

DECLARATION OF RESTRICTIONS, COVENANTS AND CONDITIONS

STATE OF TEXAS

*

KNOW ALL MEN BY THESE PRESENTS:

*

COUNTY OF KIMBLE

*

THAT WHEREAS, BOBBY G. WADDELL, TRUSTEE (hereinafter referred to as the "Declarant") is the owner of a certain 1550.56 acre tract of land, more or less, situated in Kimble County, Texas (being more particularly described as all that certain tract or parcel of land consisting of 1907.04 acres, more or less, as described on Exhibit "A" attached hereto and herein incorporated for all purposes, being the same identical property conveyed to Bobby G. Waddell, Trustee, in a Warranty Deed from Patrick Greer Kothman and wife, Lola Susan Kothman, filed of record in the Real Property Records of Kimble County, Texas; SAVE AND EXCEPT, all those certain tracts or parcels of land consisting of 240.48 acres, 115 acres and 1.00 acre, more or less, being more particularly described on Exhibit "B" attached hereto and incorporated herein by reference for all purposes (hereinafter referred to as the "Property").

AND WHEREAS, it is deemed to be in the best interest of Declarant, and the persons who may purchase the Property, that restrictions, covenants and conditions, be established for the orderly development of the Property.

NOW, THEREFORE, it is hereby declared that the Property described above shall be held, transferred, conveyed, improved and occupied in accordance with the following restrictions, covenants and conditions, which shall run with the Property and be binding on all parties having any interest therein:

1. That these covenants are to run with the land and shall be binding on the Declarant, Declarant's heirs and assigns, and all persons claiming under Declarant until December 31, 2026.
2. That this tract of Property shall not be used for day lease hunting or any manufacturing purposes.
3. That no automobile, truck, trailer, or other vehicle shall be abandoned on this Property, nor shall there be any dumping or placing of unsightly objects of any kind on the Property.
4. That no structure of any kind (including hunting blinds) shall be permitted within 200 feet of any roadway easement or Property line.
5. No noxious or offensive activity shall be carried on upon any tract nor shall anything be done thereon which may be or become an annoyance or nuisance to any adjoining tract. No tract shall

Deed
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be maintained or utilized in such a manner as to violate any applicable statute, ordinance or regulation of the United States of America, the State of Texas, the County of Kimble, if applicable, or any other governmental agency having jurisdiction thereof.

6. No communal residences shall be permitted on any tract.
7. That no commercial swine operation shall be permitted.
8. That no tract may be subdivided into a tract of less than 25 (twenty-five) acres, per tract, with the exception of a water well tract, which is jointly owned by the adjacent landowners. Any plan to subdivide a tract shall include road access to all tracts affected by the subdivision.
9. No deviation of any kind shall be permitted from these restrictions unless permission is granted in writing by the Declarant, Declarant's heirs, successors and/or assigns.

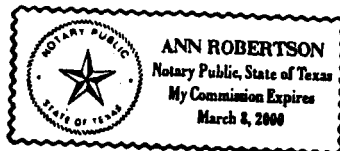
Executed this 3rd day of May, 1996.

DECLARANT:

Bobby G. Waddell
BOBBY G. WADDELL, TRUSTEE

STATE OF TEXAS *
*
COUNTY OF KERR *

This instrument was acknowledged before me on the 3rd day of May, 1996, by BOBBY G. WADDELL, TRUSTEE.



Ann Robertson
Notary Public, State of Texas
My Commission Expires: _____
Notary's Typed/Printed Name

AFTER RECORDING RETURN TO:

Bobby G. Waddell, Trustee
P. O. Box 35
Center Point, Texas 78010

PREPARED IN THE LAW OFFICE OF:

Robert J. Parnley
222 Sidney Baker South, Suite 615
Kerrville, Texas 78028

Paul Bushong Engineering

CIVIL ENGINEERING & LAND SURVEYING

402 Forest Ridge Kerrville, Tx. 78028

TELE: 210/895-4953 FAX: 210/895-2586

DESCRIPTION OF 1907.04 ACRES OF LAND OUT OF VARIOUS ORIGINAL SURVEYS IN KIMBLE COUNTY, TEXAS.

