

Box S Acres Restrictions

Volume 130, Page 344, 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 Ecxeptions

- Road and Utility Easements as per the Plat recorded in Volume 3, Page 20, Plat Records of Kerr County, Texas.
- Building Set Back Lines and Easement reserved for access in the Restrictions recorded in Volume 130, Page 344, Deed Records of Kerr County, Texas.
- Right Of Way and Easement dated November 20, 1969 to Kerrville Telephone Company, recorded in Volume 5, Page 716, Easement Records of Kerr County, Texas. (AFFECTS TRACT 18 ONLY AND SEVERAL LARGER UNNUMBERED TRACTS NORTH OF THE NUMBERED TRACTS AND INTO GILLESPIE COUNTY)
- Easement dated July 11, 1950 to Central Texas Electric Cooperative, Inc., recorded in Volume 7, Page 217, 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)

RESTRICTIONS OF BOX S ACRES

2098

THE STATE OF TEXAS:

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COUNTY OF KERR:

WHEREAS, BOX S LAND COMPANY, INC., is the owner in fee simple of 362.3 acres of land which it has caused to be subdivided under the name of "BOX S ACRES" which will be offered for sale to the general public, and,

WHEREAS, it has been determined that an orderly development and use of said lands will enhance the desirability and the value of the individual lots;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That BOX S LAND COMPANY, INC., acting by and through its officers thereunto duly authorized, does hereby adopt the following restrictive covenants and impose the same upon the numbered lots shown on the plat of said subdivision which appears of record in Volume 3, Page 20, Kerr County Plat Records, such restrictions to be and remain covenants running with the land, and consisting of the following:

I: GENERAL RESTRICTIONS

Box S Acres is intended as a residential and recreational subdivision and no numbered lot or any part of any numbered lot shall be used for any business or commercial purpose whatever. No tent or shack shall be erected on any part of the same, and no trailer house shall ever be used as living quarters for anyone.

II: CONSTRUCTION

(1) No house shall be constructed on said lands or any part thereof which contains less than 1000 square feet of living area exclusive of garage and porches, and the same shall be constructed of permanent type materials generally employed in residential structures. The construction of any such dwelling or house once commenced shall be diligently prosecuted to completion, including the painting of all exposed wooden surfaces.

(2) Each such house or dwelling shall be equipped with an underground sewage disposal system, the same to be installed in strict accord with the recommendations of the Department of Public Health of the State of Texas, including without

excluding other provisions of such recommendations, sufficient tank and drain-field capacity for the anticipated use. No such sewage disposal system shall be installed between a dwelling house and the shores of the lakes shown on said plat, except with the prior written consent of the subdivider.

III: BOUNDARY CLEARANCE AND SUBDIVIDING

(1) No dwelling or other structure shall be constructed nearer than forty (40) feet from the shore of any lake nor nearer than forty (40) feet from any street or roadway, without the prior written consent of the undersigned subdivider. The minimum side line clearance shall be twenty (20) feet.

(2) Any numbered lot may be divided into not more than three (3) tracts and one (1) dwelling house may be constructed on each of said tracts, but no more.

IV: USE OF LAKES

(1) The conveyance of a numbered lot which includes a portion of a lake shall carry with it as a part of the conveyance the privilege of going upon and using all of such lake whether such privilege is expressed in the deed or not; and every such numbered lot shall be conveyed subject to such privilege on the part of the owners of other lots whether such reservation is expressed in the deed or not.

(2) The privilege of using such lakes shall be limited as follows:

- (a) No motor shall be used on any boat except an electric motor of not greater than 1-1/2 horsepower.
- (b) The owner of any numbered lot may set a trot line on that portion of lake which lies within the boundaries of his lot, but not in any other portion of the lake.
- (c) The undersigned, Box S Land Company, Inc., reserves the right to go upon Lots Nos. 3, 4, 10, 11 and 12 for purposes of maintaining the

dam creating "main lake" and maintaining the spillway for the same as shown on the said plat. Said lots shall be conveyed subject to said easement whether the same be expressed in the deeds or not; any any structures placed within said areas by the owner or owners of such lots or any part of the same shall be at the risk of the owner or owners and subject to removal for the purpose of this easement.

(a) The pumping or other taking of water from the lake is prohibited except that the same may be taken in the event of a fire which creates any emergency.

(3) Lot No. Eighteen (18) has no lake frontage, and does not carry with it the privilege to use any part of said lakes; and the owner of a numbered lot with frontage on one (1) lake shall not have the privilege to use any other lake.

V: ANIMALS

The owner of any numbered lot may maintain thereon not more than two (2) riding horses and three (3) sheep provided that the same are maintained in a fenced area and that any barn or outbuilding provided for such animals is located at least seventy five (75) feet from any road and from the shore of any lake. Household pets may be kept, but not for any commercial purposes, and, except as provided in this section, no animals or fowl shall be kept.

VI: TRASH AND GARBAGE

Garbage shall not be burned or otherwise disposed of on any part of the land, but wood, leaves, paper and other readily combustible trash may be burned on the premises provided that the same is burned in an incinerator.

VII: UTILITIES AND ROAD EASEMENTS

In addition to the easement mentioned in Part C under IV above, Box S Land Company, Inc., expressly reserves to itself for

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the use and benefit of the electric telephone companies which may service this subdivision, the easement set forth in the above mentioned plat; and reserves to itself and for the use of the owners of land in the subdivision, the roadway easements shown on said plat.

VIII: ENFORCEMENT

The foregoing restrictive covenants as well as the use of easements may be enforced by any owner of land in the subdivision, including Box S Land Company, Inc., by a suit for injunction; and in addition to the specific covenants set forth above, Box S Land Company, Inc., or other land owner or owners in said subdivision shall have the right to maintain an action to abate the existence of a nuisance whether such nuisance is a violation of the restrictive covenants or not.

EXECUTED this 19th day of September, A. D. 1967.

BOX S LAND COMPANY, INC.

By R. L. Sabins
R. L. Sabins, President

ATTEST:

Darrell G. Lochte
Darrell G. Lochte, Assistant
Secretary

FILED FOR RECORD

at 3:30 o'clock P. M.,

OCT 6 1967
Emmie M. Muenker
Clerk County Court, Kerr County, Texas

THE STATE OF TEXAS:

COUNTY OF KERR:

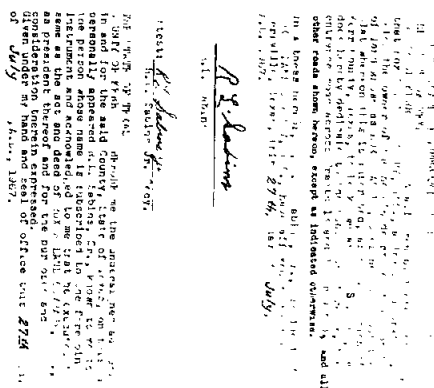
BEFORE ME, the undersigned authority, in and for said County and State, on this day personally appeared R. L. SABINS, President of Box S Land Company, Inc., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of said Box S Land Company, Inc., a corporation and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 6th day of September, A. D. 1967.

Beverly Harrison
Notary Public, Kerr County, Texas.

Recorded October 9, 1967
EMMIE M. MUENKER, County Clerk

By Mary Ellen Smith Deputy

[illegible]

Emile M. Masher
County Clerk, Kerr County, Texas