

*Copy of the  
Resolution filed*

*5 days before closed  
after*

*# 20075403*

*There  
are in  
Place Now*

MICHAEL PATRICK SAGEBIEL

TO

THE PUBLIC

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THE STATE OF TEXAS §

**COPY**

COUNTY OF GILLESPIE §

THAT WHEREAS, Michael Patrick Sagebiel, herein called "Sagebiel", is the record owner of all that 377.382 acres of land, located in Gillespie County, Texas, being 389.342 acres as described on Exhibit "A," pages one and two, SAVE AND EXCEPT that certain 11.96 acres as described on Exhibit "A" page three, attached hereto and made a part hereof; and

WHEREAS, Sagebiel will convey the above described lands 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 lands 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 lands 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 lands 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 entity, of the fee simple title to any portion of the above described land, 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 land, as owned by any owner.

II.

RESTRICTIONS

2.01. All tracts shall be used solely for residential and agricultural purposes, being limited to a single family residence. Only one permanent residence will be permitted on any tract unless the written consent of Sagebiel or Sagebiel's successors in interest is obtained. "Tract" shall include the original 377.382 acre tract described above, as well as any resubdivision thereof as permitted by these restrictions, so that one single family residence is permitted on each tract.

2.02. A single family dwelling house containing no less than 1,800 square feet of combined living area and attached enclosed garage area, exclusive of porches, breezeways, carports or basements, may be erected on any tract. A dwelling house shall contain a minimum of 1,500 square feet of living area. The minimum square footage of living area shall be that area which is heated and cooled.

2.03. Servants' quarters, one guest house and outbuildings may be constructed on a tract.

2.04. The exterior of any building shall be completed not later than ten (10) months after laying the foundation of that respective building.

2.05. A residence shall not be occupied until the exterior thereof shall be completely finished and connected to a septic tank or other waste disposal system approved by the County and/or State Health Department or other governing body controlling wells and septic systems.

2.06. A dwelling house shall not be moved onto the property. A dwelling house shall be constructed and erected on site. The relocation or reconstruction of a structure of historic quality and integrity, to be used as an accessory building, shall be permitted. Mobile, modular, pre-manufactured and/or industrial built homes shall not be used as a dwelling house, nor stored on any tract. The term "dwelling house" used in this paragraph shall include servant's quarters and guest houses.



2.07. A single family dwelling house shall not be erected on any tract nearer than 75 feet from the front, side or rear property lines. The term "dwelling house" used in this paragraph shall include servant's quarters and guest houses.

2.08. After completion of a permanent residence, personal travel trailers, motor homes, or other recreational vehicles may be stored on a tract, so long as they are not used as a permanent dwelling and are not stored closer to the front boundary line than the rear line of the residence. During the period of construction of a dwelling house, an owner of a tract may camp in a recreational vehicle on the property for a period not exceeding 10 months.

2.09. An owner of a tract shall be permitted to camp overnight in a recreational vehicle or tent for a continuous period not exceeding 15 days nor more than a total of 60 days during any calendar year, provided the owner is present and the campsite is no closer than 150 feet from any property line.

2.10. No tract shall be used for any commercial purposes, except for hunting, raising of domestic livestock and permanent agricultural crops including but not limited to vineyards, fruit trees, pecan groves and permanent grass (hay meadows or grazing pastures).

2.11. Abandoned or inoperative equipment, vehicles, or junk shall not be permitted ~~or stored~~ on any tract.

2.12. Swine shall not be kept on a tract except for 4-H projects of a tract owner's children. There shall not be any commercial feeding operations, feedlots or commercial breeding of animals conducted thereon, provided however, that the raising of domestic livestock shall not be prohibited.

2.13. Noxious or offensive activity shall not be permitted on a tract, nor shall anything be done thereon which shall be an annoyance or nuisance. ~~Garbage or refuse shall not be accumulated or buried on a tract.~~

2.14. The natural drainage of surface water over and across a tract shall not be altered.

2.15. Mineral exploration of any type which will damage the surface shall not be permitted on a tract.

2.16. Resubdivision of a tract shall not be permitted into tracts containing less than 25 acres.

### III.

#### GENERAL PROVISIONS

3.01. If any term or provision of this instrument or the application thereof shall be held



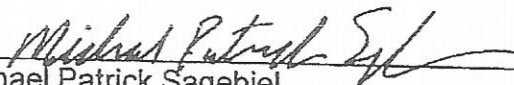
to be invalid, all other terms and provisions of these restrictions or the application thereof shall not be affected thereby, nor shall any failure of any Owner, his or her heirs or assigns to seek enforcement of any term or provision constitute a waiver of any right to do so in the future or the validity or enforceability of such term or provision.

