

REVISION AND RENEWAL OF DEED RESTRICTIONS

THE STATE OF TEXAS

07/20/01 201563912 V187463

\$106.75

COUNTY OF HARRIS

WHEREAS, heretofore W. E. WHITE, being the sole owner of the lots and properties situated in BRAE-BURN ACRES, a subdivision in the J. R. Black Survey, Harris County, Texas, as recorded under File #347387, filed with the Office of the County Clerk of Harris County, Texas, July 25, 1946, and recorded May 26, 1947, a copy of said restrictions being attached by exhibit, did file certain restrictions of record to apply to each and every part of said subdivision, which restrictions were to operate as covenants running with the land and to remain in full force and effect on said land regardless of the ownership until 25 years; at which time said covenants shall be automatically extended for successive periods of 10 years unless by a vote of the majority of the then owners of the lots agree to change the said covenants in whole or in part; said restrictions being duly filed of record in Volume 1477, at Page 212 etc. of the Deed Records, Harris County, Texas; and

WHEREAS, the undersigned being a majority of the current lot owners of the above described subdivision known as BRAE-BURN ACRES, and desire to amend, delete and add to the above referred to restrictions, which restrictions together shall apply to each and every lot and part of said subdivision and shall operate as covenants running with the land to remain in full force and effect on the land regardless of the ownership in accordance with the terms set out in said restrictions as amended, commencing July 22, 2001, including automatically renewable.

HOLD FOR PICK-UP.

NOW THEREFORE, this Addendum, when executed by all parties hereto shall constitute an amendment to and become a part thereof of that one certain set of restrictions executed the 22nd day of July, A. D., 1946, executed by W. E. WHITE, duly filed in the Deed Records of Harris County, Texas, and as thereafter referred to by W. E. WHITE as BRAE-BURN ACRES, SECTION I, reference to which restrictions is made for all purposes as if copied verbatim herein.

I.

Paragraph 7(a) of said restrictions as above referred to is here amended to read as follows, to-wit:

"The ground floor area of the main structure in the case of a one story house shall not be less than 2000 square feet and 50% of the floor area of covered porches and attached garages shall be allowed as part of the floor area on the main structure. The exterior material of the dwelling on all lots shall not be less than 60% masonry. Percentage of masonry shall be computed by dividing the total square footage of the exterior masonry walls of the dwelling (excluding windows and doors) by the total square footage of the exterior masonry and non-masonry walls of the dwelling (excluding doors and windows). Masonry is defined as including brick, stucco, cement finish, and natural or man-made stone."

II.

Paragraph 7(b) of said restrictions as above referred to is hereby amended to read as follows, to-wit:

"All houses of 1 and ½ stories and 2 or more stories shall contain not less than 2600 square feet of floor area in the main structure and 50% of the floor area of covered porches and attached garages shall be allowed as part of the floor area of the main structure. The exterior material of the dwelling on all lots shall not be less than 60% masonry. Percentage of masonry shall be computed by dividing the total square footage of the exterior masonry of the dwelling (excluding windows and doors) by the total square footage of the exterior masonry and non-masonry walls of the dwelling (excluding doors and windows.) Masonry is defined as including brick, stucco, cement finish, and natural or man-made stone."

III.

Amendments of Paragraphs 7's (a) and (b) shall not affect any structure currently constructed on any lot in said subdivision that complies with the current restrictions prior to amendment; however, should any residence be remodeled by adding additional living space, then the improvements shall comply with said amended restrictions or if the improvements are rebuilt for any reason, then the rebuilt improvements shall comply with the restrictions as here amended.

IV.

The restrictions as above referred to are hereby amended by adding thereto a paragraph 15, to-wit:

"15. All buildings (new or remodeled) shall be built and remodeled with new materials and in no event shall any structure, of any kind, be moved onto the property, to be used as a residence, either temporarily or permanently."

V.

