

3-1-08

DEER HILL ADDITION SECTION TWO
RESTRICTIONS

Volume 191, Page 377, Deed Records of Kerr County, Texas, BUT OMITTING ANY COVENANT OR RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons.

OTHER EXCEPTIONS

- Easement dated February 7, 1947 to L.C.R.A., recorded in Volume 81, Page 426, Deed Records of Kerr County, Texas.
- Easement dated December 19, 1961 to L.C.R.A., recorded in Volume 3, Page 517, Easement Records of Kerr County, Texas.
- Easement dated August 12, 1966 to L.C.R.A., recorded in Volume 4, Page 336, Easement Records of Kerr County, Texas.
- Easement dated December 8, 1975 to Ingram Water Supply, recorded in Volume 8, Page 736, Easement Records of Kerr County, Texas. (LOT 1, SEC. TWO ONLY)
- Easements as per the Plat recorded in Volume 4, Page {PR,"insert page number of the appropriate plat",IN1,3}, Plat Records of Kerr County, Texas. (AS PER ALL LOTS IN SECTION TWO)
- Easement and Building Set Back Lines as per the Restrictions recorded in Volume {PR,"insert volume number",IN1,1}, Page {PR,"insert page number",IN1,2}, Deed Records of Kerr County, Texas.
- R.O.W. Easement dated September 19, 1978 to VIA Cable, Inc., recorded in Volume 10, Page 123, Easement Records of Kerr County, Texas.
- Telephone Line Right-Of-Way Easement dated May 25, 1973 to Hill Country Telephone Cooperative, Inc., recorded in Volume 17, Page 313, Easement Records of Kerr County, Texas.
- Any visible and/or apparent roadways or easements over or across the subject property.
- Rights of Parties in Possession. (AS PER OWNER POLICY ONLY)

Deer Hill 2

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RESTRICTIONS

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STATE OF TEXAS X

COUNTY OF KERR X

KNOW ALL MEN BY THESE PRESENTS:

That I, DONALD C. OEHLER, hereinafter called GRANTOR, being the owner of that certain 3.286 acre tract of land, more or less, being out of and a part of Survey 128, Jonas Harrison, Abstract 183, Kerr County, Texas, which has heretofore been platted into that certain Subdivision known as Deer Hill Addition Unit 2 to the Town of Ingram; said plat being recorded in the Office of the County Clerk of Kerr County, Texas, on the 4th day of June, 1976, under Commissioner's Court Order No. 12704, in Volume 4, Page 58, Plat Records, Kerr County, Texas, to which Plat and its record reference is here made for all purposes, and desiring to create and carry out a uniform plan for the improvement, development, and sale of the lots in said Deer Hill Addition Unit 2, for the benefit of the present and future owners of said lots, do hereby adopt and establish the following restrictions to apply uniformly on the use, occupancy and conveyance of all lots in Deer Hill Addition Unit 2, and each contract or deed which may be hereafter executed with regard to any of the lots in said Deer Hill Addition Unit 2, shall be conclusively held to have been executed, delivered, and accepted subject to the following reservations, restrictions, and covenants regardless of whether or not said reservations, restrictions, and covenants are set out in full in said contract or deed.

1. Lots in said Subdivision shall be used for residential purposes only. Only one one-family residence or duplexes may be erected, altered, placed or permitted to remain on said lot. Said lots shall not be used for business purposes of any kind nor for any commercial, manufacturing or apartment house purposes.
2. No trailer, mobile home, tent, shack, detached

garage, garage apartment, stable or barn shall be placed, developed, erected or be permitted to remain on said lot, nor shall any structure of a temporary character be used at any time as a residence.

3. No noxious or offensive activity shall be carried on upon said lots, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
4. No building shall be nearer than six (6) feet to either side property line, and the minimum setback of all buildings from the property lines shall be thirty (30) feet. The total floor area of the main structure exclusive of porches and garages shall not be less than 1200 square feet, nor less than two (2) bedrooms.
5. All buildings shall be of no less than fifty-one per cent (51%) masonry construction.
6. No lot shall be subdivided so as to make any lot smaller than seventy-five (75) front feet.
7. An easement is reserved for utility installation and maintenance.
8. These restrictions and covenants are hereby declared to be covenants running with the land and shall be fully binding upon all persons acquiring property in said subdivision whether by descent, devise, purchase or otherwise, and any person by the acceptance of title to any lot of said subdivision shall thereby agree and covenant to abide by and fully perform the foregoing restrictions and covenants. Invalidation of any one or any part of these restrictions by judgment or court order shall in no wise affect any of the other provisions or parts of provisions.

If the GRANTOR herein, or any of his successors or assigns shall violate or attempt to violate any of the restrictions and covenants herein contained, it shall be lawful for any person or

persons owning property in said Subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such restriction or covenant and either to prevent him or them from so doing or to recover damages or other dues for such violation, for the benefit of any owners of sites in said Subdivision as their interest may appear.

The foregoing Restrictions are executed by DONALD C. OEHLER GRANTOR, and BARBARA H. COOPER, owner of certain lots located in Deer Hill Addition Unit 2 to the Town of Ingram, who purchased said lots relying on the above mentioned reservations and restrictions. BARBARA H. COOPER hereby expressly agrees to the foregoing Restrictions and joins in the execution of this instrument.

WITNESS OUR HANDS this the 5th day of October, 1976.

FILED FOR RECORD

at 12:59 o'clock P.M.

OCT 12 1976

EMMIE M. MUENKER

Clerk County Court, Kerr County, Texas

By James M. Wheeler, Deputy

Donald C. Ohler
DONALD C. OEHLER

Barbara H. Cooper
BARBARA H. COOPER

STATE OF TEXAS X

COUNTY OF KERR X

BEFORE ME, the undersigned authority, on this day personally appeared DONALD C. OEHLER and BARBARA H. COOPER, 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 5th day of October, 1976.



James M. Wheeler
Notary Public
Kerr County, Texas

(3)

Filed for record October 14, 1976 at 12:59 o'clock P. M.

Recorded October 19, 1976

EMMIE M. MUENKER, Clerk

By James M. Wheeler Deputy