

DECLARATION OF EASEMENTS AND RESTRICTIONS

THE STATE OF TEXAS §

§

COUNTY OF GILLESPIE §

This Declaration of Easements and Restrictions, is made on the date hereinafter set forth by TAKA 24 HOLDINGS LLC, a Texas limited liability company (the "Declarant").

WITNESSETH:

WHEREAS, Declarant owns the real property in Gillespie County, Texas, containing approximately 183.518 acres, and being legally described in Exhibit "A" attached hereto (the "Property"); and

WHEREAS, it is the desire of Declarant to place certain restrictions, easements, covenants, conditions, stipulations and reservations upon and against such Property in order to establish a uniform plan for the development, improvement, and sale of the Property, and to insure the preservation of such uniform plan for the benefit of both the present and future Owners of tracts within the Property.

NOW, THEREFORE, Declarant hereby adopts, establishes, and imposes upon the Property, and declares the following reservations, easements, restrictions, covenants, and conditions, applicable thereto all of which are for the purposes of enhancing and protecting the value, desirability, and attractiveness of the Property, which Restrictions shall run with the Property, shall bind all parties having or acquiring any right, title or interest therein, or any part thereof, and shall inure to the benefit of each Owner thereof.

ARTICLE I
DEFINITIONS

Section 1.01 "Declarant" shall mean and refer to TAKA 24 HOLDINGS LLC, a Texas limited liability company, and its successors and assigns, if such successors or assigns are designated in writing by Declarant as a successor or assignee of all or part of the rights of the Declarant hereunder, including, but not limited to, any assignment to a lender furnishing financing for the development of the Property.

Section 1.02 "Declaration" shall mean and refer collectively to this instrument and the covenants, conditions, restrictions, reservations, easements, liens and charges imposed by, included, or expressed in this document.

Section 1.03 "Tract" shall mean and refer to each separate tract of land within the Property which may be conveyed by Declarant to a third-party purchaser.

Section 1.04 "Owner" shall mean and refer to the record owner, whether one (1) or more persons or entities, of fee simple title to any Tract, including contract sellers (a seller under a contract for deed), but excluding those having such interest merely as security for the performance of an obligation.

Section 1.05 "Representatives" shall mean representatives of the Declarant being TAKA 24 HOLDINGS LLC.

ARTICLE 2
EASEMENTS, RESERVATIONS, EXCEPTIONS AND DEDICATIONS

Section 2.01 Roadway Easement. Each Tract Owner shall grant, own and/or hold ingress and egress easement rights, in common with others, over, on and across a 7.889 acre easement being more particularly described in Exhibit "B" attached hereto and as described in the deed to each Tract. The Easement is appurtenant to and runs with and for the benefit of all or any portion of the Property, whether or not the Roadway Easement is referenced or described in any conveyance of all or such portion of the Property. In consideration of the mutual covenants contained herein, the owners of the Tracts agree to maintain the portion of the roadway located upon such Owner's Tract to its current specifications, and each Owner agrees not to construct any gates and/or roadblocks which may interfere with the use and enjoyment of the roadway by the other Owners. All decisions regarding the necessity for maintenance of the roadway will be made by a majority of Tract owners with each Tract owner receiving one (1) vote for each Acre owned. Decisions of a majority vote shall control with each Tract owner then being required to share equally in the cost of all maintenance, labor and materials. Payments shall be made within ten (10) days of receipt of statement of costs.

Section 2.02 Reservation of Roadway Easements. Reservation of Roadway Easements. Declarant reserves a perpetual non-exclusive ingress & egress easement, privilege and right in and to, over, under, on and across the 7.889 acre easement being more particularly described in Exhibit "B" attached hereto, for ingress and egress as required by its employees, agents, independent contractors, invitees and designees for use and maintenance of the Road Improvements and for access to the Property. The Easements are appurtenant to and run with and for the benefit of all or any portion of the Property, whether or not the Easements are referenced or described in any conveyance of all or such portion of the Property.

Section 2.03 Reservation of Utility Easement. Declarant reserves a Utility Easement over, under, and across the 7.889 acre tract of land being more particularly described in **Exhibit "B"** attached hereto, together with the rights to convey all or part of the Utility Easement to others, including utility companies and Tract Owners. The Utility Easement and the rights and privileges herein reserved shall be used for the purpose of running utility lines (overhead and underground), including placing, constructing, operating, repairing, inspecting, rebuilding, replacing, removing, and/or relocating lines, distribution facilities or equipment.