The restrictions as above referred to are hereby amended by adding thereto a paragraph numbered 16, to-wit:

"16. If any purchaser of any lot or property within said subdivision above referred to or any person claiming under such purchaser shall at any time violate or attempt to violate or shall omit to perform or observe any of the foregoing restrictions or conditions, it shall be lawful and the right for any person owning a lot or property in said subdivision, subject to these restrictions as amended or for any grantor of any lot or property to institute and prosecute appropriate proceedings at law or in equity including

the right of injunctive relief, with the right to recover reasonable attorney's fees, for the wrong.

The restrictions as above referred to are hereby amended by adding thereto a paragraph numbered 17, to-wit:

Architectural Control: "No building, including single family residence, private garage, or servant's quarters shall be erected, located, placed or allowed to remain on any lot without approval from The Architectural Control Committee, hereinafter referred to as the "Committee." The Committee shall have the exclusive authority and responsibility to approve or disapprove the plans and/or specifications for creation, modification, or relocation, of any and all such structures on all lots in the Subdivision. No such structure or exterior addition shall be commenced, constructed or erected, placed or maintained in the Subdivision until the construction plans and specifications therefore, together with a site plan showing the location of all structures with reference to property line, building lines and easements have been submitted to and approved in writing by the Committee.

The Committee shall have the full power and authority to reject any construction plans and specifications which do not comply with the restrictions herein imposed: failure to meet the Committee's minimum construction or architectural design requirements and/or that are not compatible with the single family residential character of the Subdivision. Completion of any structure or an alteration of, or addition to, any structure prior to Committee approval shall not constitute a defense to any suit for enforcement of these restrictions."

The Committee is composed of at least five property owners of the Subdivision, including the sitting President of the Brae Burn Acres Civic Association. The initial members shall be appointed by the President of the Civic Association.

In the event of death, incapacity, or resignation of any member of the Committee, the remaining member(s) shall have full authority to designate a successor(s) from among the property owners of the Subdivision. The membership of the Committee may also be altered by a majority of the lot owners through a written and duly recorded instrument to that effect. A majority of the Committee may designate a representative to act for it. Neither the members of the Committee, nor any designated representative, shall be entitled to any compensation for services performed pursuant to this covenant.

VI.

Paragraph 6 of said restrictions is hereby deleted in its entirety.

Original Deed Restrictions - Section I

STATE OF TEXAS
COUNTY OF HARRIS

347487

(1946)

WHEREAS, the undersigned, W. E. WHITE, is the sole owner of the lots and properties situated in ERAE-BORN ACRES, a subdivision in the J. R. Black Survey, in Harris County, Texas, according to the plat of said addition duly recorded in the office of the County Clerk of Harris County, Texas; and

WHEREAS, the lots so owned by the undersigned are about to be placed on the market for sale and it is desired that a uniform plan of restrictions be adopted and placed of record with respect to said lots;

NOW THEREFORE, I the said W. E. WHITE, do hereby declare that from henceforth the following restrictions shall apply with respect to said lots in said addition, and said lots shall from henceforth be subject to said restrictions as more fully set out, to-wit:

1. The land covered by these restrictions so long as they are in force shall not be subdivided or redivided.

2. All lots in this tract shall be known and described as residential lots and no part of said tract shall ever be used for any type of business or stores. All of said lots shall be used for single family, private residences only, and no flats, duplexes or apartment houses, though intended for residence purposes may be erected. No residence shall be used as a boarding or rooming house. A residence shall be considered a boarding or rooming house when more than two persons are provided board or lodging for hire.

3. No horses or live stock of any description shall be kept on any lot nearer than one hundred fifty (150) feet from any street line. Pigs, swine or cattle shall not be kept on any of the lots.

4. Grass, weeds and vegetation between the house and the street shall be mowed at regular intervals so as to maintain the same in a neat and attractive manner.

