

Item: **DAKOTA HILLS**

(Category: RESTRICTIONS)

Volume 203, Page 342; Volume 234, Page 372; Volume 255, Page 381 and Volume 257, Page 497, 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.

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Item: **DAKOTA HILLS**

(Category: Subdivisions)

- a. Easement and Right Of Way dated June 6, 1936 to Texas Power & Light Company, recorded in Volume 59, Page 454, Deed Records of Kerr County, Texas.
- b. Easement dated June 14, 1945 to L.C.R.A., recorded in Volume 76, Page 558, Deed Records of Kerr County, Texas.
- c. Road Easement as reserved in deed dated December 1, 1977, recorded in Volume 203, Page 342, Deed Records of Kerr County, Texas. (AS PER LOTS 1, 2, 9 & 10 only)
- d. Telephone Line Right-Of-Way Easement dated May 28, 1983, recorded in Volume 19, Page 23, Easement Records of Kerr County, Texas.
- e. Road and Utility Easement as per the Plat recorded in Volume 4, Page 269, Plat Records of Kerr County, Texas.
- f. Any visible and/or apparent roadways or easements over or across the subject property.
- g. Rights of Parties in Possession. (AS PER OWNER POLICY ONLY)

THE STATE OF TEXAS

§

THE COUNTY OF KERR

§

KNOW ALL MEN BY THESE PRESENTS:

That we, ELIZABETH S. WAGNER HETHERINGTON, INDIVIDUALLY AND AS INDEPENDENT EXECUTRIX OF THE ESTATE OF EUGENE H. WAGNER, DECEASED, GEORGE J. GATOURA, G. W. COLES, JR., and GRADY TUCK, JR., hereinafter referred to as Grantors, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto RANDALL KEITH OLSON, ET UX, MARSHA LYNNE OLSON of the County of Kerr and State of Texas, all of the following described real property in Kerr County, Texas, to-wit:

FIELD NOTES DESCRIPTION FOR A 15.10 ACRE TRACT OF LAND OUT OF THE GRADY TUCK, JR., ET AL, 512.83 ACRE TRACT FORMERLY OWNED BY J. B. ADAMS, IN KERR COUNTY, TEXAS.

Being all of a certain 15.10 acre tract of land out of a 512.83 acre tract of land conveyed to Grady Tuck, Jr., et al, from J. B. Adams, et ux, by a warranty deed dated the 3rd day of January, 1973, and recorded in Volume 160 at Page 636 of the Deed Records of Kerr County, Texas; and being out of C.G. & S.F. R.R. Co. Survey 1868, Abstract No. 1376, in Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron stake set for the southeast corner of the herein described tract at the intersection of the center of a ranch road, which forms the westerly boundary of the herein described tract, and the northwest right-of-way line of State Highway No. 39, which point bears approximately 5927 feet, S. 27° 52' W. from a fence cornerpost and 1/2" iron stake believed to be the northeast corner of T.T. R.R. Co. Survey No. 1875, Abstract No. 1264;

THENCE, along a fence line along the northwest right-of-way of said highway, S. 64° 18' W., 231.01 feet to a 1/2" iron stake set to mark the most southerly corner of the herein described tract;

THENCE, N. 27° 19' W., 199.89 feet to a 1/2" iron stake set to mark a southwest corner of the herein described tract;

THENCE, S. 63° 47' W., 359.57 feet to a 1/2" iron stake set in a fence line which forms the westerly boundary of herein described tract, and also perimeter of said Tuck, et al, 512.83 acre tract;

THENCE, along said fence line N. 9° 46' W., 376.97 feet to a fence corner and 1/2" iron stake in the westerly boundary of the herein described tract;

THENCE, along another fence line N. 74° 56' W., 562.36 feet to a 1/2" iron stake set to mark a northwest corner of the herein described tract;

THENCE, along the northwest boundary of herein described tract N. 29° 44' E., 320.98 feet to a 1/2" iron stake set in the center of said ranch road, which point also marks a northwest corner of the herein described tract;

THENCE, along the center line of said ranch road which forms the northerly and easterly boundary of the herein described tract, N. 67° 42' E., 54.65 feet; N. 52° 00' E., 169.98 feet; N. 61° 11' E., 48.18 feet; N. 77° 37' E., 167.22 feet; N. 83° 49' E., 91.84 feet; S. 62° 25' E., 267.99 feet; S. 42° 10' E., 65.03 feet; S. 25° 45' E., 248.92 feet; and S. 21° 11' E., 550.03 feet to the PLACE OF BEGINNING, containing 15.10 acres of land within these metes and bounds; SAVE AND SUBJECT TO a twenty-five (25') foot wide road and utility easement along and abutting said ranch road in the north and east boundary line of the herein described tract.

This conveyance is made and accepted subject to the following restrictions:

(1) Easement from J. B. Adams, to L.C.R.A., dated June 14, 1945, of record in Vol. 76, Page 558, Deed Records of Kerr County, Texas;

(2) Easement from W. H. Mullins, et ux, to Texas Power & Light Co., dated August 16, 1939, of record in Vol. 65, Page 199, Deed Records of Kerr County, Texas, and succeeded by L.C.R.A., by deed recorded in Volume 65, Page 13, of the Deed Records of Kerr County, Texas;

(3) Easement to Texas Power & Light Co., recorded in Volume 59, Page 454 of the Deed Records of Kerr County, Texas;

(4) Easement to Texas Power & Light Co., recorded in Volume 53, Page 60 of the Deed Records of Kerr County, Texas;

(5) Right-of-way easement to Kerr County, Texas, dated December 30, 1935, recorded in Volume 58, Page 599 of the Deed Records of Kerr County, Texas;

(6) Restrictions attached hereto and incorporated herein by this reference as Exhibit "A".

