

170073156

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS (the "Declaration") is executed this 18th day of October, 2017, ("Effective Date"), by JOHN MORROW, SR. and JOHN MORROW, JR. (collectively "Declarant").

RECITALS:

A. Declarant is the owner of that certain tract of land situated in the Williamson County, Texas, and being more particularly described on Exhibit "A" attached hereto and incorporated herein (the "Property").

B. Declarant desires to impose certain restrictions on the Property.

NOW THEREFORE, for good and valuable consideration, Declarant declares that the Property is and shall be held, transferred, sold, conveyed, occupied, used, and enjoyed subject to the covenants, conditions, restrictions, and regulations hereinafter set forth:

1. Residential occupancy shall be restricted to single family dwellings. No mobile homes, modular homes, or portable residences of any kind are permitted. Only one primary residence and one guest house shall be permitted on any tract created by a sale or other transfer of a portion of the Property. All residential structures shall be of new construction. A primary residence must contain at least 1,800 square feet of living space exclusive of porches, garages and carports. After, or current with, the construction of a primary residence, a guest house may also be constructed which shall contain no more than 1,000 square feet of living space exclusive of porches, garages and carports and be constructed of the same materials and type of construction as the primary residence. Primary residences and guest houses must be constructed of at least 40% masonry (Hardiplank and similar products are not considered masonry). Log homes shall not be subject to the masonry requirement.
2. All residential structures shall be connected to the sewer system or septic tank, which meets all specifications of the County and State Health Departments. No privies or out-house toilets shall be allowed (except during construction) and no waste shall be allowed to discharge on top of the ground.
3. No vehicles over one ton shall be stored on the Property. No junk motor vehicles or parts thereof, junk, debris, old lumber or other building materials shall be stored on the Property which cause the Property to be unsightly.
4. No firearms shall be discharged on any tract with the exception of shotguns during dove season.

5. There is hereby reserved to Declarant a 25' easement along all boundary lines of the Property having a common boundary with County Road 329 or County Road 331 for the installation and maintenance of utilities and a 50' for easement the installation and maintenance of utilities along those three boundary lines designated as "50 Easements" on Exhibit "C" attached hereto. No building shall be constructed within any of the easements.
6. The Property shall not be subdivided into tracts of less than ten (10) acres.
7. The provisions set forth in 1 above notwithstanding, the owners of the Property shall be allowed to park a recreational vehicle or travel trailer on the Property provided it is not used as a residence on the Property and not used for commercial purposes. Recreational vehicle parks are prohibited.
8. The following limits shall apply to animals on any tract:
 - No more than one horse or cow per acre.
 - No more than 5 goats per acre.
 - Common domesticated pets, such as dogs and cats shall not exceed 6 in total on any tract and must be confined to a fenced area or within the residence.
 - No more than 25 chickens may be kept for personal use. No commercial poultry business shall be permitted.
 - No swine shall be permitted except that no more than 5 may be permitted for FHA or 4H projects.
 - No dangerous or wild animals shall be permitted.
9. No professional, business, or commercial activity to which the public is invited shall be conducted on the Property. The Property may be used and developed for agricultural purposes.
10. No outside storage shall be permitted.
11. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five (25) years from the date these covenants are recorded, after which time the covenants shall be automatically extended for successive periods of ten (10) years unless amended or terminated in accordance with Paragraph 13 below. This Declaration will not be subject to the doctrine of merger, even though the underlying fee ownership of the Property, or any parts thereof, is vested in one party or entity.
12. Declarant hereby retains the right to assign to any one or more third parties all or any portion of Declarant's rights under this Declaration, including, but not limited to, the right to approve or disapprove plans and specifications and the right to grant variances. In the event Declarant elects to assign such rights, such assignment shall be evidenced by an instrument in writing, executed and

acknowledged and filed in the Official Public Records of Williamson County, Texas. Upon and after the recordation of any such assignment, Declarant's assignee will have all the rights and benefits of Declarant under this Declaration. Declarant may transfer or assign, in whole or in part, any easement retained herein.

13. The terms, covenants, conditions and restrictions, set out in this Declaration will inure to the benefit of and be enforceable by Declarant and its respective legal representatives, successors, and assigns. This Declaration may be amended by the recording of a written instrument in the Official Public Records of Williamson County, Texas, executed and acknowledged by (i) Declarant (or its permitted assignee) and (ii) a majority (as determined by acreage owned) of the then owners of the Property. Declarant retains the right to grant variances from these restrictions.
14. Declarant, or its permitted successor or assignee, will have the right to enforce all of the provisions of this Declaration. Such right of enforcement will include both damages for and injunctive relief against the breach of any provision hereof. Every act or omission whereby any provision of this Declaration is violated, in whole or in part, is hereby declared to be a nuisance and may be enjoined or abated by Declarant or its permitted assignee. Declarant's failure to enforce any provision of this Declaration at any time will not constitute a waiver of the right thereafter to enforce any such provision or any other provision of this Declaration.
15. The provisions of this Declaration will be deemed independent and severable, and the invalidity or partial invalidity of any provision or portion hereof will not affect the validity or enforceability of any other provision.
16. THIS DECLARATION AND ALL RIGHTS AND OBLIGATIONS CREATED HEREBY SHALL BE GOVERNED BY AND INTERPRETED UNDER THE LAWS OF THE STATE OF TEXAS.

