texas

By Colleen Ketron Deputy

Colleen Ketron

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