3.02. Owners and every other person, firm or corporation hereinafter having any right, title or interest in any tract or parcel of land subject to these restrictions, shall have the right to enforce and to prevent the violation of any of said restrictions by injunction or other lawful procedure and to recover any damages resulting from such violations. Damages for the purpose of this paragraph shall include court costs and necessary attorney's fees.

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 Sagebiel 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 years from the date of this instrument, after which time said covenants, conditions and restrictions shall be automatically extended for successive periods of ten years each, unless amended as provided herein. The covenants, conditions and restrictions contained in this instrument may be amended at any time after September 15, 2017, by an instrument signed by not less than the Owners of seventy-five per cent (75%) of the above described 377.382 acres.

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

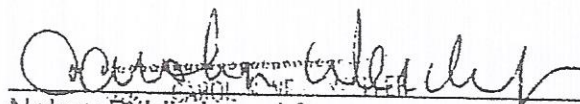
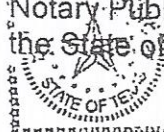
EXECUTED this 21st day of September 2007.

  
Michael Patrick Sagebiel

THE STATE OF TEXAS   §

COUNTY OF GILLESPIE   §

This instrument was acknowledged before me on this the 20 day of September 2007, by Michael Patrick Sagebiel.

  
Notary Public in and for  
the State of Texas OF TEXAS  
My Commission  
Expires 05/12/12  


## EXHIBIT "A"

Page 1 of 3

BEING 109.142 acres of land, more or less, comprised of parts of the following surveys with their respective acreages:  
 140.721 acres of land out of Survey Number 703, J.J. Solomon, Abstract Number 1438; 39.414 acres of land out of Survey Number 505, James H. Maxwell, Abstract Number 1123; 105.182 acres of land out of Survey Number 232, W.F.H. Davis, Abstract Number 182; 101.993 acres of land out of Survey Number 231, Augustus V. Shott, Abstract Number 641 and 2.031 acres of land out of Survey Number 215, Stephen Townsend, Abstract Number 679 in Gillespie County, Texas. Said 309.142 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a one half inch steel pin set by a cedar fence corner post for the southwest corner of Survey Number 395, H.A. Filmore, Abstract Number 1005 and being the most easterly corner of this tract... Said Beginning point also being the southeast corner of tract one a 13 acre tract of land described in a deed to Victor G. Sagebiel recorded in Volume 67, Pages 430 et. seq., of the Deed Records of Gillespie County, Texas;

THENCE with the east line of this tract the following nine calls:

South 80° 59' 43" West, a distance of 2688.28 feet to a one half inch steel pin set, from which a 60-D nail set in the base of a 6 inch Live Oak tree marked      bears  
 South 23° 36' 00" West, a distance of 62.46 feet;

South 00° 34' 06" East, a distance of 4340.93 feet to a one half inch steel pin set;

South 44° 19' 05" West, a distance of 564.78 feet to a one half inch steel pin set;

South 00° 40' 57" East, a distance of 1706.08 feet to a one half inch steel pin set;

South 89° 10' 26" West, a distance of 237.30 feet to a one half inch steel pin set;

South 00° 18' 37" East, a distance of 1335.21 feet to a one half inch steel pin set;

South 14° 30' 33" West, a distance of 87.65 feet to a one half inch steel pin set by a cedar fence post;

South 06° 59' 42" West, a distance of 135.71 feet to a one half inch steel pin set by a cedar fence corner post; and

South 00° 31' 48" West, a distance of 15.96 feet to a one half inch steel pin set for the southeast corner of this tract, on the south line of tract number four a 100 acre tract of land described in a deed to Victor G. Sagebiel, recorded in Volume 67, Pages 430 et. seq., of the Deed Records of Gillespie County, Texas;

THENCE South 89° 41' 57" West, a distance of 20.09 feet to a one half inch steel pin set for the southwest corner of this tract and being the southwest corner of the aforesaid tract number four, a 100 acre tract to Victor G. Sagebiel;



## EXHIBIT "A"


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THENCE with the west line of this tract the following five calls:

North 00° 18' 37" West, a distance of 1570.32 feet to a 5/8 inch steel pin found by a fence corner post;

South 89° 12' 12" West, a distance of 2111.52 feet to a one half inch steel pin set by a cedar fence corner post for the southwest corner of a 100 acre tract of land described in a deed from Bettie Thomas Kirk to Victor G. Sagebiel et. ux., recorded in Volume 106, Pages 144 et. seq., of the Deed Records of Gillespie County, Texas;