Being all that certain tract or parcel of land lying and being situated in the County of Kimble, State of Texas, comprising a total of 1907.04 acres of land out of the following Original Surveys:

Survey	Original Grantee	Block	Abst.	Acres±
N/2 6	C.W. Cross	G	1575	319.72
S/2 6	C.W. Cross	G	1976	318.28
15	J.W. Garrett	G	1592	634.53
35	G.H.&S.A. Ry. Co.	D	191	634.51
			Total	1907.04

The said 1907.04 acres of land being the same tract of land described as 1915.341 acres, save and except a 1.435 acre tract, in a deed from R.D. Kothmann, et ux to P. Greer Kothmann executed February 22, 1994 and recorded in Volume 127, Page 154 of the Deed Records of Kimble County, Texas. The said 1907.04 acres of land being further described by metes and bounds as follows:

BEGINNING at a 3-way fence corner post in the north line of F.M. Highway No. 479 marking the southwest corner of said 1915.341 acre tract, from which the southwest corner of said Survey No. 15 bears South, 50.0 feet said Survey corner being witnessed by a 10" now 23" L.O. bearing N 57° 45' E, 229.44 feet;

THENCE N 0° 54' E along fence and east line of a certain 475 acre tract (Vol.86 Pg.260) and east line of Survey No. 16, A-1742 as fenced a distance of 1412.75 feet to a point in fence;

THENCE N 0° 07' E along fence with the east line of said 475 acre tract and east line of a certain 825 acre tract (Vol.97 Pg.106) and east line of Survey No. 16 and Survey No. 5, A-209 as fenced a distance of 4738.44 feet to a point in fence;

THENCE N 0° 14' W along fence with the east line of said 825 acre tract and Survey No. 5 a distance of 4414.58 feet to a 3-way fence corner post at or near the southwest corner of said Survey No. 35;

THENCE N 0° 07' W along fence with the east line of a certain Tract Two (Vol.87 Pg.253) and east line of Survey No. 36, A-1490 as fenced a distance of 5233.99 feet to a fence corner post taken as the northwest corner of said Survey No. 35;

THENCE S 89° 41' E along fence with the south line of Survey No. 26, A-1496 and the south lines of a certain 181.5 acre tract (Vol.89 Pg.729) and a certain 266.8 acre tract (Vol.80 Pg.596) a distance of 5271.61 feet to a fence corner post taken as the northeast corner of said Survey No. 35;

THENCE S 0° 02' W along or near fence with the west line of Survey No. 34, A-1674 and west line of a certain 640 acre tract (Vol.78 Pg.780) a distance of 5266.30 feet to a point marking the common corner of Survey Nos. 6, 7, 34 and 35, from which a L.O. stump with set 3/8" iron stake bears S 1° 36' W, 83.3 feet and an old 3-way fence corner post bears N 50° 52' E, 5.3 feet;

THENCE S 0° 03' E along or near fence with the west line of Survey No. 7, A-210, west line of Survey No. 14, A-1933 and A-1918 and west line of the Quarry Ranch Subdivision (Vol.1 Pg.33 PR) a distance of 10563.12 feet to a fence corner post in the north line of F.M. Highway No. 479, from which the southeast corner of said Survey No. 15 bears S 0° 03' E, 45.42 feet said Survey corner being witnessed by a 7" now 12" L.O. bearing N 52° 21' E, 173.90 feet;

THENCE N 89° 22' W with the north line of said highway, at 1335.05 feet pass concrete right of way marker and continue in all a distance of 5281.57 feet to the place of BEGINNING, containing a gross total of 1908.475 acres of land.

SAVE AND EXCEPT from said 1908.475 acres a certain 1.435 acre tract of land described in a deed from R.D. Kothmann, et ux to American Telephone and Telegraph Company executed August 8, 1967 and recorded in Volume 75, Page 576 of the Deed Records of Kimble County, Texas.

The said 1.435 acres being out of the S 1/2 of Survey No. 6, C.W. Cross, Block G, Abstract No. 1976 and being further described by metes and bounds as follows:

BEGINNING at a 1" iron pipe with brass cap found marking the northwest corner of said 1.435 acre tract, from which the southwest and Beginning point of above described 1907.03 acre tract bears West, 65.14 feet and South, 6065.48 feet;

THENCE with the perimeter of said 1.435 acre tract from found 1" iron pipe to found 1" iron pipe as follows:

SOUTH, 250.00 feet;

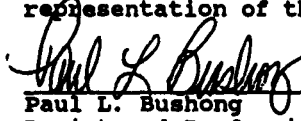
EAST, 250.00 feet;

NORTH, 250.00 feet; and

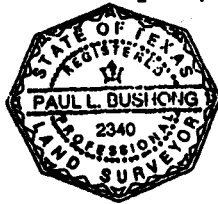
WEST, 250.00 feet to the place of BEGINNING, leaving a net total of 1907.04 acres of land.

THE STATE OF TEXAS
COUNTY OF KERR

I, Paul L. Bushong, a registered professional engineer and registered professional land surveyor, on the basis of my knowledge, information, and belief, hereby certify that as a result of a survey made on the ground under my supervision to the normal standards of care of professional land surveyors in Texas, this is an accurate representation of the property shown hereon.



