

08-16-2021



DECLARATION OF COVENANT, CONDITIONS, AND RESTRICTIONS

THE STATE OF TEXAS

KNOW ALL BY THESE PRESENTS

COUNTY OF HAMILTON

Date: August 16, 2021

THAT WHEREAS, Ken Beshears and Trina Beshears, (hereinafter called Declarants) of this County of Hamilton, State of Texas, are the owners of all that certain real property located in Hamilton County, Texas, described by metes and bounds in the attached Exhibit A, reference to which is herein made for all purposes; and

WHEREAS, Declarants will convey the real property described in Exhibit "A" attached hereto in one or multiple transactions, subject to certain protective covenants, conditions, restrictions, and charges as hereinafter set forth;

NOW, THEREFORE, it is hereby declared that all of the property shown on Exhibit "A" attached hereto shall be held, sold and conveyed subject to the hereinafter described restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with, the real property and shall be binding on all parties having any right, title or interest in or to the real property described in Exhibit "A" attached hereto, 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.

ARTICLE ONE
DEFINITIONS

Owner

1.01 "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to all or a portion of the Properties, as that term is hereinafter defined, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

Properties

1.02 "Properties" shall mean and refer to that certain real property described in Exhibit "A" attached hereto, and such additions thereto as may hereafter be brought within the jurisdiction of this Declaration.

ARTICLE TWO
FEEDLOTS, AUCTION BARN, JUNK YARDS, WRECKING YARDS AND OTHER
NOXIOUS OR OFFENSIVE ACTIVITIES PROHIBITED

No livestock feedlot, auction barn, junk yard, wrecking yards, or other noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

ARTICLE THREE
RENDERING PLANT, RUBBISH, TRASH AND GARBAGE

None of the Properties shall be used or maintained as a rendering plant or as a dumping ground for rubbish or trash, and no garbage or other waste shall be kept except in sanitary containers. All incinerators or other equipment for the storage and disposal of such materials shall be kept in a clean and sanitary condition.

ARTICLE FOUR
LARGE ANIMALS

Only one large animal (horse, cow, bull) will be permitted per acre.

ARTICLE FIVE
USE OF PROPERTY

Said Property shall be used for single family residential and agricultural purpose only; however, this restriction shall not prevent the construction of the usual appurtenances, including private garage. It also does not prohibit a small, home based business.

ARTICLE SIX
STRUCTURES ON PROPERTY

No structure of a temporary character shall be used as a permanent residence for more than 1 year.

No Manufactured Homes shall be permitted on the property for any length of time.

ARTICLE SEVEN
NON-LICENSED VEHICLES PROHIBITED

No wrecked, abandoned, junked or unlicensed vehicles will be permitted on any portion of the Property.

ARTICLE EIGHT
DIVISION OF PROPERTY

The property shall not be subdivided into tracts smaller than five acres. This restriction shall also be construed to prohibit more than one residential structure per acre.

ARTICLE NINE
WASTE DISPOSAL

Waste disposal systems must meet or exceed state and county health department requirements.

ARTICLE TEN
GENERAL PROVISIONS

Enforcement

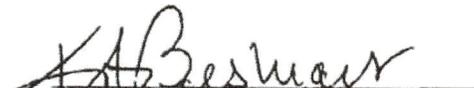
10.01 Any owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, and reservations now or hereafter imposed by the provision of this Declaration. Failure to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Severability

10.02 Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provision, and all other provisions shall remain in full force and effect.

Duration and Amendment

10.03 The covenants, conditions, and restrictions of this Declaration shall run with and bind the land, and shall inure to the benefit of, and be enforceable by, the Declarants or the Owner of any portion of the Properties subject to this Declaration, and their respective legal representatives, heirs, successors, and assigns. The provisions of this DECLARATION shall be effective for a term of Forty (40) years from the date this DECLARATION is recorded.


KEN BESHEARS


TRINA BESHEARS

EXHIBIT A: LEGAL DESCRIPTION

Property (including any improvements): Being 99.10 acres of land, situated in Hamilton County, Texas, out of the J. PICKERING SURVEY, ABSTRACT NUMBER 660, and being out of a 105 acre tract of land that is described in an Affidavit of Heirship, to Johnny Burnett Long, recorded in Volume 225 at Page 810, Deed Records of Hamilton County, Texas, and further described as follows;

BEGINNING at a 1/2 inch iron rod set in the North Right of Way line of State Highway 36, and being the Southwest corner of said 105 acre tract, and being the Southeast corner of a 70.00 acre tract of land that is described in a deed to Cletes O. Beshears, et ux, recorded in Volume 409 at Page 130, said Deed Records, for the Southwest corner of this tract;

THENCE with a fence, along the West line of said 105 acre tract, and the East line of said 70.00 acre tract, as follows, N 25° 04' 45" E 1552.93 feet, to a 1/2 inch iron rod set, N 06° 58' 36" E 1189.96 feet, to a 3/8 inch iron rod found at the Northwest corner of said 105 acre tract, and the Northeast corner of said 70.00 acre tract, for the Northwest corner of this tract;

THENCE S 73° 30' 32" E 1441.49 feet, with the North line of said 105 acre tract, to a 1/2 inch iron rod found at the Northeast corner of said 105 acre tract, and being the Northwest corner of a 150 acre First Tract, that is described in a deed to Kay Schooler, recorded in Volume 304 at Page 395, said Deed Records, for the Northeast corner of this tract;

THENCE S 17° 19' 43" W 1999.30 feet, with the East line of said 105 acre tract, and the West line of said 150 acre tract, to a 1/2 inch iron rod set in the West line of an open roadway, for a corner of this tract;

THENCE with a fence, along the West line of said open roadway, as follows, S 82° 06' 02" W 43.15 feet, to a 1/2 inch iron rod set, and S 16° 44' 43" W 1872.86 feet, to a 1/2 inch iron rod set in the North Right of Way line of State Highway 36, for the Southeast corner of this tract;

THENCE with the North Right of Way line of State Highway 36, as follows, N 28° 20' 14" W 823.68 feet, to a 1/2 inch iron rod set, along a curve to the left having a Radius of 2924.79 feet, an Arc Length of 191.19 feet, being subtended by a Chord of N 30° 12' 34" W 191.15 feet, to a 1/2 inch iron rod set, N 24° 44' 45" W 103.44 feet, to a 1/2 inch iron rod set, and along a curve to the left having a Radius of 2939.79 feet, an Arc Length of 726.13 feet, and being subtended by a Chord of N 41° 09' 30" W 724.29 feet, to the point of beginning and containing 99.10 acres of land.

FILED and RECORDED

Instrument Number: 20212226 B: RP V: 591 P: 595

Filing and Recording Date: 08/16/2021 12:12:15 PM Recording Fee: 42.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the REAL PROPERTY RECORDS of Hamilton County, Texas.



A handwritten signature in black ink, appearing to read "Cynthia K. Puff", is written over a horizontal line.

Cynthia K. Puff, County Clerk
Hamilton County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.