

REVISION AND RENEWAL OF DEED RESTRICTIONS

THE STATE OF TEXAS

COUNTY OF HARRIS

07/20/01 201563913 V187464

\$120.50

WHEREAS, heretofore W. E. WHITE, being the sole owner of the lots and properties situated in BRAE BURN ACRES, SECTION II, a subdivision in the J. R. Black Survey, Harris County, Texas, consisting of Lots thirty five (35) numbered consecutively through seventy two (72) – total of 38 lots, according to the Map or Plat thereof recorded in Volume 26, page 25 and in Volume 55, page 29 of the Map Records of Harris County, Texas, did draft deed restrictions dated July 22, 1946, filed with the Office of the County Clerk of Harris County, Texas, January 20, 1948 and recorded April 15, 1948, a copy of said restrictions being attached by exhibit. These 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 1714, Pages 643-644 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, SECTION II 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

Hold for Pick-up.

of the ownership in accordance with the terms set out in said restrictions as amended, commencing July 22, 2001, including automatically renewable.

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 II, 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.

WHEREAS, the undersigned, *W. E. White*, is the sole owner of the lots and properties situated in *BASE-BURN 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; *Under Co. Clerk File No. 483568 Filed 12-9-47*

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.
 - (b) All houses of $1\frac{1}{2}$ 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 60 feet from the front property line, nor nearer than 25 feet from the side 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.

200-77-2355

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 so 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 out-buildings may be constructed thereon. Lots 65, 66, 67 and 68 may also be divided into two(2) sites of equal depth fronting on Willow Dr. and Avenue J.

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

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

SINGLE ACKNOWLEDGMENT

THE 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 19th day of January A.D. 19 48