Section 2.04 Title Subject to Easements. It is expressly agreed and understood that the title conveyed by Declarant to any of the Tracts by deed shall be subject to any utility easement affecting the same and any other easement created in this Declaration or hereafter granted affecting the Tracts. The Owners of the respective Tracts shall not be deemed to own pipes, wires, conduits or other service lines running through their Tracts which are utilized for, or serve other Tracts, but each Owner shall have an easement in and to the aforesaid facilities as shall be necessary for the use, maintenance and enjoyment of his Tract.

ARTICLE 3
USE RESTRICTIONS

Section 3.01 General Restriction. All Tracts shall be used for Residential Use. No manufactured home, modular home, pre-manufactured home, industrial built home, trailer home, or mobile home may ever be placed on a Tract, except as a temporary construction office during active construction for a period not to exceed twelve (12) months. No, trailer, mobile home, recreational vehicle, tent, shack, garage, storage building or other outbuilding shall be used on any Tract at any time as a residence permanently. RV and travel trailers may be used as temporary residence while improvements are under construction for a period not to exceed twelve (12) months as long as the RV or travel trailer is out of view from other neighbors and the road. Fabricated metal barndominiums shall be expressly permitted provided such structures are otherwise in compliance with all other provisions set forth herein. Short Term Rentals are permitted.

Section 3.02 Setbacks. No building or structure shall be placed or constructed any nearer than seventy five (75) feet from the Roadway Easement or fifty (50) feet from any boundary line shared with another Tract within the Property.

Section 3.03 Noxious or Offensive Activities Prohibited. None of the Property shall be used for any noxious activity and nothing shall be done or permitted to be done on any of said Property which is a nuisance or might become a nuisance to the Owner or Owners of any of such said Property. Nuisance means any type of conduct, action and non-action which has been declared by statute or ordinance to be a nuisance or any conduct, action, or non-action when taken together is of such concentration and of such duration as may tend to be injurious to, or to interfere with, or to adversely affect human health or the health of wildlife or the reasonable use and enjoyment of the Property.

Section 3.04 Rubbish, Trash and Garbage. No Tract shall be used or maintained as a dumping ground for rubbish or trash, and no garbage or other waste shall be kept except in sanitary containers of the standard type. In no event shall such containers be maintained so as to be visible from neighboring property, except to make the same available for collection on collection days. All equipment for the storage and disposal of such materials shall be kept in a clean and sanitary condition. No Tract or any portion of the Subdivision Roadway shall be used as a junkyard or for storage of inoperable vehicles, boats, or machines unless said item is kept in an enclosed structure which otherwise complies with the restrictions set forth herein. No landfill or disposal of any kind, except a small waste pit for personal use only, shall be allowed that would adversely affect the natural beauty and value of any adjacent property or violate any statutes or ordinances prohibiting the placement, burial, or disposal of any prohibited substance. Garbage shall not be buried on any Tract.

Section 3.05 Animals. No swine, pigs, hogs or poultry farms may be kept on any Tract. No commercial feedlots allowed on any Tract.

Section 3.06 Excavation: Mining. The commercial or industrial excavation, digging, raining, or removal of dirt, sand, gravel, caliche or other materials from any Tract is expressly prohibited except as may be necessary in conjunction with the landscaping of or construction of roads or improvements on such Tract.

Section 3.07 No Warranty of Enforceability. While Declarant has no reason to believe that any of the restrictive covenants or other terms and provisions contained in this Declaration are or may be invalid or unenforceable for any reason or to any extent, Declarant makes no warranty or representation as to the present or future validity or enforceability of any such restrictive covenants, terms or provisions. Any Owner acquiring a Tract in reliance on one or more of such restrictive covenants, terms or provisions shall assume all risks of the validity and enforceability thereof and, by acquiring the Tract agrees to hold Declarant harmless therefrom.

Section 3.08 No Sale of Water or Water Rights. The sale of water or water rights from any Tract is expressly prohibited.

Section 3.09 No RV Parks. Any recreational vehicle park on any Tract is expressly prohibited.