5. No business house, advertising sign, bill-board, sanitarium, hotel, saloon, factory, warehouse or place of business of any kind, shall be constructed, built, kept or maintained on said property, nor shall any house on the premises be used for such purpose or purposes.

6. The property herein described shall never be sold, devised, rented or leased to any person other than of the Caucasian race, except servants houses or rooms may be rented to domestic servants.

7. No residence or dwelling shall be erected unless in conformity with the following requirements:

(a) The ground floor area of the main structure in the case of a one story house shall not be less than 1250 square feet and 50% of the floor area of covered porches and attached garages shall be allowed as part of the floor area on the main structure.

CERTIFIED COPY CERTIFICATE
STATE OF TEXAS
COUNTY OF HARRIS

The foregoing is a true and correct photographic copy of the original record, now in my lawful custody and possession, filed on the date stamped thereon and recorded in the Record, Volume and Page as stamped thereon, I hereby certify on

APR 17 1978

R. E. TURRENTINE, JR.,
COUNTY CLERK
HARRIS COUNTY, TEXAS

By Mary R. Show
Deputy

MARY R. SHOW



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(b) All houses of 1½ and/or 2 stories shall contain not less than 1400 square feet of floor area in the main structure and 50% of the floor area of covered porches and attached garages shall be allowed as part of the floor area of the main structure.

8. No residence shall be erected nearer than 50 feet from the front property line, nor nearer than 25 feet from the side property line, nor nearer than 25 feet from the rear property line. These restrictions establishing building lines apply to porches, galleries, and porte-cocheres, but will not be construed to apply to the entrance steps or to terraces which have no roof or other covering. No garages or other outhouses shall be built nearer than 125 feet from the front property line other than garages that are attached to and made a part of the main building.

9. No garage, trailer, barn or other outhouse erected on any of the lots in this addition shall at any time be occupied as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence.

10. Easements affecting all lots in this tract are reserved as shown on the recorded plat for utility and drainage installation and maintenance.

11. These covenants are to run with the land and shall be binding on all the parties and all persons claiming them until twenty-five (25) years, at which time said covenants shall be automatically extended for successive periods of 10 years unless by a vote of the majority of the then owners of the lots it is agreed to change the said covenants in whole or in part.

12. If the parties hereto or any of them or their heirs or assigns shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning any real property situated in said tract to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant, or to prevent him or them from doing, or to recover damages or other costs for such violation.

13. Invalidity of any one of these covenants by judgement or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

14. Each lot is hereby designated as a building site and only one residence shall be constructed on each site except that Lot No. FOUR (4) may be subdivided into two (2) building sites and two (2) residences with necessary outbuildings may be constructed thereon.

EXECUTED this the 22nd day of July, A. D. 1946.

W. E. White
(W. E. White)

STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared W. E. WHITE known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 25 day of July, A. D. 1946.

Louis M. Tughr
Notary Public in and for Harris
County, Texas

Filed for record July 25, 1946, at 3:50 o'clock P.M.
Recorded May 26, 1947, at 2:40 o'clock P.M.
By D. MILLER, Clerk, County Court, Harris County, Texas
By Janice Bracy, Deputy

CERTIFIED COPY CERTIFICATE
STATE OF TEXAS
COUNTY OF HARRIS

The foregoing is a true and correct photographic copy of the original record, now in my lawful custody and possession, filed on the date stamped thereon and recorded in the Record, Volume and Page as stamped thereon, I hereby certify on

