

RETURN TO:

Garland D. Sell
SELL GRIFFIN MCLAIN PC
504 South Polk, Suite 101
Amarillo, TX 79101-2318

2017001725 REST Total Pages: 6



**TO THE RECORDING OFFICER,
PLEASE INDEX AS FOLLOWS:**

Grantor: Ezra's Old Place, LLC
Grantee: The Public
Document Type: Declaration of Restrictive Covenants

DECLARATION OF RESTRICTIVE COVENANTS

* * * * *

Recitals

A. Ezra's Old Place, LLC, a Texas limited liability company (**Declarant**), is the owner of all of the following described real property (**the Property**):

A 667.38± acre tract of land being a portion of that certain tract or parcel of land as conveyed to Ezra's Old Place, LLC by instrument as recorded in Clerk's File No. 2015017546, Official Public Records of Randall County, Texas, being comprised of a portion of the Northwest Quarter (1/4), all of the Northeast Quarter (1/4) and all of the Southeast Quarter (1/4) of Section 134, Block 9, B.S. & F. Survey, Randall County, Texas, an 8.96± acre tract or parcel of land as recorded in Clerk's File No. 2005022927, Official Public Records of Randall County, Texas and all of the Northwest Quarter (1/4) of Section 105, Block 9, B.S. & F. Survey, Randall County, Texas, save and except that certain 6.34 ± acre tract or parcel of land as conveyed to Fritz Blanke by instrument as recorded in Clerk's File No. 2015007344, Official Public Records of Randall County, Texas, said tract of land having been surveyed on the ground by Furman Land Surveyors, Inc., on August 26th, 2016 and being further described by metes and bounds in **EXHIBIT A** attached hereto and made a part hereof for all purposes.

B. Declarant desires to impose the following restrictive covenants upon the Property.

Declaration

Now, therefore, Declarant establishes and imposes the following restrictive covenants upon the Property and declares that the Property will be held, owned, leased, transferred, sold, conveyed, used, and occupied subject to such restrictive covenants:

1. **Restrictions.** The Property may not be used for any of the following activities (**the Restrictions**):

- a. installing a mobile home, modular home, manufactured home, manufactured housing, or trailer house;
- b. using a motor home as a residence;
- c. any illegal activity;
- d. confined feeding operation or feedlot for livestock;
- e. raising more than two hogs;
- f. any nuisance or noxious or offensive activity;
- g. any dumping of junk, trash, or rubbish; and,
- h. operating any kind of motorized race track or similar operation.

2. *Binding Effect.* The Restrictions are made for the mutual benefit of, and are binding upon, each person acquiring title to any part of the Property (**Owner**). This instrument, when executed, will be filed of record in the Official Public Records of Randall County, Texas, so that each Owner is on notice of the Restrictions.

3. *Amendment and Termination.* This Declaration may be amended or terminated in whole or in part from time to time, and at any time, by written instrument signed by the then Owners of 65.0% or more in surface area of the Property.

4. *Covenants Running with the Land.* Without limiting the provisions of paragraph 2 above, this Declaration will be deemed to be covenants running with the land that are for the benefit of, and create burdens on the Property.

5. *Attorney's Fees.* If any Owner retains an attorney to enforce this Declaration, the Owner prevailing in litigation will be entitled to recover reasonable attorney's fees and court and other costs.

6. *Enforcement.* An Owner of any portion of the Property has the right to have this Declaration faithfully carried out and performed, together with the right to bring any suit or undertake any legal process that may be proper to enforce the performance thereof and to recover damages. The Owner of any portion of the Property has the right and easement to have this Declaration strictly construed and applied to all of the Property, regardless as to whether or not reference to this Declaration is made in the document conveying a portion of the Property to an Owner. Failure to enforce this Declaration will not be deemed a waiver of the right to do so thereafter.