Louis M. Taylor
Notary Public in and for HARRIS

County, Texas

642—THE ODEE COMPANY, PUBLISHERS—DALLAS

Filed for Record at O'clock

Recorded at O'clock

W. E. White, Clerk of County Court, Harris County, Texas.

By Deputy

No. 66 75400

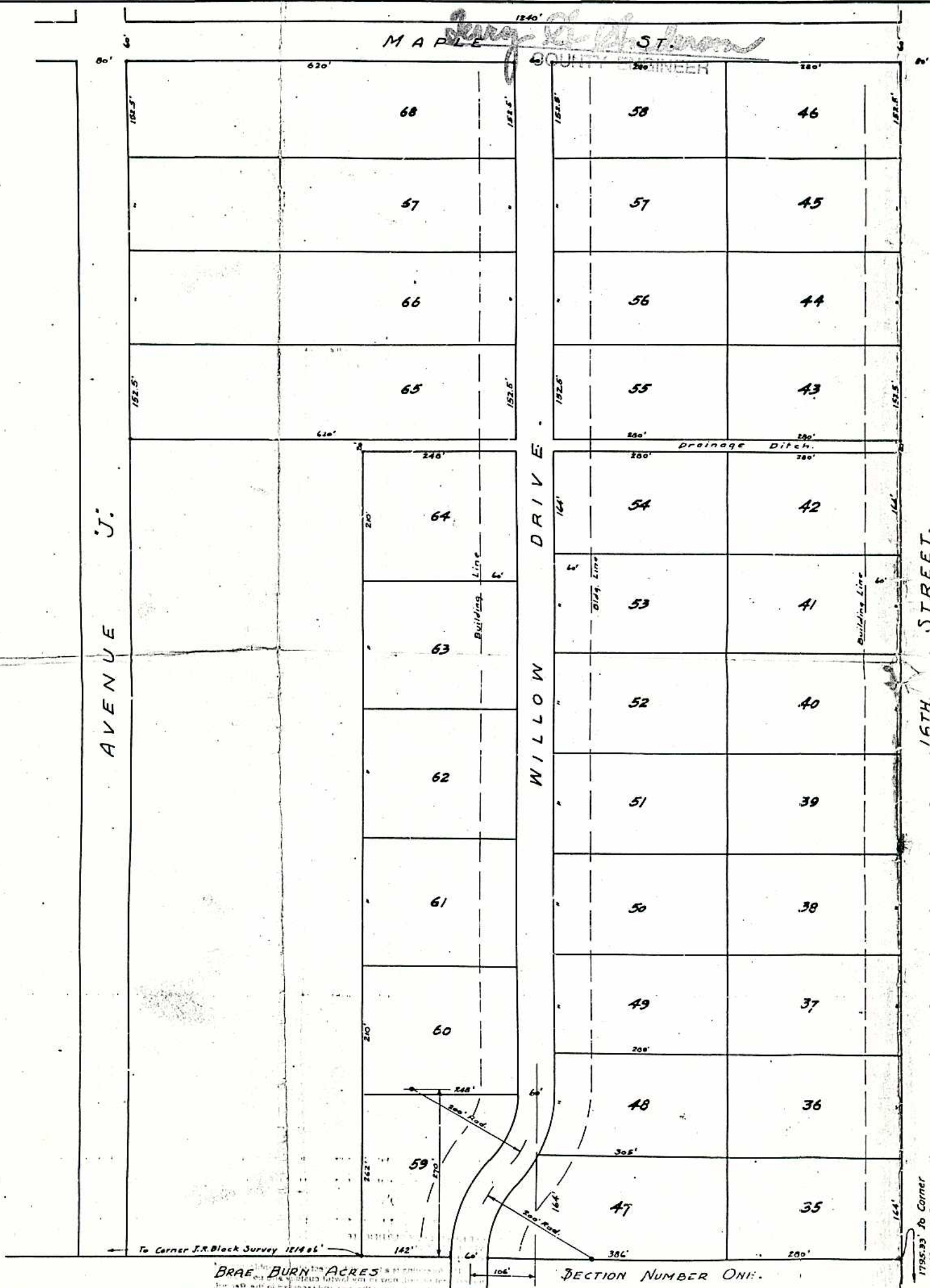
SEP-23-41 8:33:31

66 75400

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OFFICE OF

APPROVED FOR RECORDING ONLY



901-1-1004

THE COUNTY OF
SOUTHERN DISTRICT
SOUTH AFRICA

25

BRAE BURN ACRES

SECTION No. 2.



STATE OF TEXAS.
COUNTY OF HARRIS.

KNOW ALL MEN BY THESE PRESENTS THAT I, W.E. WHITE, OWNER of the property shown subdivided hereon in the map of the SECOND SUBDIVISION of BRAE BURN ACRES, do hereby make subdivision of the said property according to the lines, lots, roads, streets, alleys, parks, playgrounds and easements shown in the plat thereof, and designate said subdivision as BRAE BURN ACRES, and being located in the J.R. BLACK SURVEY, in Harris County, Texas, and I do hereby dedicate to the public use all of the roads, streets, alleys, parks, playgrounds and easements shown in the said plat, and do hereby waive any claim for damages occasioned by the establishing of grades as approved for streets and alleys dedicated or occasioned by the alteration of the surface of any portion of the streets and alleys to conform to such grades.

Further, I do hereby dedicate forever to the public all the land within the slopes of any and all gullies, ravines, draws, sloughs or other natural drainage courses located in said subdivision in the said subdivision, and giving Harris County and/or any other public agency the right to enter upon easements of any and all times for the purpose of constructing and/or maintaining drainage other work.

Further, all of the property subdivided as shown in the plat of the SECOND SUBDIVISION of BRAE BURN ACRES shall be restricted in its use, which restrictions shall run with the title of the property, and shall be enforceable at the option of Harris County, Texas, or any citizen thereof, by injunction as follows:-

1st.- The drainage of septic tanks into road, streets, alleys, or other public ditches, either directly or indirectly, is strictly prohibited.

2nd.- Drainage structures under private driveways shall have a net drainage opening of sufficient size to permit the free flow of water without backwater, and shall be a minimum of one and three-quarter (1 3/4) square feet, or 18" diameter pipe culvert. Culverts must be used for all driveways and/or walkways.

