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DAVID TURPIN AND  
WIFE, KATIE TURPIN

TO

THE PUBLIC

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THE STATE OF TEXAS       §

COUNTY OF GILLESPIE       §

WHEREAS, DAVID TURPIN and wife, KATIE TURPIN, herein called "the Turpins", are the record owners of all that 7.18 acres ("the 7.18 acre tract") of land and all of that 12.03 acres of land ("the 12.03 acre tract"), located in Gillespie County, Texas, as described on Exhibit "A" and Exhibit "B", respectively, attached hereto and made a part hereof ("Property"); and

WHEREAS, the Turpins will hold, sell and convey the 7.18 acre tract subject to certain protective covenants, reservations, conditions, restrictions and charges as hereinafter set forth:

NOW, THEREFORE, it is hereby declared that the 7.18 acre tract shall be held, sold and conveyed subject to the following restrictions, covenants and conditions which are for the purpose of protecting the value and desirability thereof, and which shall run with said tract and shall be binding on all parties having a right, title or interest in or to said tract or any part thereof, and their heirs, successors and assigns, and which restrictions, covenants and conditions shall inure to the benefit of each owner thereof, and any contract or deed which may hereafter be executed in connection with the 7.18 acre tract, or any part thereof, shall be conclusively held to

have been executed, delivered and accepted subject to the terms and conditions contained in this instrument, regardless of whether or not such terms and conditions are specifically set out in said contract or deed.

I.

DEFINITIONS

1.01. "Owner" shall refer to the record owner, whether one or more persons or entities, of the fee simple title to the 7.18 acre tract, excluding however, those having any interest therein merely as security for the performance of an obligation.

1.02. "Tract" shall refer to the 7.18 acre tract, as owned by any Owner.

II.

RESTRICTIONS

A. Building Restrictions

(1) Not more than one single-family dwelling may be erected on the 7.18 acre tract. Servant's quarters, two (2) guest houses, and related outbuildings may be constructed after the completion of construction of the principal dwelling, but not before.

(2) A single-family dwelling shall contain a minimum of 2,500 square feet of living area. For purposes of this restriction the term "living area" shall mean that area of a dwelling which is heated and cooled, exclusive of porches, breeze ways, carports, garages or basements.

(3) The exterior walls of the dwelling, servant's quarters, guesthouse and related outbuildings shall be constructed of wood, hardy board, stone, stucco or masonry. The Owner may incorporate historical materials into a newly constructed building with the prior written consent of the Turpins. Roofs of all

structures or improvements shall be constructed of wood shakes or shingles (fire retardant), standing seam or comparable metal roofing material, ceramic barrel tiles or quality dimensional composition shingles.

(4) The exterior of any building shall be completed not later than twelve (12) months after laying the foundation of such building.

(5) A dwelling shall be newly constructed and erected on site. No dwelling shall be moved on to the 7.18 acre tract.

(6) A residence or dwelling shall not be occupied until the exterior thereof shall be completely finished and plumbing is connected to a septic system or other waste disposal system which has been approved by Gillespie County and/or State of Texas Health Department and/or other governing body regulating wells and septic systems.

(7) Mobile homes, modular homes, pre-manufactured homes and/or industrial-built homes shall not be used as a dwelling nor stored on the 7.18 acre tract. Except as herein provided, recreational vehicles, buses or travel trailers shall not be used as a dwelling thereon, except for bona fide guests of the Owner for a period of time not to exceed seven (7) consecutive days. All boats, tractors, golf carts, ATV's, RV's, buses, travel trailers, motorcycles, and other similar types of vehicles shall be stored in an enclosed garage facility.

(8) All perimeter fences erected on the 7.18 acre tract shall be of new material and erected in accordance with professional fence building standards regarding quality and appearance. No chain link fences shall be permitted. Decorative cedar log fences are permissible.

(9) No external lighting shall be installed on the 7.18 acre tract which is an annoyance or nuisance to the neighborhood.

(10) No residence nor other structure shall be erected on the 7.18 acre tract of more than two stories in height.

(11) No external antenna, satellite receiving dish greater than thirty (30) inches in diameter, or other telecommunication device or equipment shall be permitted on the 7.18 acre tract unless totally screened from view from adjacent roads or adjoining property.

(12) All utility lines to be constructed on the 7.18 acre tract hereafter, which are at least twenty (20) feet from the boundary of thereof, shall be buried if practically possible.

B. Setback Requirements

Except for entrance and other gates, fences and utility lines or poles, nothing shall be stored or erected on the 7.18 acre tract nearer than fifty (50) feet from the boundary thereof.