7. *Severability.* If a provision of this Declaration is unenforceable for any reason, to the extent the unenforceability does not destroy the basis of the bargain among Owners, the unenforceability does not affect any other provision of this Declaration, and this Declaration is to be construed as if the unenforceable provision is not a part of the Declaration.

8. *Pre-suit Mediation.* As a condition precedent to the commencement of a legal proceeding to enforce this Declaration, Owners will mediate the dispute in good faith.

9. *Gender.* Whenever the context requires, the singular includes the plural, the plural the singular, and the use of any gender includes all genders.

Dated: January 26 2017.

DECLARANT:

EZRA'S OLD PLACE, LLC,
a Texas limited liability company

By: 
John S. Dreiss, Manager

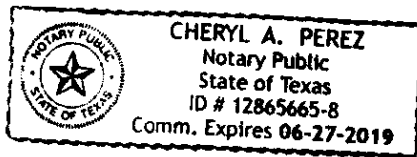
THE STATE OF TEXAS

COUNTY OF ^{cap}~~POTTER~~ *Galveston*

§
§
§

This instrument was acknowledged before me on this the 26th day of January, 2017, by **John S. Dreiss**, Manager of **EZRA'S OLD PLACE, LLC**, a Texas limited liability company, on behalf of said company.

[SEAL]




Notary Public

EXHIBIT A

* * * * *

A 667.38± acre tract of land being a portion of that certain tract or parcel of land as conveyed to Ezra's Old Place, LLC by instrument as recorded in Clerk's File No. 2015017546, Official Public Records of Randall County, Texas, being comprised of a portion of the Northwest Quarter (1/4), all of the Northeast Quarter (1/4) and all of the Southeast Quarter (1/4) of Section 134, Block 9, B.S. & F. Survey, Randall County, Texas, an 8.96± acre tract or parcel of land as recorded in Clerk's File No. 2005022927, Official Public Records of Randall County, Texas and all of the Northwest Quarter (1/4) of Section 105, Block 9, B.S. & F. Survey, Randall County, Texas, save and except that certain 6.34 ± acre tract or parcel of land as conveyed to Fritz Blanke by instrument as recorded in Clerk's File No. 2015007344, Official Public Records of Randall County, Texas, said tract of land having been surveyed on the ground by Furman Land Surveyors, Inc., on August 26th, 2016 and being further described by metes and bounds as follows: Point of Beginning is a 1/2 inch iron rod found in asphalt on F.M. Highway 2186 for the common corner Sections 105, 106, 133 and 134, Block 9, B.S. & F. Survey, Randall County, Texas;

Thence S 89°50'56" E on the common line of said Sections 105 and 106 for a distance of 2710.51 feet to a 1/2 inch iron rod with cap marked "Furman RPLS" set for the Northeast corner of this tract, whence a mag nail found for the Northeast corner of Section 105 bears S 89°50'56" E - 2704.72 feet;

Thence S 00°03'53" E for a distance of 50.99 feet to a 1/2 inch iron rod with "5437" cap found in the apparent Southerly Right-of-Way (R-O-W) line of said F.M. Highway 2186 as recorded in Volume 238, Page 239, Deed Records of Randall County, Texas for the Northeast corner of said Blanke tract, same being the Northwest corner of that certain tract or parcel of land as conveyed to Gerry and Jeana Faske by instrument as recorded in Clerk's File No. 2005007382, Official Public Records of Randall County, Texas;

Thence N 89°47'22" W on said apparent Southerly R-O-W line for a distance of 304.74 feet to a 3/8 inch iron rod with "5437" cap found for the Northwest corner of said Blanke tract and being an interior corner of this tract;

Thence S 00°12'55" W for a distance of 900.00 feet to a 3/8 inch iron rod with "5437" cap found for the Southwest corner of said Blanke tract;