North 00° 29' 09" West, a distance of 2113.17 feet to a one half inch steel pin set by a cedar fence corner post for the northwest corner of the aforesaid Bettie Thomas Kirk, 100 Acre tract;

North 89° 24' 34" East, a distance of 2100.94 feet to a one half inch steel pin set by a cedar fence corner post for the northeast corner of the aforesaid Bettie Thomas Kirk, 100 acre tract from which a 60-D nail set in the base of a 11 inch Live Oak tree marked , bears South 26° 16' 38" West, a distance of 63.81 feet and

North 00° 41' 59" West, a distance of 5201.10 feet to a one half inch steel pin set by a cedar fence corner post for a corner of this tract and being the southwest corner of a tract of land described in a deed from Ed Hohmann et. ux. to Victor G. Sagebiel, recorded in Volume 51, Page 125 of the Deed Records of Gillespie County, Texas;

THENCE North 32° 37' 45" East, a distance of 1582.20 feet to a one half inch steel pin set for the south corner of an 11.3 acre tract of land described in a deed from Selma Sagebiel et. al., to Ed Hohmann recorded in Volume 51, Page 124 of the Deed Records of Gillespie County, Texas;

THENCE North 34° 30' 00" East, a distance of 1436.00 feet to a one half inch steel pin set by a cedar fence corner post for the northeast corner of the aforesaid 11.3 acre tract. From this point a four foot high granite rock for the northwest corner of Survey Number 703, J.J. Solomon, Abstract Number 1438 bears North 89° 06' 23" West, a distance of 827.53 feet;

THENCE South 89° 16' 27" East, a distance of 1658.46 feet to a one half inch steel pin set by a cedar fence corner post for the Northeast corner of this tract and being the northeast corner of Survey Number 703, J.J. Solomon, Abstract Number 1438;

THENCE South 00° 59' 36" East, a distance of 2927.38 feet to the point of BEGINNING.

STATE OF TEXAS,  
COUNTY OF GILLESPIE.

11.96 acre tract

Field notes (and accompanying plat) of a survey of 11.96 acres of land, more or less, made at the request of Michael Sagebiel. Said land is situated in Gillespie County, Texas, being part of the Augustus Shott Survey No. 231, Abstract No. 641, and being part of that 389.342 acre tract of land described in a conveyance by Partition Deed to Michael Patrick Sagebiel, dated January 30, 1990, found of record in Volume 197, pages 435-481 of the Real Property Records of Gillespie County, Texas.

Said 11.96 acre tract of land is described by metes and bounds as follows, to wit:

BEGINNING at a 1/2 inch steel bar set in the approximate North line of the Henry Lockwood Survey No. 230, Abstract No. 398, and in North line of that Second Tract of land described in a conveyance to Winnie Lee found of record in Volume 143, pages 332-334 of the Deed Records of Gillespie County, Texas, and in the approximate South line of said Survey No. 231, and in a South line of said 389.342 acre Sagebiel tract, 1046.27 feet N. 89 deg. 10 min. 55 sec. E. from it's most westerly S.W. corner, for the S.W. corner of this tract of land;

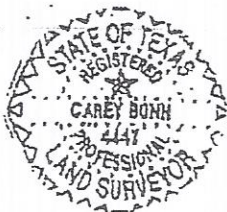
THENCE N. 0 deg. 49 min. 05 sec. W. 496.79 feet to a 1/2 inch steel bar set, for the N.W. corner of this tract of land;


THENCE N. 89 deg. 02 min. 20 sec. E. 1038.34 feet to a 1/2 inch steel bar set, for the N.E. corner of this tract of land;

THENCE S. 2 deg. 36 min. 50 sec. E. 499.64 feet to a point in the North line of said Lee tract and in said South line of said 389.342 acre Sagebiel tract, for the S.E. corner of this tract of land, from which the approximate S.E. corner of said Survey No. 231 and the approximate N.E. corner of said Survey No. 230 and a reentrant corner of said 389.342 acre Sagebiel tract bear N. 89 deg. 10 min. 55 sec. E. 10.55 feet and from which a pipe fence corner post found set in concrete bears S. 2 deg. 36 min. 50 sec. E. 0.76 feet;

THENCE with the North line of said Lee tract and said South line of said 389.342 acre Sagebiel tract, S. 89 deg. 10 min. 55 sec. W., generally along and South of a fence, 1054.0 feet to the PLACE OF BEGINNING.

Surveyed November 2, 2000



  
Carey Bonn  
Reg. Prof. Land Surveyor No. 4447  
Bonn Surveying 830-997-3884