Witness, my hand and signature, in Houston, Harris County, Texas, this 11th day of November 1947

W.E. White
OWNER.

APPROVED FOR RECORDING ONLY

Before me, the undersigned authority, on this personally appeared W.E. WHITE, known to me to be the person whose name is subscribed to the foregoing instrument and who acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office in Houston, Harris County, Texas, this 11th day of November, A.D. 1947.

Georgia Nicholson
Notary Public, Harris County, Texas.

COUNTY ENGINEER

This is to certify that I, M.C. St. John, Registered and Licensed Engineer of the State of Texas, have platted the above subdivision from an actual survey of the land, and that all block corners are properly marked with 1" iron pipes, and that the subdivision and plat were made in accordance with the requirements and regulations of the Commissioners Court of Harris County, Texas, of this date. 25-Oct-47.

M.C. St. John — Engineer.

This is to certify that the above and foregoing plat and subdivision complies with the rules and regulations of the Commissioners Court of Harris County in effect this date.

W.D. Miller County Engineer.

Approved, by the Commissioners Court of Harris County, Texas, this 24 day of November, A.D. 1947.

R. H. Townsend
Comm'r Precinct No. 1.

H. A. May
Comm'r Precinct No. 2.

E. M. Smith
Comm'r Precinct No. 3.

E. J. Pous Jr.
Comm'r Precinct No. 4.

Henry A. Smith County Judge.

This is to certify that this plat and subdivision of property, with its certificate of authentication, was filed for registration in my office on the ___ day of ___ A.D. 1947, at ___ M., and was duly recorded in Vol. ___ P. ___ of the County Record of Maps on the ___ day of ___ 1947, at ___ M.

County Clerk, Harris County, Texas.

Filed for record Dec. 8, 1947, at 2:55 O'clock P.M.

Recorded Jan. 6, 1948, at 9:35 O'clock A.M.

W. D. MILLER, Clerk County Court, Harris County, Texas.

By *W. R. Wiseman* Deputy.

M. C. ST. JOHN ENGINEERS. — 47-403.

HOLD FOR PICK UP

200-77-2359

PROPOSED

SHARPSTOWN

SEC. 3

APPROVED FOR RECORDING ONLY

TROULON

DRIVE

EAST 620.08'

310.08'

310.00'

25' Building

COUNTY ENGINEER

69

68

10' Utilities

Easement

310.17'

310.00'

70

67

BLOCK

I

310.22'

310.00'

71

66

10' Utilities

Easement

310.05'

310.00'

72

65

N 89° 54' W

20' Drainage Ditch

620.44'

310.24'

310.00'

BRAEBURN GLEN

SEC. 2 (PROPOSED)

BRAE BURN ACRES SEC. NO. 2

REPLAT OF LOTS 65-66-67 & 68

"BRAE BURN ACRES SEC. NO. 2"

BEING 8.65 ACRES OUT OF THE J.R. BLACK SURVEY
HOUSTON, HARRIS COUNTY, TEXAS

SCALE: 1" = 50'

APRIL, 1957

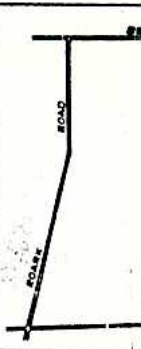
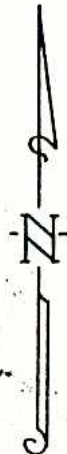
EDMINSTER ENGINEERING CO.

I BLOCK

8 LOTS

1773506

4:15
JUL 3 1957



STATE OF TEXAS:
COUNTY OF HARRIS:

I, W.E. White, owner of the property subdivided in the above and foregoing map of the Replat of Lots 65-66-67 & 68, BRAE BURN ACRES, SEC. 2, do hereby make subdivision of said property, according to the lines, streets, lots, alleys, parks, building lines, and easements therein shown, and designate said subdivision as Replat of Lots 65-66-67 & 68, BRAE BURN ACRES, SEC. 2, in the J.R. BLACK Survey, Harris County Texas, and dedicate to public use as such, the streets, alleys, parks and easements shown thereon forever; and do hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of streets or alleys to conform to such grades and do hereby bind myself, my heirs and assigns to warrant and forever defend the title to the land so dedicated.