Paul L. Bushong
Registered Professional Engineer No. 38177
Registered Professional Land Surveyor No. 2340
February 01, 1996



Paul Bushong Engineering

CIVIL ENGINEERING & LAND SURVEYING

402 Forest Ridge • Kerrville, Tx. 78028

TELE: 210/895-4953 • FAX: 210/895-2586

DESCRIPTION OF 115.00 ACRES OF LAND OUT OF SURVEY NO. 35 IN KIMBLE COUNTY, TEXAS.

Being all that certain tract or parcel of land lying and being situated in the County of Kimble, State of Texas, comprising a total of 115.00 acres of land out Survey No. 35, G.H.&S.A. Ry. Co., Block D, Abstract No. 191. The said 115.00 acres being a part of a certain 1915.341 acre tract described in a deed from R.D. Kothmann, et ux to P. Greer Kothmann dated February 22, 1994 and recorded in Volume 127, Page 154 of the Deed Records of Kimble County, Texas. The said 115.00 acres being further described by metes and bounds as follows:

BEGINNING at a fence corner post taken as the NW corner of said Survey No. 35, G.H.&S.A. Ry. Co. and being the occupational northwest corner of said 1915.341 acre tract;

THENCE S 0° 01' W along fence with the east line of a certain Tract Two (Vol.87 Pg. 253) and east line of Survey No. 36, A-1490 as fenced a distance of 2014.79 feet to a ½" iron set in the center of KC 412 road;

THENCE along or near the center of KC 412 road from set ½" iron stake to set ½" iron stake as follows:

S 40° 12' E, 319.82 feet;

S 83° 54' E, 460.50 feet;

S 74° 18' E, 819.54 feet; and

S 60° 44' E, 690.94 feet;

THENCE NORTH, 2856.40 feet to a ½" iron stake set in the north line of said Survey No. 35 as fenced;

THENCE N 89° 41' W along fence with the south line of Survey No. 26, A-1496 and south line of a certain 181.5 acre tract (Vol.89 Pg.729) a distance of 2055.20 feet to the place of BEGINNING.

**THE STATE OF TEXAS
COUNTY OF KERR**

I, Paul L. Bushong, a registered professional engineer and registered professional land surveyor, on the basis of my knowledge, information, and belief, hereby certify that as a result of a survey made on the ground under my supervision to the normal standards of care of professional land surveyors in Texas, this is an accurate representation of the property shown hereon.

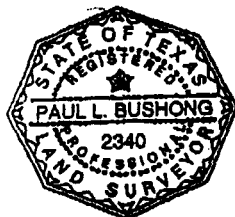


Paul L. Bushong

Registered Professional Engineer No. 38177

Registered Professional Land Surveyor No. 2340

April 24, 1996



Paul Bushong Engineering

CIVIL ENGINEERING & LAND SURVEYING

402 Forest Ridge • Kerrville, Tx. 78028

TELE: 210/896-4983 • FAX: 210/896-2586

DESCRIPTION OF 1.00 ACRES OF LAND OUT OF SURVEY NO. 35, G.H.&S.A. RY. CO., IN KIMBLE COUNTY, TEXAS.

Being all that certain tract or parcel of land lying and being situated in the County of Kimble, State of Texas, comprising a total of 1.00 acre of land out Survey No. 35, G.H.&S.A. Ry. Co., Block D, Abstract No. 191. The said 1.00 acre being a part of a certain 1915.341 acre tract described in a deed from R.D. Kothmann, et ux to P. Greer Kothmann dated February 22, 1994 and recorded in Volume 127, Page 154 of the Deed Records of Kimble County, Texas. The said 1.00 acre being further described by metes and bounds as follows:

BEGINNING at a ½" iron stake set marking the southeast corner of a certain 115.00 acre tract previously surveyed by me from which the northwest corner of said Survey No. 35 and northwest corner of said 1915.341 acre tract bears NORTH, 2856.40 feet and N 89° 41' W, 2055.20 feet;

THENCE NORTH with the east line of said 115.00 acre tract a distance of 238.92 feet to a set ½" iron stake;

THENCE over and across said 1915.341 acre tract, S 60° 44' E, 208.71 feet and **SOUTH**, 238.92 feet to a set ½" iron stake set in the approximate center of KC 412 road;

THENCE N 60° 44' W with the approximate center of said road a distance of 208.71 feet to the place of **BEGINNING**.