C. Use Restrictions

(1) Except as set forth below, the 7.18 acre tract shall be used for single-family residential purposes only, and except as otherwise herein provided, shall not be used for any commercial purpose. Notwithstanding the above, and as an exception thereto, it may be used for grazing or keeping a maximum of the following livestock and none other: four (4) adult pigmy goats on a permanent basis and their offspring for up to six (6) months, four (4) stocker calves, or twelve (12) ewes and one (1) ram, one (1) horse and unlimited fowl related to a hobby and not for commercial purposes. "Single Family Dwelling" shall mean and refer to any improvements thereon which are designed and intended for occupancy and use as a residence by one person, by a single family, or by persons related by blood, marriage or adoption, who are maintaining a common household. Nothing in this section should be interpreted to prohibit occupancy thereof by temporary non-paying guests of the occupants who are temporarily visiting.

(2) A bed and breakfast or temporary guest lodging business may be maintained in up to two free standing guest houses with each having a maximum of two bedrooms. A bed and breakfast lodging business may not be maintained in a single family dwelling.

- (3) All livestock and pets shall be kept under fence within the boundaries of the 7.18 acre tract and overgrazing thereof by livestock shall not be permitted. A maximum of Three (3) dogs may be kept thereon.
- (4) Except as otherwise herein provided, there shall be no commercial feeding operation nor commercial breeding of livestock on the 7.18 acre tract, except for that related to a hobby.
- (5) A church shall not be located on the 7.18 acre tract.
- (6) Prior to the construction of the principal dwelling, the Owner shall be permitted to camp overnight in either an R.V., travel trailer, pop-up camper or tent, for a period not to exceed ten consecutive calendar (10) days, and not more than forty (40) total calendar days in any one calendar year.
- (7) Abandoned or inoperative equipment, vehicles or junk shall not be permitted on the 7.18 acre tract. The Owner is to keep it clean and neat in appearance and free of litter at all times. Garbage or refuse or any hazardous material, as defined by any state or federal law, rule or regulation, shall not be buried or disposed of thereon. Noxious or offensive activity shall not be permitted thereon, nor any activity which would be considered an annoyance or nuisance to the neighborhood.
- (8) Mineral exploration of any type which will damage the surface shall not be permitted thereon.
- (9) Except for the controlling of animals which have become a nuisance, no hunting shall be allowed on the 7.18 acre tract except with bow and arrow. No prolonged or consistent discharge of firearms, such as target, skeet or trap-shooting, shall be allowed thereon.
- (10) The conduct of a home occupation shall be a permitted use which is incidental to the single family residential use restriction herein specified, only under the following terms and conditions expressly allowed in this subsection:
  - (a) The home occupation shall be conducted

entirely within a dwelling unit that is the bona fide residence of practitioners or entirely within one accessory garage building other than a carport.

(b) No person other than a family member who resides in the dwelling unit shall participate in the home occupation.

(c) The residential character of the 7.18 acre tract and dwelling shall be maintained and no additional buildings shall be added for the home occupation.

(d) The home occupation shall not generate any customer or client related vehicular traffic.

(e) No direct selling of merchandise shall occur except that related to a hobby.

(f) No equipment or materials associated with the home occupation shall be displayed or stored where visible from anywhere off the 7.18 acre tract.

(g) The occupation shall not produce external noise, vibration, smoke, dust, odor, heat, glare, flames, electrical interference, or waste run-off outside the dwelling unit or on the Tract surrounding the dwelling.

(h) No vehicle used in connection with the home occupation or otherwise, that requires a commercial driver's license to operate shall be parked thereon.

(i) The home occupation shall not be advertised by any signs, nor shall the street address of the home occupation be advertised through signs, billboards, television, radio, newspapers, or other forms of direct advertising.

D. Restriction Against Subdivision

No subdivision of the 7.18 acre tract into smaller tracts shall be permitted.

III

GENERAL PROVISIONS

3.01. The Turpins or any owner of the 12.03 acre tract or any owner of any part of that 50.8 acre tract described on Exhibit "C", attached hereto and made a part hereof, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, covenants and conditions now or hereafter imposed by the provisions of this instrument. Failure to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

3.02. Invalidation of any one of the covenants or restrictions, contained herein, by judgment or court order shall in no way affect any other provision, and all other provisions shall remain in full force and effect.

3.03. The covenants, conditions and restrictions of this instrument shall run with and bind the 7.18 acre tract and shall inure to the benefit of, and be enforceable as provided above and by their respective legal representatives, heirs, successors and assigns, and shall be effective until December 31, 2066, after which time said covenants, conditions and restrictions shall be automatically extended for successive periods of ten (10) years, unless amended as provided herein. The covenants,

conditions and restrictions contained in this instrument may be amended at any time after December 31, 2066, by an instrument signed by not less than the Owners of sixty-six and two thirds per cent (66 2/3%) of the above described 12.03 acres. No amendment shall be effective until duly recorded in the Official Public Records of Gillespie County, Texas, nor until the approval of any governmental regulatory body, which may be then required, shall have been obtained.