Section 3.10 No Commercial Signage. No commercial signs shall be placed on any Residential Use Tract, provided, however, a professionally made "For Sale" sign not exceeding four (4) square feet in size shall be allowed to advertise a particular Tract for sale or identify the location of bed and breakfast or vacation rental units as permitted under this Declaration of Easements and Restrictions.

Section 3.11. No more than four (4) structures per 10 acres.

Section 3.12. Invalidation of any one of the CC&Rs contained herein by judgment or court order shall in no way affect the validity of any other provision, and all other such other provisions shall remain in full force and effect.

Section 3.13. The protective CC&Rs contained in this instrument shall run with and bind the land and shall inure to the benefit of, and be enforceable by the Owners of the Property and their respective legal representatives, heirs, successors and assigns, and shall be effective until December 31, 2050 (the "Initial Period"), and shall thereafter be automatically extended for successive periods of ten (10) years (an "Automatic Extension"), unless the Initial Period or any Automatic Extension is amended or terminated as provided herein below.

Section 3.14. Failure to enforce any condition, covenant or restriction herein contained in a timely manner shall in no event be deemed a waiver of the right to do so thereafter.

Section 3.15. Except as set forth herein, the CC&Rs contained in this instrument may be amended or terminated at any time and in any respect upon approval of any such amendment or action by the combined affirmative written vote, in person or by proxy, of (a) at least 80% (by acreage) of the respective Owners (including their respective lawful successors and assigns) of the Property. In the event there is more than one (1) Owner of the Property, then such vote shall be taken at a meeting of such Owners called by any Owner or group of Owners by giving written notice via certified mail, return receipt requested, or by hand delivery, to all Owners at least ten (10) days prior to the date set for the meeting by the Owner or group of Owners who call the meeting.

[Remainder of Page Intentionally Blank; Signature Page Follows.]

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereunto set its

hand as of this 14th day of May, 2024.

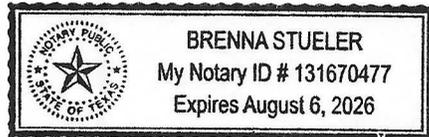
TAKA 24 HOLDINGS LLC,
a Texas Limited Liability Company

By: *Andrew Porter*
Andrew Porter
Manager

STATE OF TEXAS

COUNTY OF GILLESPIE

This instrument was acknowledged before me on May 14th 2024, by Andrew Porter, Manager of TAKA 24 HOLDINGS LLC, a Texas limited liability company, on behalf of said company



Brenna Stueler
Notary Public, State of Texas

EXHIBIT "A"
to
Declaration of Easements and Restrictions
The Property



SEARCHERS

SURVEYORS | CONSULTANTS
MASON | FREDERICKSBURG

4585 OLD PONTOTOC ROAD, MASON, TEXAS 76856
720 MUSTANG STREET, FREDERICKSBURG, TEXAS 78624
830-383-1211 | F-10193966 | SEARCHERS.NET

LEGAL DESCRIPTION: Being 183.518 acres of land, approximately 44.488 acres out of the C.C.S.D. & R.G. N.G. Rr. Co. Survey No. 273, Abstract No. 822 and approximately 139.030 acres out of the C.C.S.D. & R.G. N.G. Rr. Co. Survey No. 271, Abstract No. 823 in Gillespie County, Texas and being a portion of that certain 193.545 acre tract described in Instrument No. 20241610 of the Official Public Records of Gillespie County, Texas; Said 183.518 acre tract being more particularly described as follows and as surveyed under the supervision of Searchers in May 2024:

BEGINNING at a 4 inch cedar fence corner post found in the east line of the C.C.S.D. & R.G. N.G. Rr. Co. Survey No. 275, Abstract No. 821, the west line of said Abstract No. 822, and the east line of that certain 682.4 acre tract described in Volume 306, Page 888 of the Real Property Records of Gillespie County, Texas, for the northwest corner of said 193.545 acre tract, the southwest corner of that certain 1561.14 acre tract recorded in Instrument No. 20213931 of said Official Public Records and being further described in Instrument No. 20095771 of said Official Public Records and even further described in Volume 119, Page 51 of the Deed Records of Gillespie County, Texas, and the northwest corner hereof;

THENCE along the south line of said 1561.14 acre tract and the north line of said 193.545 acre tract, the following 3 courses:

1. South 80°44'02" East a distance of 1661.36 feet to a 2.5 inch pipe fence corner post found;
2. North 80°28'45" East a distance of 229.65 feet to an 8 inch cedar fence corner post found;
3. South 88°30'25" East a distance of 288.90 feet to a 1/2 inch iron rod found with a cap marked "Searchers RPLS 6275" for the northwest corner of that certain 194.556 acre tract described in Instrument No. 20241607 of said Official Public Records, the northeast corner of said 193.545 acre tract, and the northeast corner hereof, and from which an 8 inch cedar fence corner post found in the west line of that certain 480.3 acre tract recorded in Volume 410, Page 854 of said Official Public Records and further described in Volume 101, Page 463 of said Deed

Records for the southeast corner of said 1561.14 acre tract and the northeast corner of said 194.556 acre tract bears South 88°30'25" East a distance of 2959.99 feet;

THENCE along the west line of said 194.556 acre tract and the east line of said 193.545 acre tract, the following 4 courses:

1. South 25°18'26" East a distance of 971.29 feet to a 1/2 inch iron rod found with a cap marked "Searchers RPLS 6275";
2. South 17°36'56" East a distance of 1272.77 feet to a 1/2 inch iron rod found with a cap marked "Searchers RPLS 6275";
3. South 38°01'25" East a distance of 892.86 feet to a 1/2 inch iron rod found with a cap marked "Searchers RPLS 6275";
4. South 49°58'09" East a distance of 1274.50 feet to a 1/2 inch iron rod found with a cap marked "Searchers RPLS 6275" in the northwest line of Schumann Road and the northwest line of that certain 207.19 acre tract, for the southwest corner of said 194.556 acre tract, the southeast corner of said 193.545 acre tract, and the southeast corner hereof, and from which an 8 inch cedar fence corner post found in the north line of said Schumann Road and in the west line of that certain 64.23 acre tract, Exhibit "D", described in Instrument No. 20150570 of said Official Public Records, for the northeast corner of said 207.19 acre tract, and the southeast corner of said 194.556 acre tract bears North 53°53'30" East a distance of 1460.76 feet;

THENCE South 53°53'30" West, along the northwest line of said Schumann Road, the northwest line of said 207.19 acre tract, and the southeast line of said 193.545 acre tract at a distance of 463.13 feet pass a 1/2 inch iron rod set for the southeast corner of a 7.889 acre easement surveyed this same day by Searchers, being a portion of said 193.545 acre tract, continuing along the southeast line of said 7.889 acre easement tract in all for a total distance of 493.00 feet to a calculated point for the southwest corner hereof, and from which a 4 inch pipe fence corner post found in the north line of said Schumann Road for a corner of said 193.545 acre tract and a corner of said 207.19 acre tract bears South 53°53'30" West a distance of 362.91 feet and a 1/2 inch iron rod set in the north line of said Schumann Road, the north line of said 207.19 acre tract, and the south line of said 193.545 acre tract, for the southwest corner of said 7.889 acre easement tract bears South 53°53'30" West a distance of 30.00 feet;

THENCE crossing said 193.545 acre tract and said 7.889 acre easement tract, the following 7 courses:

1. North $36^{\circ}47'08''$ West a distance of 123.68 feet to a calculated point from which a 1/2 inch iron rod set for a corner of said 7.889 acre easement tract bears North $26^{\circ}11'59''$ East a distance of 33.67 feet and another 1/2 inch iron rod set for a corner of said 7.889 acre easement tract bears South $26^{\circ}11'59''$ West a distance of 33.67 feet;
2. South $89^{\circ}11'07''$ West a distance of 218.31 feet to a calculated point and from which a 1/2 inch iron rod set for a corner of said 7.889 acre easement tract bears North $05^{\circ}15'14''$ West a distance of 30.09 feet and another 1/2 inch iron rod set for a corner of said 7.889 acre easement tract bears South $05^{\circ}15'14''$ East a distance of 30.09 feet;
3. South $80^{\circ}18'26''$ West a distance of 240.98 feet to a calculated point and from which a 1/2 inch iron rod set for a corner of said 7.889 acre easement tract bears North $15^{\circ}12'07''$ West a distance of 30.14 feet and another 1/2 inch iron rod set for a corner of said 7.889 acre easement tract bears South $15^{\circ}12'07''$ East a distance of 30.14 feet;
4. South $69^{\circ}17'20''$ West a distance of 325.12 feet to a calculated point and from which a 1/2 inch iron rod set for a corner of said 7.889 acre easement tract bears North $00^{\circ}09'30''$ West a distance of 32.04 feet and another 1/2 inch iron rod set for a corner of said 7.889 acre easement tract bears South $00^{\circ}09'30''$ East a distance of 32.04 feet;
5. North $69^{\circ}36'20''$ West a distance of 223.60 feet to a calculated point and from which a 1/2 inch iron rod set for a corner of said 7.889 acre easement tract bears North $34^{\circ}42'02''$ West a distance of 30.96 feet and another 1/2 inch iron rod set for a corner of said 7.889 acre easement tract bears South $34^{\circ}42'02''$ East a distance of 30.96 feet;
6. North $40^{\circ}59'35''$ West a distance of 571.74 feet to a 1/2 inch iron rod set;
7. South $71^{\circ}29'14''$ West a distance of 102.75 feet to a 1/2 inch iron rod set in the east line of that certain 230 acre tract described in Volume 47, Page 429 of said Deed Records, and the west line of said 193.545 acre tract, and from which a 3 inch cedar fence corner post found for a corner of said 163.545 acre tract bears South $22^{\circ}57'58''$ East a distance of 478.90 feet;

THENCE North $22^{\circ}57'58''$ West a distance of 1521.05 feet along the east line of said 230 acre tract and the west line of said 193.545 acre tract to a 5 inch cedar fence corner post

found for the northeast corner of said 230 acre tract and a corner of said 193.545 acre tract;

THENCE North 89°08'06" West a distance of 2024.34 feet to a 5 inch pipe fence corner post found in the east line of said Abstract No. 821, the west line of said Abstract No. 823, and the east line of said 682.4 acre tract, for the northwest corner of said 230 acre tract, a corner of said 193.545 acre tract and a corner hereof;

THENCE North 01°16'04" East a distance of 2294.12 feet along the east line of said Abstract No. 821, the west line of said Abstract No. 823, the east line of said 682.4 acre tract, and the west line of said 193.545 acre tract to the POINT OF BEGINNING containing 183.518 acres of land, more or less, and as shown on certified plat herewith.

Survey Notes: Bearings, distances and acreage shown hereon are Grid, NAD 83, Texas Central Zone 4203 and are derived from GPS techniques. A "1/2 inch iron rod set" is a 1/2 inch rebar with plastic cap marked "Searchers RPLS 6275" and a "mag nail set" is a mag nail with washer marked "Searchers RPLS 6275".

Surveyed by;



Abraham J. Leamons
Registered Professional Land Surveyor #6275
Date: May 08, 2024
Job# 24-7009



EXHIBIT "B"
to
Declaration of Easements and Restrictions
Roadway Easement & Utility Easement



SEARCHERS

SURVEYORS | CONSULTANTS
MASON | FREDERICKSBURG

4585 OLD PONTOTOC ROAD, MASON, TEXAS 76856
720 MUSTANG STREET, FREDERICKSBURG, TEXAS 78624
830-383-1211 | F-10193966 | SEARCHERS.NET

LEGAL DESCRIPTION: Being a 7.889 acres easement out of the C.C.S.D & R.G.N.G. Rr. Co. Survey No. 271, Abstract No. 823 in Gillespie County, Texas and being a portion of that certain 193.545 acre tract described in Instrument No. 20241610 of the Official Public Records of Gillespie County, Texas; Said 7.889 acre easement tract being more particularly described as follows and as surveyed under the supervision of Searchers in May 2024:

BEGINNING at a 1/2 inch iron rod set in the north line of Schumann Road, the north line of that certain 207.19 acre tract described in Instrument No. 20134350 of said Official Public Records, and the south line of said 193.545 acre tract for the southwest corner hereof, from which a 4 inch pipe fence corner post found in the north line of said Schumann Road, the north line of said 207.19 acre tract and the south line of said 193.545 acre tract bears South 53°53'30" West a distance of 332.91 feet;

THENCE crossing said 193.545 acre tract, the following 6 courses:

1. North 36°47'08" West a distance of 108.03 feet to a 1/2 inch iron rod set;
2. South 89°11'07" West a distance of 200.69 feet to a 1/2 inch iron rod set;
3. South 80°18'26" West a distance of 235.75 feet to a 1/2 inch iron rod set;
4. South 69°17'20" West a distance of 333.47 feet to a 1/2 inch iron rod set;
5. North 69°36'20" West a distance of 242.50 feet to a 1/2 inch iron rod set;
6. North 40°59'35" West a distance of 818.23 feet to a 1/2 inch iron rod set in the east line of that certain 230 acre tract described in Volume 47, Page 429 of the Deed Records of Gillespie County, Texas and the west line of said 193.545 acre tract for a corner hereof, and from which a 1/2 inch iron rod set in the east line of said 230 acre tract and the west line of said 193.545 acre tract South 22°57'58" East a distance of 209.85 feet and a 3 inch cedar fence corner post found for a corner of said 230 acre tract and a corner of said 193.545 acre tract bears South 22°57'58" East a distance of 688.75 feet;

THENCE North 22°57'58" West a distance of 1311.20 feet along the east line of said 230 acre tract and the west line of said 193.545 acre tract to a 5 inch cedar fence corner post found for the northeast corner of said 230 acre tract, a corner of said 193.545 acre tract and a corner hereof;

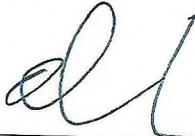
THENCE crossing said 193.545 acre tract, the following 16 courses:

1. North 06°00'36" East a distance of 842.12 feet to a 1/2 inch iron rod set;
2. North 27°08'33" West a distance of 193.49 feet to a 1/2 inch iron rod set;
3. North 64°46'33" West a distance of 426.22 feet to a 1/2 inch iron rod set;
4. South 82°57'10" West a distance of 607.00 feet to a 1/2 inch iron rod set;
5. Along a non-tangent curve to the right having an arc length of 472.75 feet, a radius of 85.00 feet, and a chord that bears North 07°02'50" West a distance of 60.00 feet to a 1/2 inch iron rod set;
6. North 82°57'10" East a distance of 624.36 feet to a 1/2 inch iron rod set;
7. South 64°46'33" East a distance of 464.02 feet to a 1/2 inch iron rod set;
8. South 27°08'33" East a distance of 231.80 feet to a 1/2 inch iron rod set;
9. South 06°00'36" West a distance of 844.47 feet to a 1/2 inch iron rod set;
10. South 22°57'58" East a distance of 1286.18 feet to a 1/2 inch iron rod set;
11. South 40°59'35" East a distance of 793.42 feet to a 1/2 inch iron rod set;
12. South 69°36'20" East a distance of 204.70 feet to a 1/2 inch iron rod set;
13. North 69°17'20" East a distance of 316.76 feet to a 1/2 inch iron rod set;
14. North 80°18'26" East a distance of 246.20 feet to a 1/2 inch iron rod set;
15. North 89°11'07" East a distance of 235.94 feet to a 1/2 inch iron rod set;
16. South 36°47'08" East a distance of 139.33 feet to a 1/2 inch iron rod set in concrete in the north line of said Schumann Road, the north line of said 207.19 acre tract, and the south line of said 193.545 acre tract, for the southeast corner hereof, from which a 1/2 inch iron rod found with a cap marked "Searchers RPLS 6275" in the north line of said Schumann Road and the north line of said 207.19 acre tract, for the southeast corner of said 193.545 acre tract and the southwest corner of that certain 194.556 acre tract described in Instrument No. 20241607 of said Official Public Records bears North 53°53'30" East a distance of 463.00 feet;

THENCE South 53°53'30" West along the north line of said Schumann Road, the north line of said 207.19 acre tract, the south line of said 193.545 acre tract at a distance of 30.00 feet pass a 1/2 inch iron rod set for a corner of said 183.518 acre tract, continuing in all for a total distance of 60.00 feet to the POINT OF BEGINNING containing 7.889 acres, more or less, and as shown on certified plat herewith.

Note: Bearings, distances and acreage shown hereon are Grid, NAD 83, Texas Central Zone 4203 and are derived from GPS techniques. A "1/2 inch iron rod set" is a 1/2 inch rebar with plastic cap marked "Searchers RPLS 6275" and a "mag nail set" is a mag nail with washer marked "Searchers RPLS 6275".

Surveyed by;



Abraham J. Leamons
Registered Professional Land Surveyor #6275
Date: May 8, 2024
Job# 24-7009