**THE STATE OF TEXAS
COUNTY OF KERR**

I, Paul L. Bushong, a registered professional engineer and registered professional land surveyor, on the basis of my knowledge, information, and belief, hereby certify that as a result of a survey made on the ground under my supervision to the normal standards of care of professional land surveyors in Texas, this is an accurate representation of the property shown hereon.



Paul L. Bushong

Registered Professional Engineer No. 38177

Registered Professional Land Surveyor No. 2340

April 24, 1996



Paul Bushong Engineering

CIVIL ENGINEERING & LAND SURVEYING
402 Forest Ridge • Kerrville, Tx. 78026
TEL: 210/998-4883 FAX: 210/998-2584

DESCRIPTION OF 240.48 ACRES OF LAND OUT OF SURVEY NOS. 6 AND 35 IN KIMBLE COUNTY, TEXAS.

Being all that certain tract or parcel of land lying and being situated in the County of Kimble, State of Texas, comprising a total of 240.48 acres of land, being approximately 108.98 acres out of W/2 of Survey No. 6, C.W. Cross, Block G, Abstract No. 1575 and approximately 131.50 acres out of Survey No. 35, G.N. & S.A. Ry. Co., Block D, Abstract No. 191. The said 240.48 acres being a part of a certain 1915.341 acre tract described in a deed from R.D. Kothmann, et ux to P. Greer Kothmann dated February 22, 1994 and recorded in Volume 127, Page 154 of the Deed Records of Kimble County, Texas. The said 240.48 acres being further described by metes and bounds as follows:

BEGINNING at a 1/2" iron stake set in the occupational west line of said Survey No. 35 and west line of said 1915.341 acre tract, from which a fence corner post taken as the NW corner of Survey No. 35 bears N 0° 01' E, 2014.79 feet and the SE corner of Survey No. 35 bears S 0° 12' E, 3219.21 feet and S 89° 20' E, 5257.44 feet (witnessed by a 3/8" iron stake set in L.O. stump bearing S 1° 36' W, 83.3 feet);

THENCE along or near the center of KC 412 road from set 1/2" iron stake to set 1/2" iron stake as follows:

S 40° 12' E, 319.82 feet;
S 83° 54' E, 460.80 feet;
S 74° 18' E, 819.54 feet; and
S 60° 44' E, 1065.55 feet to its intersection with KC 470 road;

THENCE along or near the center of KC 470 from set 1/2" iron stake to set 1/2" iron stake as follows:

S 19° 11' W, 638.97 feet;
S 32° 34' W, 515.86 feet;
S 1° 24' E, 1991.73 feet;
S 61° 00' W, 175.47 feet;
S 17° 57' E, 348.61 feet;
S 77° 41' W, 465.69 feet;
S 31° 09' W, 214.37 feet;
S 6° 50' W, 610.10 feet;
S 7° 24' E, 321.90 feet;
S 70° 48' E, 307.82 feet;
S 27° 44' E, 120.83 feet;
S 27° 09' W, 381.06 feet; and
S 84° 07' W, 1308.77 feet;

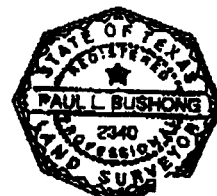
THENCE S 34° 55' W, 158.91 feet to a 1/2" iron stake set in fence and west line of said 1915.341 acre tract;

THENCE N 0° 14' W, 3233.38 feet and N 0° 12' W, 3219.21 feet to the place of BEGINNING.

THE STATE OF TEXAS COUNTY OF KERR

I, Paul L. Bushong, a registered professional engineer and registered professional land surveyor, on the basis of my knowledge, information, and belief, hereby certify that as a result of a survey made on the ground under my supervision to the normal standards of care of professional land surveyors in Texas, this is an accurate representation of the property shown hereon.

Paul L. Bushong
Paul L. Bushong
Registered Professional Engineer No. 38177
Registered Professional Land Surveyor No. 2340
April 01, 1996



PROVISIONS CONTAINED IN ANY DOCUMENT WHICH CONTRADICT THE SALE, REUSE, OR USE OF THE SEAL, PROPERTY REGISTERED THEREIN BECAUSE OF DATE OR COLOR ARE REVOKED UNDER FEDERAL LAW AND ARE UNENFORCEABLE.

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, REUSE, OR USE OF THE DESCRIBED SEAL PROPERTY BECAUSE OF COLOR OR DATE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

FILED FOR RECORD MAY 15, 1996 AT 1:57 P.M.
ELAINE CARPENTER, COUNTY CLERK; KIMBLE
COUNTY, TEXAS; BY HAYDEE TORRES, DEPUTY

EXHIBIT "B"
PAGE 3 OF 3 PAGES