

Motley Hill 3

## **Restrictions**

Volume 3, Page 17, Plat Records of Kerr County, Texas; Volume 145, Page 248, 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 May 28, 1941 to L.C.R.A., recorded in Volume 68, Page 83, Deed Records of Kerr County, Texas. (AS PER BLOCKS K AND L ONLY)
- Easement to Lone Star Gas Company, dated August 3, 1950, recorded in Volume 1, Page 399, Easement Records of Kerr County, Texas. (as shown on plat, not all lots)
- Mineral reservation by Grantor, as described in instrument from W.J. Carter to F.D. Motley, dated April 20, 1967, recorded in Volume 128, Page 345, Deed Records of Kerr County, Texas, reference to which instrument is here made for all purposes, together with all rights, expressed or implied in and to the property covered by this policy arising out of or connected with said interests and conveyance. Title to said interest not checked subsequent to date of aforesaid instrument.
- Utility Easement and Building Set Back Lines as per the Plat recorded in Volume 3, Page 17, Plat 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  
2067

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

WHEREAS, F. D. Motley of the County of Harris, State of Texas, hereinafter referred to and identified as "Owner", is the owner of Lots <sup>7</sup> 8, 9, 10 and 11, Block J; Lots 1, 2, 4, 5, 6, 7, 8, 9, 15 and all of Lot 16 less however the NE 12.2 feet, Block I; Lots 8, 9, 10, 11 and 12, Block H; and Lot 11, Block L, said tracts of land comprising part of the land which has been subdivided as Motley Hills Section 3 to the City of Kerrville, Kerr County, Texas, a plat of which subdivision having been heretofore filed in Volume 3, Page 17, of the Plat Records of Kerr County, Texas; and,

WHEREAS, it is deemed to be to the best interest of the above described Owner and of the persons who may purchase any of the above described lots covered by the above mentioned plat that there be established and maintained a uniform plan for the improvement and development of said lots covered as a restricted and modern subdivision; and,

WHEREAS, it is desirable that such restrictions applying to the above described property be put of record and include all of the tracts of land hereinabove described in said subdivision;

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 Owner and all persons acquiring title under him until January 1, 2010, 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 of the above described property it is agreed to change said covenants, conditions and restrictions, in whole or in part.

If Owner, or any of his respective successors or assigns, shall violate or attempt to violate any of the covenants herein, it shall be

lawful for any other person or persons owning any of the real property above described 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, reservations, covenants and easements are as follows, to-wit:

1. Land Use: Except as herein noted, no lot shall be used for anything other than residential purposes. The term "residential purposes" as used herein shall be held and construed to exclude hospitals, clinics, apartment houses, boarding houses, hotels and to exclude commercial and professional uses whether from homes, residences, or otherwise, and all such uses of said property are hereby expressly prohibited. Owner may maintain and operate a sales office on any lot in said subdivision in connection with the development of the above described property.
2. Exterior Material: All dwellings on the above described property must have not less than eighty-five per cent (85%) of the area of their exterior walls covered with brick, masonry (masonry is not to be construed as including unpainted concrete blocks or common clay tiles), Austin Stone, or similar material. No asbestos shingle siding shall be permitted as an exterior siding on any dwelling.
3. Dwelling Size: The ground floor area of the main structure, exclusive of one-story open porches and garages, shall be not less than one thousand four hundred (1400) square feet.

IN WITNESS WHEREOF, the undersigned has caused these presents to be executed, this 1 day of July, A. D. 1970.

**FILED FOR RECORD**

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

SEP 2 1970

*Emmie M. Menden*  
Clerk County Court, Kerr County, Texas

*Tommy Lee Cowley* Deputy

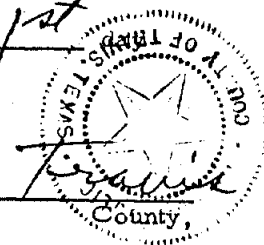
*F. D. Motley*

THE STATE OF TEXAS    |  
COUNTY OF               |

BEFORE ME, the undersigned authority, on this day personally appeared F. D. Motley, 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.

Given under my hand and seal of office on this the 1st  
of July, A. D. 1970.

A. O. Hers  
Notary Public in and for  
Texas



Filed for record September 2, 1970 at 3:30 o'clock P. M.  
Recorded September 3, 1970  
EMMIE M. MUENKER, Clerk

By Margaret Muenker Deputy