

2999

RESTRICTIONS  
WESTERN HALF OF CULLUM RANCH

KERR COUNTY, TEXAS

THE STATE OF TEXAS §  
COUNTY OF KERR §

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, CHERRY SPRINGS, INC., a Texas Corporation, of the County of Kerr, State of Texas, hereinafter referred to and identified as "Owner", is the owner of the tract of land in Kerr County, Texas, said tract of land consisting of all that certain 4,156.555 acres of land known as the Western half of the Cullum Ranch more fully described in that certain deed dated July 7, 1972, from Edith Cullum Wagner, et vir, to Cherry Springs, Inc., recorded in Volume 156, Page 782, of the Deed Records of Kerr County, Texas, to which instrument and its record reference is here made for all purposes; and,

WHEREAS, it is deemed to be to the best interests of the above described Owner and of the persons who may hereafter purchase all or any part of said lands above described that there be established and maintained a uniform plan for the improvement and development of the land covered as a restricted and modern land development to preserve the character and natural beauty of said land; and,

WHEREAS, it is desirable that such restrictions applying to said 4,156.555 acres of land be put of record and include all or any part of the said land in said tract,

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that Owner does hereby adopt the following covenants and restrictions, which shall be taken and deemed as covenants to run with the land and shall be binding on the Owner and all persons acquiring title under it until January 1, 1992, at which time said covenants, conditions and restrictions shall be automatically extended for successive

periods of ten (10) years unless and until by duly recorded instrument signed by a majority of the property owners in said tract it is agreed to change said covenants, conditions and restrictions, in whole or in part.

If Owner, or any of its respective successors or assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for Owner or any other person or persons owning any of the real property situated in the above referred to tract to prosecute any proceedings at law or in equity against any person or persons violating or attempting to violate any such covenants and either to prevent him or them from so doing or to recover damages or other dues for such violation.

Invalidation of any one of these covenants by judgment or court order shall in nowise affect any of the other provisions hereof, which shall remain in full force and effect.

Such restrictions and covenants are as follows, to-wit:

FIRST. That the above said property herein shall not be used for business purposes of any character nor have any commercial or manufacturing purpose.

SECOND. That no swine shall be allowed.

THIRD. That no automobile, truck, trailer or other vehicles shall be abandoned on this property, if it is visible from a public road.

FOURTH. That no dumping or placing of unsightly objects of any kind shall be allowed on the property if it is visible from a public road.

FIFTH. That no disposal of any kind shall be allowed that would pollute any body of water or stream.

SIXTH. That any sewerage disposal system constructed on this property shall be built in compliance with State Health Department specifications.

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SEVENTH. That no deviations of any kind shall be allowed from these restrictions without permission in writing from the Owner.

IN WITNESS WHEREOF, the undersigned has caused these presents to be executed, and its corporate seal affixed, this 15th day of August, A. D. 1972.



Bertha Malochleb  
Bertha Malochleb, Secretary

CHERRY SPRINGS, INC.

By G. E. Lehmann  
G. E. Lehmann, President

THE STATE OF TEXAS §

COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared G. E. Lehmann, President, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 21<sup>st</sup> day of August, A. D. 1972.



Lavern D. Harris  
Notary Public in and for  
Kerr County, Texas

FILED FOR RECORD

-3- at 4:27 o'clock P.M.

AUG 22 1972  
Emmie M. Muenker  
Clerk County Court, Kerr County, Texas  
By Carole Witt Deputy

Filed for record August 22, 1972 at 4:27 o'clock P. M.  
Recorded August 24, 1972  
EMMIE M. MUENKER, Clerk

By Carl M. Evans Deputy

773289

THE STATE OF TEXAS §  
THE COUNTY OF KERR § KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, by instrument dated August 15, A. D. 1972, CHERRY SPRINGS, INC., a Texas Corporation, acting by and through its President, G. E. Lehmann, placed certain restrictions against a tract of land in Kerr County, Texas, known as the Western Half of Cullum Ranch and consisting of 4,156.555 acres of land more fully described in that certain deed dated July 7, 1972, from Edith Cullum Wagner, et vir, to Cherry Springs, Inc., recorded in Volume 156, Page 782, of the Deed Records of Kerr County, Texas, to which instrument and its record reference is here made for all purposes; and,

WHEREAS, said instrument is recorded in Volume 157, Page 825, Deed Records of Kerr County, Texas; and

WHEREAS, it is the desire of the undersigned to amend said restrictions on said property as follows, to-wit:

That the restriction numbered FIRST be deleted and the following substituted therefor:

FIRST: That the above described property shall not be used for commercial and manufacturing purposes. However, it is specifically understood that there is excluded from the term "commercial" the business of raising livestock, hunting, recreational enterprises, summer camps, youth camp and church camp type operations.

IN WITNESS WHEREOF, the undersigned has caused these presents to be executed this 27th day of June, A. D. 1977.

WITNESSED BY ME, JUDGE, on this 27th day of June, 1977.  
EMMA E. MUEHLER  
Clerk County Court, Kerr County, Texas  
By: Paul M. Muehl Deputy

GENERAL COMPUTER SERVICES, INC.

By: G. E. Lehmann  
G. E. Lehmann, Attorney-in-Fact

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BEFORE ME, a Notary Public in and for said county and state, on this day personally appeared G. E. LEHMANN, known to me to be the person whose name is subscribed to the foregoing instrument as attorney in fact for GENERAL COMPUTER SERVICES, INC., and acknowledged to me that he executed the same as attorney in fact for the said GENERAL COMPUTER SERVICES, INC., and that the said GENERAL COMPUTER SERVICES, INC. executed the same by and through him, for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 27th day of June, A. D. 1977.



Margaret H. Watson  
Notary Public, Kerr County, Texas

MARGARET H. WATSON  
NOTARY PUBLIC  
KERR COUNTY, TEXAS

MY COMMISSION EXPIRES 5-31-79

Filed for record June 27, 1977 at 3:00 o'clock P.M.  
Recorded June 30, 1977  
EMMIE M. MUENKER, Clerk

By Melinda Adams Deputy