[Signature Page Follows]

WITNESS MY HAND on this the 18th day of October, 2017.

DECLARANT:

[Signature]
JOHN MORROW, SR.

[Signature]
JOHN MORROW, JR.

STATE OF TEXAS §
 §
COUNTY OF WILLIAMSON §

This instrument was acknowledged before me on the 18th day of October, 2017, by JOHN MORROW, SR.

(seal) 

[Signature]
Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF WILLIAMSON §

This instrument was acknowledged before me on the 18th day of October, 2017, by JOHN MORROW, JR.

(seal) 

[Signature]
Notary Public, State of Texas

EXHIBIT "A"**PROPERTY DESCRIPTION**

TRACT 1: Being 91.75 acres, more or less, out of the ANDREW WILLETT SURVEY, ABSTRACT NO. 750, the J.J. STUBBLEFIELD SURVEY, ABSTRACT NO. 565, and the JOHN EADS SURVEY, ABSTRACT NO. 221, and being a portion of those tracts described in a deed to Norbert Kasperik, recorded in Volume 332, Page 199, a deed to Norbert Kasperik, Alvina Kasperik, and Selma Kasperik, recorded in Volume 338, Page 175, and a deed to John Kasperik, recorded in Volume 176, Page 514, all of the Deed Records of Williamson County, Texas; said 91.75 acres being more particularly described by metes and bounds on Exhibit "A" attached hereto.

TRACT 2: Being 91.75 acres, more or less, out of the ANDREW WILLETT SURVEY, ABSTRACT NO. 750, the J.J. STUBBLEFIELD SURVEY, ABSTRACT NO. 565, and the JOHN EADS SURVEY, ABSTRACT NO. 221, and being a portion of those tracts described in a deed to Norbert Kasperik, and recorded in Volume 332, Page 199, and a deed to Norbert Kasperik, Alvina Kasperik, and Selma Kasperik, and recorded in Volume 338, Page 175, Deed Records of Williamson County, Texas; said 91.75 acres being more particularly described by metes and bounds on Exhibit "B" attached hereto.

Exhibit "A"

91.75 ACRES

91.75 ACRES OUT OF THE ANDREW WILLITT SURVEY ABSTRACT No. 750, THE J.J STUBBLEFIELD SURVEY ABSTRACT No. 565, AND THE JOHN EADS SURVEY ABSTRACT No. 221, AND BEING A PORTION OF THOSE TRACTS DESCRIBED IN A DEED TO NORBERT KASPERIK, RECORDED IN VOLUME 332, PAGE 199, A DEED TO NORBERT KASPERIK, ALVINA KASPERIK, JOHN KASPERIK, AND SELMA KASPERIK, RECORDED IN VOLUME 338, PAGE 175, AND A DEED TO JOHN KASPERICK, RECORDED IN VOLUME 176, PAGE 514, ALL OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS.

as surveyed on the ground on this, the 3rd day of August, 2017, by Texas Land Surveying, Inc., and further described by metes and bounds as follows;

BEGINNING: at a car axle found in the west margin of County Road 331, for the northeast corner of that tract described in a Warranty Deed to Herbert and Mary Koch and recorded in Volume 571, Page 232, said deed records, for the southeast corner of this tract, from which a "Mag" nail in concrete found for the southeast corner of said Koch tract bears : S 17°25'24" W 1526.23 feet;

THENCE: S 69°14'43" W 1595.30 feet with the north line of said Koch tract to a 1/2" iron rod with no cap found in the north margin of County Road 329, for the northwest corner of said Koch tract;

THENCE: 76.44 feet along a curve to the left (delta=18°34'03", r=235.89', LC=N-82°13'59" W 76.11') to a 1/2" iron rod with plastic cap stamped " TLS INC" set for the southwest corner of this tract;

THENCE: into and across the previous said Kasperik and Kasperick tracts the following two (2) courses:

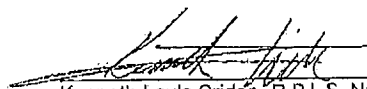
1. N 10°28'03" W 1654.22 feet to a 1/2" iron rod with plastic cap stamped "TLS INC" set for the northwest corner of this tract,
2. N 55°38'08" E 1795.44 feet to a 1/2" iron rod with no cap found for the southwest corner of that tract described in a Deed to Gilbert and Edna Kurio and recorded in Volume 486, Page 552 of said deed records for an angle point in the north line of this tract;

THENCE; with the south line of said Kurio tract the following three (3) courses:

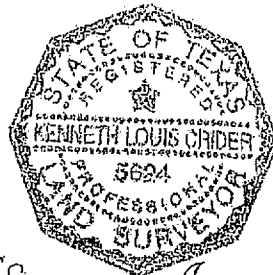
1. S 84°34'45" E 298.79 feet to a 1/2" iron rod found in concrete,
2. S 44°07'06" E 552.24 feet to a 1/2" iron rod with no cap found,
3. N 89°32'11" E 225.37 feet to a 1/2" iron rod found with no cap in the west margin of said county road 331 for the southeast corner of said Kurio tract, and the northeast corner of this tract;

THENCE: S 17°25'18" W 1742.15 feet with the west margin of said county road 331 to the Point of Beginning.

