

'EXHIBIT B'

169-71-1193

M519191

RESTRICTIONS

02/19/90 00520396 M519191 \$ 35.00

469-4800

That ROBERT B. BROWN and WALDENE L. BROWN, of Houston, Harris County, Texas, being all the owners of those certain six (6) tracts of land located in Harris County, Texas, numbered and described in Exhibits A, B, C, D, E and F attached hereto (which Exhibits are incorporated herein and made a part hereof for all purposes) and as shown on Plat Survey attached hereto as Exhibit G (which Exhibit is incorporated herein and made a part hereof for all purposes) do hereby adopt and make applicable to all of said tracts the restrictions, conditions and covenants hereinafter set forth.

Restrictions

1. Duration of Restrictions - These Restrictions shall be effective until January 1, 2000, and shall automatically be extended thereafter for successive periods of ten (10) years; provided, however, that at any time after January 1, 2000 the owners of 66-2/3% or more of the square foot area of the tracts may release, alter, amend or change any of such restrictions. Such release, alteration, or change shall be effected by such owners executing and acknowledging an appropriate agreement or agreements, in writing, for such purpose and filing same for record in the office of the County Clerk of Harris County, Texas.
2. Single Family Residential Construction - Except as provided hereinafter, all of the tracts shall be used only for single-family residential purposes and no building shall be

erected or permitted to remain on any tract other than one detached single-family residential dwelling and a private garage for not less than two (2) cars and which may also contain bona fide servants' quarters, which structures shall not exceed the main dwelling in height. As used herein, the term "residential purposes" shall be construed to prohibit the use of said tracts for duplex houses, garage apartments or apartment houses; and no tract shall be used for business or professional purposes of any kind, nor for any commercial or manufacturing purposes.

3. Architectural Control - No buildings or improvements of any character shall be erected, constructed, placed, or erection begun or changes made in the design thereof, on any tract until the construction plans and specifications and a plot plan showing the location of the structure or improvements have been submitted to the Architectural Control Committee created hereby and approved, as hereinafter provided, as to compliance with these restrictions, as to quality of material, harmony of external design with existing and proposed structures and as to location with respect to the building setback lines or other building lines. In the event the required documents and information are not approved or disapproved within thirty (30) days after receipt thereof by the Architectural Control Committee, approval will not be required and the requirements for approval shall be deemed to have been fully satisfied. Further, the approval required herein is conclusively presumed upon the substantial completion of such building and/or improvements. The Architectural Control Committee shall be

initially composed of Robert B. Brown, Larry Duke, and Richard L. Brown (a majority vote of such Committee members is necessary for approval or disapproval). The Architectural Control Committee shall review all plans and specifications and plot plans submitted to it within thirty (30) days thereafter and shall issue its approval or disapproval thereof within such 30 days. At any time, the then record owners of 66-2/3% or more of the square foot area of the tracts shall have the authority by an appropriate written instrument to change the membership of the Architectural Control Committee and authorize such new Committee to assume full authority hereunder and issue approvals or disapprovals required hereunder.

4. Minimum Square Footage Within Improvements - The living area on the ground floor of the main structure of any residential building, exclusive of any open or closed porches and the garage and/or servant's quarters, shall not be less than twenty-five hundred (2,500) square feet for one-story dwellings. The total square footage for a multi-story dwelling shall not be less than three thousand (3,000) square feet.

5. Fractional Use Prohibited - No portion of a tract less than the whole shall ever be used as a building site, nor shall a fractional part of a tract be used for any other purpose other than in conjunction with an adjoining whole tract.

6. Location of the Improvements Upon the Tracts - All residential buildings on Tracts One and Two shall front on Grant Road; Tracts Four, Five and Six shall front on Kitzman Road; Tract Three shall front on either Grant Road or Kitzman Road. No

residential building shall front on any tract nearer to either Grant Road or Kitzman Road (as the case may be) than one hundred (100') feet.

7. Annoyance or Nuisances - No noxious or offensive activity shall be permitted or carried on upon any tract nor shall anything be done thereon which may become an annoyance or a nuisance to the neighborhood.

8. Temporary Structures and Site Alteration - No structure of a temporary character, trailer, mobile home, boat, basement, tent, shack, garage, barn, or other outbuilding shall be used on any tract at any time, as a residence. No vehicle, truck, trailer, boat, mobile home or automobile shall at any time be kept upon any tract so as to be visible from any public street, except for same which are kept in the garage previously mentioned.

9. Tract Maintenance - All tracts shall be kept in a neat and orderly condition; grass and weeds shall be cut regularly and trash, junk, and refuse shall not be kept or allowed on any tract, nor shall unsightly articles, objects or things be placed thereon. In the event of default in the strict performance of this covenant, the Architectural Control Committee may, without notice to the owner thereof, enter upon said premises (or cause same to be done) and cut grass and weeds thereon, and remove and dispose of trash, junk, and unsightly articles or objects. Upon any such work being done, the Architectural Control Committee shall render a written statement of the expense thereof to the owner of such tract who shall immediately pay the full amount

thereof in cash. All such obligations of owner to pay such amounts shall be secured by a lien upon and against the tract upon which such work was performed. The necessity of the performance of such work shall be in the sole discretion of the Architectural Control Committee.

10. Removal of Dirt - The removal of dirt from any residential tract is expressly prohibited, and no excavation, except such as may be necessary for the construction of improvements, shall be permitted.