EXECUTED this 15 day of July, 2016.

[Signature]  
DAVID TURPIN

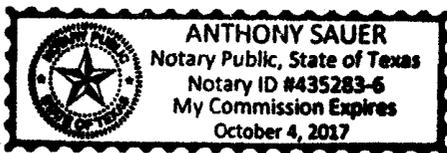
[Signature]  
KATIE TURPIN

THE STATE OF TEXAS §

COUNTY OF GILLESPIE §

This instrument was acknowledged before me on this the 15 day of July, 2016, by DAVID TURPIN ER and wife, KATIE TURPIN.

[Signature]  
Notary Public, State of Texas



CS

EXHIBIT " A "

7.18 acre tract

STATE OF TEXAS, \*  
 COUNTY OF GILLESPIE. \*

Field notes and accompanying map of a survey of 7.18 acres of land, more or less, made at the request of David Turpin, et al. Said land is situated in Gillespie County, Texas, being parts of Outlots No. 314 & 608 and part of an unnumbered Outlot lying between said Outlots No. 314 & 608 as said Outlots are shown on the map of Fredericksburg, Texas, and Environs, by the German Emigration Company, and being part of that 19.21 acre tract of land described in a conveyance to David Turpin, et al, by Roberta Priess, et al, dated December 15, 2014, found of record in Instrument No. 20145132 of the Official Public Records of Gillespie County, Texas.

Said 7.18 acre tract of land is described by metes and bounds as follows, to wit:

BEGINNING at a pipe fence corner post found set in the as fenced East line of Metzger (county) Road, for the S.W. corner of said 19.21 acre Turpin tract, for the S.W. corner of this tract of land;

THENCE with the as fenced East line of Metzger Road, being a West line of said 19.21 acre tract, N. 0 deg. 34 min. 40 sec. E. 294.7 feet to a pipe corner post, for the S.W. corner of Lot No. 1, Hartmann Subdivision, plat found of record in Volume 3, page 31 of said Plat Records, for a N.W. corner of said 19.21 acre tract, for the W.N.W. corner of this tract of land;

THENCE with the South & East lines of said Lot No. 1, Hartmann Subdivision, being North & West lines of said 19.21 acre tract, along the general course of a fence, as follows:

S. 86 deg. 53 min. 30 sec. E. 226.9 feet to a pipe corner post;

N. 1 deg. 01 min. 25 sec. E. 166.97 feet to a ½ rebar set (capped: BONN 4447), for the N.N.W. corner of this tract of land;

THENCE over and across said 19.21 acre tract, S. 88 deg. 58 min. 35 sec. E. 350.62 feet to a ½ rebar set (capped: BONN 4447) in an East line of said 19.21 acre tract, for the N.E. corner of this tract of land;

THENCE with East lines of said 19.21 acre tract, along the general course of a fence, as follows:

S. 3 deg. 55 min. 15 sec. E. 462.44 feet to a pine corner post;

S. 28 deg. 19 min. 35 sec. W. 280.55 feet to a ½ inch rebar found set at a pine corner post, for the N.N.E. corner of Lot No. 35, The Preserve, plat found of record in Volume 4, pages 166-166A of the Plat Records of Gillespie County, Texas, for the occupational most southerly S.E. corner of said 19.21 acre tract, for the S.E. corner of this tract of land;

THENCE with the North lines of said Lot No. 35 and Lot No. 34, The Preserve, being a South line of said 19.21 acre tract, N. 61 deg. 10 min. 40 sec. W. 183.41 feet to a ½ inch rebar found set at a fence corner, for the N.W. corner of said Lot No. 34, The Preserve; for the N.E. corner of Tract No. 2, Nixon Subdivision, plat found of record in Volume 1, page 146 of said Plat Records, for a southerly corner of said 19.21 acre tract, for a southerly corner of this tract of land;

THENCE with the North line of said Tract No. 2, being a South line of said 19.21 acre tract, N. 61 deg. 08 min. 35 sec. W. 366.39 feet to the PLACE OF BEGINNING.