Thence S 89°47'22" E at a distance of 309.13 feet pass a 3/8 inch iron rod with "5437" cap found for the Southeast corner of said Blanke tract, same being the Southwest corner of said Faske tract, continue on for a total distance of 572.39 feet to a 3/8 inch iron rod with "5437" cap found in the Westerly line of that certain tract or parcel of land as conveyed to Ruben and Maria Baca by instrument as recorded in Clerk's File No. 2010021821, Official Public Records of Randall County, Texas for the most Easterly Northeast corner of this tract;

Thence S 02°36'29" W on the Westerly line of said Baca tract, same being the Easterly line of this tract for a distance of 1757.31 feet to a 4 inch post with cap found in the South line of the Northeast quarter (1/4) of Section 105, same being the North line of the Southeast Quarter (1/4) of Section 105 as conveyed to Frank Kelly by instrument as recorded in Volume 738, Page 203, Deed Records of Randall

County, Texas for the Southeast corner of this tract, whence a 3/8 inch iron rod found in the East line of Section 105 bears S 89°50'20" E 2524.58 feet;

Thence N 89°50'45" W on said South line of Northeast Quarter (1/4) for a distance of 181.31 feet to a 1 1/4 inch iron pipe found and accepted for the Southeast corner of the Northwest Quarter (1/4) of Section 105;

Thence N 89°50'39" W on the common line of the Northwest and Southwest Quarter (1/4) of Section 105 for a distance of 2704.72 feet to a 1 1/4 inch iron pipe found and accepted for the common West corner of said Northwest and Southwest Quarter (1/4) of Section 105;

Thence S 00°04'20" E on the common line of Section 105 and Section 134 for a distance of 2702.73 feet to a 2 inch aluminum Gresham cap found for the common corner of Sections 104, 105, 135 and 134, same being the most Southerly Southeast corner of this tract;

Thence N 89°57'51" W on the common line of Section 134 and Section 135 for a distance of 2707.87 feet to a 1/2 inch iron rod with cap marked "Furman RPLS" set for the Southeast corner of the Southwest Quarter (1/4) of Section 134, same being the Southwest corner of the Southeast Quarter (1/4) of Section 134 and the most Southerly Southwest corner of this tract, whence a 1/2 inch iron pipe found for the Southwest corner of Section 134 bears N 89°57'51" W - 2707.87 feet;

Thence N 00°03'28" W at a distance of 12.63 feet pass a 1/2 inch iron rod found being a point in the East line of that certain tract or parcel of land as conveyed to Larry Lamberson by instrument as recorded in Volume 1645, Page 76, Deed Records of Randall County, Texas, continue on for a total distance of 2840.02 feet to a 2 1/2 inch iron pipe found for the Northeast corner of said Lamberson tract, same being an interior corner of this tract;

Thence N 89°58'13" W on said North line of Lamberson tract for a distance of 2704.31 feet to a 1/2 inch iron rod with cap marked "Furman RPLS" set in the common line of Sections 134 and 139 for the most Westerly Southwest corner of this tract, whence a 1/2 inch iron pipe found for said Southwest corner of Section 134 bears S 00°00'51" W - 2839.72 feet;

Thence N 00°00'51" E on said common line for a distance of 2586.82 feet to a 3/4 inch iron rod with aluminum cap stamped "Furman Land Surveyors Section Corner Firm #100924" set in asphalt on F.M. Highway 2186 for the common corner of Sections 133, 134, 139 and 140, same being the Northwest corner of this tract, whence a Railroad Spike found for the Northwest corner of Section 139 bears N 89°47'00" W - 5407.31 feet;

Thence S 89°47'00" E (Base line) on the common line of Sections 133 and 134 for a distance of 5402.19 feet to the Point of Beginning.

Said tract contains 667.38 acres of land, more or less, of which 12.04± acres lie within F.M. Highway 2186 and Hill Road Right-of-Ways.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



Renee Calhoun

2017001725
01/30/2017 11:44 AM
Fee: 32.00
Renee Calhoun, County Clerk
Randall County, Texas
REST