APR 17 1978

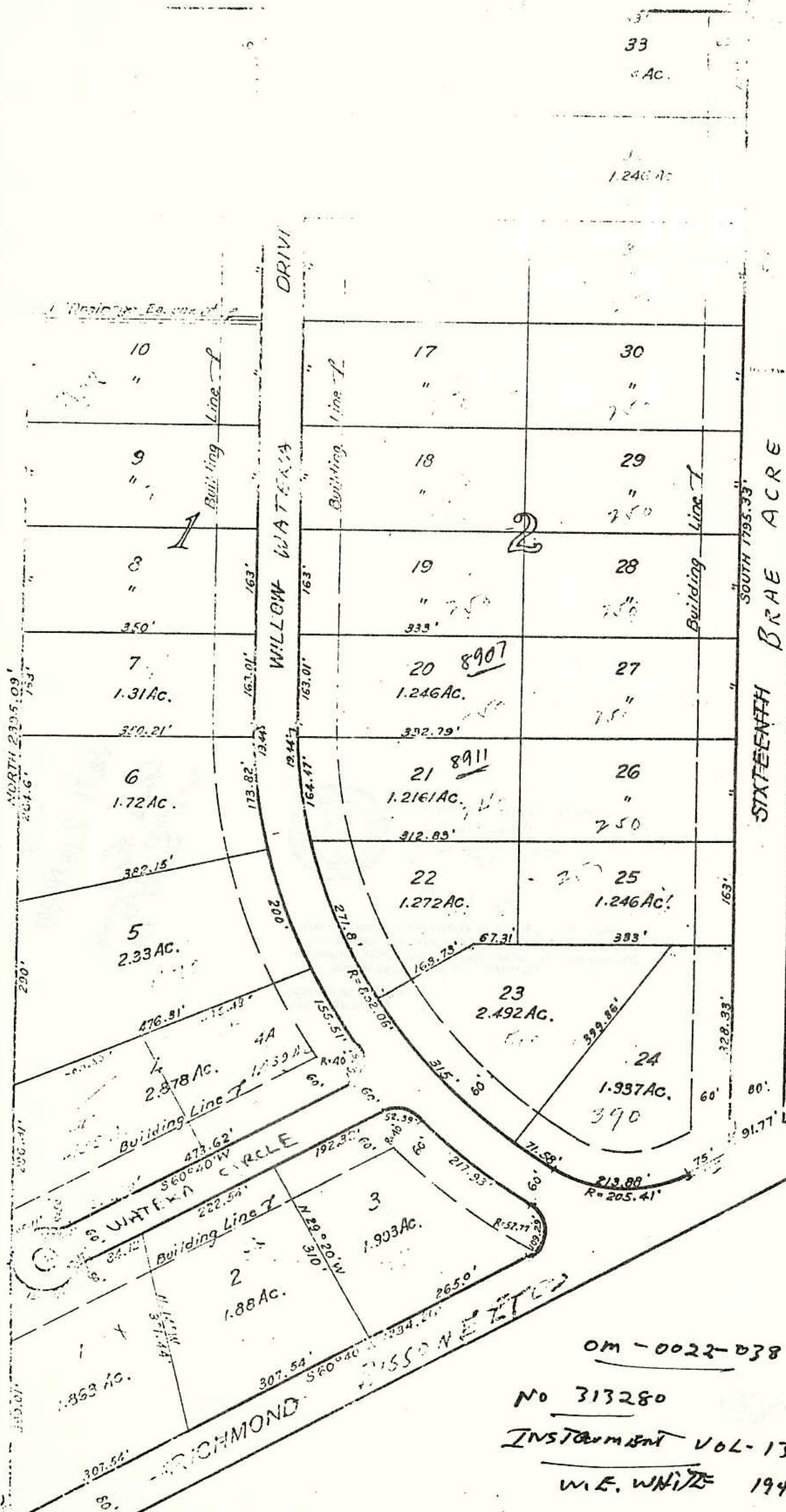
R. E. TURRENTINE, JR.,
COUNTY CLERK
HARRIS COUNTY, TEXAS

By Mary R. Show
Deputy

MARY R. SHOW

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RECORDER'S MEMORANDUM:
At the time of recording, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

APPROVED FOR RECORDING ONLY

Richard A. D. D.
County Engineer

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No 313280
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W.E. WHITE 1946 DEED RE