11. Signs - No sign of any kind shall be displayed to the public view on any residential tract, except one sign of not more than five square feet advertising the property for sale, or rent, or signs used by a builder to advertise the property during the construction and sales period, or small signs designating names of the owner of such property. No signs shall be erected without the prior consent of the Architectural Control Committee.

12. Septic Tanks - No cesspools shall ever be dug, used, or maintained on any tract and all toilets shall be connected with a septic tank (constructed in accordance with sound engineering practices and in compliance with Harris County Texas Regulations or an approved sanitary sewer system.) The drainage of septic tanks into roads, streets, adjacent tracts or ditches, either directly or indirectly, is strictly prohibited. All drain lines and septic field lines shall not be closer than twenty-five (25) feet to any tract line. No outside toilets shall be allowed.

13. Paint - The exterior of all frame structures, and all framework on the exterior of all other structures shall be covered immediately upon completion and at all times needed thereafter with at least two coats of good paint or other type of wood preservative approved by the Architectural Control Committee. The Architectural Control Committee's determination as to when such paint or wood preservative is needed shall be conclusive.

14. Drainage - Drainage structures used under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater, and shall be a minimum of 1-3/4 square feet (18-inch diameter pipe culvert) or of such larger size as may be required to insure proper drainage. Culverts must be used for driveways and for walks, and shall be installed in a manner that will not obstruct the flow of water in ditches and their inside bottom must be even with or below the level of the ditch.

15. Animal Husbandry - Domestic pets and domestic animals and livestock (reasonable as to number and not larger than a domestic horse) may be kept or permitted on the tracts as pets for domestic or family use only. It is expressly understood that none of such animals shall ever be kept, bred, or maintained for any commercial purposes. In this connection, it is further understood that all outbuildings utilized for such animals must be placed or so situated that no part of them is closer to the front of a tract than a line parallel to the front property line but lying at and traversing the rear of the principal dwelling situated on the

tract. Nothing herein contained shall ever be construed so as to permit the keeping of animals and pets to become a nuisance or obnoxious to the owners or occupants of other tracts or to become a hazard to the health, welfare and well being of the community. All such structures and shelters for animals shall conform in architectural character to the structure of the main residential dwelling and shall not be maintained in any unsightly manner. It is further understood that no hogs, swine, fowl (birds of any kind except small birds such as canaries or parakeets kept inside the residence), poultry, or wild or exotic animals shall be kept on any part of a tract for any purpose whatsoever, provided, however, chickens or turkeys kept for bona fide F.F.A. and/or 4-H projects is permissible. F.F.A. and 4-H Club projects shall not be considered commercial. Quarters and shelter for any such animals shall be built and kept in a neat and sanitary manner.

16. Building Setback Lines - No part of any building shall be constructed nearer than twenty (20') feet to a back or side tract line, or nearer than one hundred (100') feet to a front tract line which abuts Grants Road or Kitzman Road, as the case may be.

17. Fencing - No barbed wire fencing shall be allowed on any part of any tract. Any fencing located at or in front of the main residence shall be subject to approval in writing from the Architectural Control Committee provided, however, that disapproval must be given in writing within thirty (30) days after request for approval of same or approval shall be implied.

18. Easements - Tract owners shall join in the dedication of utility easements as necessary to provide service to the tracts.

19. Antennae - It shall be permissible for not more than one (1) satellite dish antenna not more than 10' in diameter to be placed on a tract, provided, however, such dish antenna shall be placed behind the residential dwelling or other building such that same is not visible from any portion of the road directly in front of the residential building upon which such residential building fronts.

20. Firearms - No "explosive weapon" (as defined in the Texas Penal Code, Sec. 46.01, and as it may be amended or superseded) shall be permitted upon any tract at any time. No "firearm" (as defined in the Texas Penal Code, Sec. 46.01, and as it may be amended or superseded) shall ever be fired or otherwise discharged upon any tract unless so done in bona fide self-defense or defense of property.

21. Enforcement - Any tract owner shall have the right to enforce by any proceeding, at law or in equity, all reservations, restrictions, covenants and conditions, liens and charges, now or thereafter, imposed by the provisions of these deed restrictions. Failure by any owner to enforce any covenant or restriction herein at any given time shall in no event be deemed a waiver of the right to do so thereafter.

22. Mineral Reservation - All oil, gas and other minerals have been reserved as set forth by instrument filed for record under Harris County Clerk's File No. H-354808. (Surface rights waived).

EXECUTED this 8th day of JANUARY, 1990. 169-71-1201

Robert B Brown
ROBERT B. BROWN

Waldene L. Brown
WALDENE L. BROWN

Return to:

Robert B. and Waldene Brown
21400 Hempstead Hwy
Newton, TX 72040

169-71-1202

THE STATE OF TEXAS }
COUNTY OF HARRIS)

This instrument was acknowledged before me on the 8th day
of January, 1989⁹⁰, by ROBERT B. BROWN.

Karen B. Maynard
NOTARY PUBLIC IN AND
FOR THE STATE OF TEXAS

Karen B. Maynard
(Printed Name of Notary Public)

My Commission Expires: 1-15-94

THE STATE OF TEXAS }
COUNTY OF HARRIS)

This instrument was acknowledged before me on the 8th day
of January, 1989⁹⁰, by WALDENE L. BROWN.

Karen B. Maynard
NOTARY PUBLIC IN AND
FOR THE STATE OF TEXAS

Karen B. Maynard
(Printed Name of Notary Public)

My Commission Expires: 1-15-94