We, W.N. Greer and Arthur V. Pace, President and Vice-President respectively of Citizens State Bank, owner and holder of a lien upon said property, do hereby ratify and confirm said subdivision and dedication, and do hereby in all things subordinate to said subdivision and dedication the lien against said land owned and held by Citizens State Bank.

There is also dedicated for utilities an unobstructed aerial easement five (5) feet wide from a plane twenty (20) feet above the ground upward located adjacent to all easements shown hereon.

I, hereby covenant and agree that all lots within the boundaries of this subdivision are for residential purposes unless otherwise noted.

Witness our hand in Houston, Harris County, Texas this 30th day of April, 1957.

CITIZENS STATE BANK

W.E. White
President
W.N. Greer
Vice-President

W.E. White
Owner

STATE OF TEXAS:
COUNTY OF HARRIS:

Before me, the undersigned authority, 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 set forth.

Given under my hand and seal of office, this 30th day of April, 1957.

Mabel J. Edminster
Notary Public, in and for
Harris County, Texas

STATE OF TEXAS:
COUNTY OF HARRIS:

Before me, the undersigned authority, on this day personally appeared W.N. Greer, President, and Arthur V. Pace, Vice-President of the Citizens State Bank, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed, and in the capacity therein and herein set out, and as the act and deed of said corporation.

Given under my hand and seal of office this 1st day of May, 1957.

Jacqueline Clark
Notary Public, in and for
Harris County, Texas

This is to certify that I, T.C. Edminster, Jr., a registered engineer of the State of Texas, have plotted the above subdivisions from an actual survey on the ground; and that all block corners, angle points and points of curve are properly marked with iron pipes 3" long and 1" in diameter, and that this plat correctly represents that survey made by me.

T.C. Edminster, Jr.
Engineer
Texas Registration No. 3549

This is to certify that the City Planning Commission of the City of Houston, Texas, has approved this plat and subdivisions of Replat of Lots 65-66-67 & 68 Brae Burn Acres, Sec. 2 as shown hereon.

In testimony whereof, witness the official signature of the Chairman and Secretary of the City Planning Commission of the City of Houston, Texas this 27 day of May, 1957.

Ralph S. Elliott
Secretary-Engineer

M.B. Maltz
Chairman

STATE OF TEXAS:
COUNTY OF HARRIS:

I, W.D. Miller, Clerk of the County Court of Harris County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on 1957 at 8 o'clock M. and duly recorded on 1957 at 8 o'clock M. in Vol. 1957 of record of 1957.

Witness my hand and seal of office, at Houston, the day and date last above written.

W.D. Miller, Clerk, County Court
Harris County, Texas

By: _____ Deputy

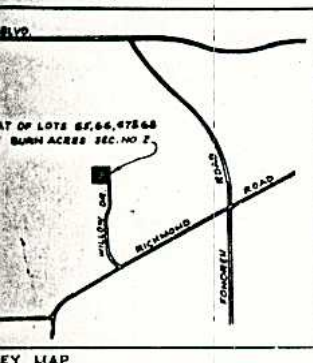
FILED FOR RECORD July 3, 1957 AT 4:15 O'CLOCK A.M.

RECORDED Sept. 6, 1957 AT 3:25 O'CLOCK P.M.

W.D. MILLER, CLERK COUNTY COURT, HARRIS COUNTY, TEXAS

BY W.R. Wiseman DEPUTY

APPROVED FOR RECORDING ONLY



100 0 50 100 200

RECORDER'S MEMORANDUM

AT THE TIME OF RECORDATION THIS INSTRUMENT WAS FOUND TO BE INADEQUATE FOR THE BEST PHOTOGRAPHIC REPRODUCTION BECAUSE OF ILLEGIBILITY, CARBON COPY, PHOTO COPY, DISCOLORED PAPER, ETC.

Jerry A. Edminster
COUNTY ENGINEER

1785-A-2-PR