Bearings cited herein based on: Texas State Plane Coordinate System, Grid North, Central Zone, Texas NAD 83(93).


 Kenneth Louis Crider, R.P.L.S. No. 5624
 Texas Land Surveying, Inc.
 3613 Williams Drive, Suite 903
 Georgetown, Texas 78628

8-24-17



Texas Land Surveying, Inc.

-A Land Surveying and Geoscience Firm-
 3613 Williams Drive, Suite 903 - Georgetown, Texas 78628
 (512) 930-1600 / (512) 930-9389 fax www.texas-ls.com
 TBPLS FIRM No. 10056200 GEOSCIENCE FIRM No. 50538

Exhibit "B"

91.75 ACRES

91.75 ACRES OUT OF THE ANDREW WILLITT SURVEY ABSTRACT No. 750, THE J.J. STUBBLEFIELD SURVEY ABSTRACT No. 565, AND THE JOHN EADS SURVEY ABSTRACT No. 221, AND BEING A PORTION OF THOSE TRACTS DESCRIBED IN A DEED TO NORBERT KASPERIK AND RECORDED IN VOLUME 332, PAGE 199 AND A DEED TO NORBERT KASPERIK, ALVINA KASPERIK, JOHN KASPERIK, AND SELMA KASPERIK AND RECORDED IN VOLUME 338, PAGE 175, DEED RECORDS OF WILLIAMSON COUNTY, TEXAS.

as surveyed on the ground on this, the 17th day of August, 2017, by Texas Land Surveying, Inc., and further described by metes and bounds as follows:

BEGINNING: at a 1/2" iron rod with plastic cap stamped "Forest" found in the north margin of County Road 329 for the southeast corner of this tract, from which a 1/2" iron found for the northwest corner of that tract described in a Warranty Deed to Herbert and Mary Koch and recorded in Volume 571, Page 232 of said deed records bears: N 88°02'36" E 153.63 feet;

THENCE: along the north and northeasterly margin of said county road 329 the following six (6) courses:


1. S 68°59'05" W 2088.44 feet to a 1/2" inch iron rod with plastic cap stamped "Forest" found,
2. 174.01 feet along a curve to the right (delta=49°50'36", r=200.00', LC=N 86°05'09" W 168.58') to a 1/2" iron rod with plastic cap stamped "Forest" found, for the southwest corner of this tract,
3. N 60°53'57" W 286.38 feet to a cotton spindle found,
4. N 61°22'05" W 481.52 feet to a 1/2" iron rod with plastic cap stamped "Forest" found,
5. N 60°30'42" W 549.45 feet to a 1/2" iron rod with plastic cap stamped "Forest" found,
6. N 53°48'27" W 109.94 feet to a 1/2" iron rod with plastic cap stamped "Forest" found, for the northwest corner of this tract, from which a 1/2" iron rod with plastic cap stamped "Forest" found bears: N 55°55'33" W 11.23 feet;

THENCE: into and across the previous said Kasperik tracts the following four (4) courses:

1. N 51°55'46" E 970.16 feet to a 1/2" inch iron rod with plastic cap stamped "Forest" found,
2. N 88°15'18" E 835.42 feet to a 1/2" inch iron rod with plastic cap stamped "Forest" found,
3. N 55°38'08" E 1861.26 feet to a 1/2" inch iron rod with plastic cap stamped "TLS INC" set, for the northeast corner of this tract,
4. S 10°28'03" E 1654.22 feet to a 1/2" inch iron rod with plastic cap stamped "TLS INC" set in the curving north margin of said county road for the southeast corner of this tract;

THENCE: with the north margin of said county road, 80.07 feet along a curve to the left (delta=19°26'52", r=235.89', LC= S 78°45'34" W 79.68') to the Point of Beginning.

Bearings cited herein based on: Texas State Plane Coordinate System, Grid North, Central Zone, Texas NAD 83(93).


 Kenneth Louis Criger, R.P.L.S. No. 5624
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 TBPLS FIRM No. 10056200 GEOSCIENCE FIRM No. 50538

Exhibit "C"

DESIGNATION OF 50' EASEMENTS

**ELECTRONICALLY RECORDED
OFFICIAL PUBLIC RECORDS**

2017096817

Pages: 10 Fee: \$57.00
10/18/2017 11:25 AM



Nancy E. Rister

Nancy E. Rister, County Clerk
Williamson County, Texas