EXHIBIT " C "

50.8 acre tract

STATE OF TEXAS, \*  
 COUNTY OF GILLESPIE. \*

Field notes and accompanying plat of a survey of 50.8 acres of land, more or less, made at the request of the Crenwelge Estate. Said land is situated in Gillespie County, Texas, being all of Outlots No. 311, 312, 316, 317, & 318 as said Outlots are shown on the map of Fredericksburg, Texas, and Environs, by the German Emigration Company, and being those Outlots conveyed to Eug. G. Crenwelge by Hugo P. Mosel, dated August 6, 1962, found of record in Volume 82, pages 56-57 of the Deed Records of Gillespie County, Texas.

Said 50.8 acre tract of land is described by metes and bounds as follows, to wit:

BEGINNING at a cedar fence corner post found set in the as fenced East line of Metzger (county) Road, for the S.W. corner of Lot No. 3, Ernst Schmidt Subdivision, plat found of record in Volume 2, page 102 of the Plat Records of Gillespie County, Texas, for occupational N.W. corner of said Outlot No. 311, for the N.W. corner of this tract of land;

THENCE with the South line of said Lot No. 3, being the occupational North lines of said Outlots No. 311 & 318, S. 87 deg. 52 min. 50 sec. E., along the general course of a fence, 1603.2 feet to a pine corner post, for the S.E. corner of said Lot No. 3, for the S.W. corner of that 36.7 acre tract of land described in a conveyance to Richard L. Hoerster, et al, found of record in Instrument No. 20125521 of the Official Public Records of Gillespie County, Texas, for an occupational northerly corner of this tract of land;

THENCE with the South line of said 36.7 acre tract, being an occupational North line of said Outlot No. 318, S. 89 deg. 01 min. 40 sec. E., along the general course of a fence, 57.87 feet to a pipe fence corner post found set in the West line of an Outlot Street as shown on said map of Fredericksburg, Texas, for occupational N.E. corner of said Outlot No. 318, for the N.E. corner of this tract of land;

THENCE with the as fenced West line said Outlot Street, being the occupational East line of said Outlot No. 318, S. 0 deg. 33 min. 15 sec. E., along the general course of a fence, 169.53 feet to a cedar corner post found set in the West line of Jennifer Lane, shown as 60 feet wide on the plat of Cherry Blossom Estates found of record in Volume 4, page 63 of said Plat Records, for an occupational easterly corner of this tract of land;

THENCE with the West line of 60 foot wide Jennifer Lane, being the East lines of said Outlots No. 318 & 317, S. 1 deg. 12 min. 55 sec. W., generally along a meandering fence, 862.18 feet to a pine corner, for an occupational easterly corner of this tract of land;

THENCE with the as fenced West line said Outlot Street, being the occupational East line of said Outlot No. 316, along the general course of a fence, as follows:

- S. 0 deg. 29 min. 15 sec. W. 192.92 feet to a ½ inch rebar found set at a pine fence corner post, for the N.W. corner of those tracts of land described in a conveyance to Thomas R. Sidlo found of record in Volume 396, pages 380-381 of the Real Property Records of Gillespie County, Texas;
- S. 0 deg. 37 min. 35 sec. W., at 272.12 feet passing a ½ inch rebar found set in the West line of said Sidlo tracts, at 313.14 passing a pine fence post, 343.64 feet in all to a point in a ditch in an

Continued on page 2 of 2

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50.8 acre tract

easterly fence projection, for the S.E. corner of said Outlot No. 316, for the S.E. corner of this tract of land;

THENCE with said fence projection along the South line of said Outlot No. 316, N. 89 deg. 29 min. 15 sec. W., at 232.2 feet passing a pine fence corner post and continuing along the general course of a fence, 833.94 feet in all to a pine corner post, for the occupational S.W. corner of said Outlot No. 316, for the S.S.W. corner of this tract of land;

THENCE with the occupational West line of said Outlot No. 316, N. 0 deg. 22 min. 40 sec. E., along the general course of a fence, 533.39 feet in all to a pine corner post, for the occupational S.E. corner of said Outlot No. 312, for the occupational N.W. corner of said Outlot No. 316, for a southwesterly reentrant corner of this tract of land;

THENCE with the occupational South line of said Outlot No. 312, S. 89 deg. 52 min. 45 sec. W., along the general course of a fence, 836.55 feet to a pine corner post found set in the as fenced East line of Metzger Road, for the occupational S.W. corner of said Outlot No. 312, for the W.S.W. corner of this tract of land;

THENCE with the as fenced East line of Metzger Road, being the occupational West lines of said Outlots No. 312 & 311, N. 1 deg. 31 min. 30 sec. E., along the general course of a fence, 1089.62 feet to the PLACE OF BEGINNING.

**FILED AND RECORDED**  
**OFFICIAL PUBLIC RECORDS**

*Mary Lynn Rusche*

Mary Lynn Rusche, County Clerk  
Gillespie County, Texas



July 18, 2016 03:26:15 PM

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