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantees, their heirs and assigns forever; and we do hereby bind ourselves, our heirs, executors and administrators to WARRANT AND FOREVER DEFEND all

and singular the said premises unto the said Grantees, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED THIS 1st day of December, 1977.

Elizabeth S. Wagner Hetherington  
ELIZABETH S. WAGNER HETHERINGTON,  
Individually and as Independent  
Executrix of the Estate of Eugene  
H. Wagner, Deceased

**FILED FOR RECORD**

at 4:45 o'clock P. M.

DEC 20 1977

Emmie M. Muenker  
Clerk County Court, Kerr County, Texas

By Lois Hudson Deputy

George J. Gatooura  
GEORGE J. GATOOURA

G. W. Coles, Jr.  
G. W. COLES, JR.

Grady Tuck, Jr.  
GRADY TUCK, JR.

THE STATE OF TEXAS §  
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared ELIZABETH S. WAGNER HETHERINGTON, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 1st day of December, 1977.

Mary Ann Taylor  
Notary Public in and for  
Harris County, Texas

THE STATE OF TEXAS §  
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared GEORGE J. GATOOURA, 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 1st day of December, 1977.

Mary Ann Taylor  
Notary Public in and for  
Harris County, Texas

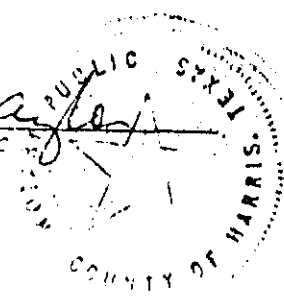
THE STATE OF TEXAS §  
COUNTY OF HARRIS §

VOL. 203 PAGE 345

BEFORE ME, the undersigned authority, on this day personally appeared G. W. COLES, JR., 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 1<sup>st</sup> day of December, 1977.

Mary Ann Taylor  
Notary Public in and for  
Harris County, Texas

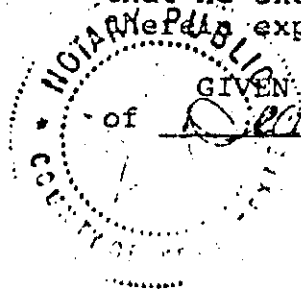


THE STATE OF TEXAS §  
COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared GRADY TUCK, JR., 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 1<sup>st</sup> day of December, 1977.

Sue Hodges  
Notary Public in and for  
Kerr County, Texas



1. Non-Commercial Use. No part of said land shall be used for any commercial purpose, except that nothing herein shall be construed to prevent the owner from rendering professional services of a purely personal nature as long as such services do not attribute to the property or any part thereof any appearance of a commercial use.
2. Subdividing. No portion of said land may be subdivided into lots or parcels of less than five (5) acres of land.
3. Construction of Buildings and Other Structures. All buildings and structures in each portion of said land shall be of new construction. No unpainted sheet metal or Fiberglass structures shall be placed on any portion of said property for use as an accessory building. No tent, housetrailer, a temporary structure of any character may be placed, constructed or maintained on any portion of said land.
4. Size of Building and Structures. In no event shall any structure used as a primary residential structure be constructed on the said land having a living area of less than 1200 square feet, exclusive of porches, garages or other appendages.
5. Animals. Horses and cattle may be kept and maintained on said land in numbers not to exceed two animal units per five (5) acres.
6. Sanitation and Sewage. No outside toilets will be permitted and no installation of any kind for disposal of sewage shall be allowed which would result in raw, treated or untreated sewage or septic tank drainage on or into the surface or water bodies of said land.
7. Covenants Running with the Land. These restrictions and covenants are hereby declared to be covenants running with the land for a period of thirty years.

Filed for record December 20, 1977 at 4:45 o'clock P.M.  
Recorded December 27, 1977  
EMMIE M. MUENKER, Clerk

By Mac Annen Dazul Deputy

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF KERR §

THIS AGREEMENT entered into this 2nd day of April 1980, by and between GRADY TUCK, JR., hereinafter referred to as Grantor, and RANDALL KEITH OLSON, hereinafter referred to as Grantee;

W I T N E S S E T H

WHEREAS, Grantor has hereinbefore conveyed unto Grantee a 15.10 acre tract of land being described as follows:

FIELD NOTES DESCRIPTION FOR A 15.10 ACRE TRACT OF LAND OUT OF THE GRADY TUCK, JR., ET AL, 512.83 ACRE TRACT FORMERLY OWNED BY J. B. ADAMS, IN KERR COUNTY, TEXAS.

Being all of a certain 15.10 acre tract of land out of a 512.83 acre tract of land conveyed to Grady Tuck, Jr., et al, from J. B. Adams, et ux, by a Warranty Deed dated the 3rd day of January, 1973, and recorded in Volume 160 at page 636 of the Deed Records of Kerr County, Texas; and being out of C.G. & S. F. R. R. CO. Survey 1868, Abstract No. 1376, in Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron stake set for the southeast corner of the herein described tract at the intersection of the center of a ranch road, which forms the westerly boundary of the herein described tract, and the northwest right-of-way line of State Highway No. 39, which point bears approximately 5927 feet, S. 27° 52' W. from a fence cornerpost and 1/2" iron stake believed to be the northeast corner of T.T. R.R. Co. Survey No. 1875, Abstract No. 1264;

THENCE, along a fence line along the northwest right-of-way of said highway, S. 64° 18' W., 231.01 feet to a 1/2" iron stake set to mark the most southerly corner of the herein described tract;

THENCE, N. 27° 19' W., 199.89 feet to a 1/2" iron stake set to mark a southwest corner of the herein described tract;

THENCE, S. 63° 47' W., 359.57 feet to a 1/2" iron stake set in a fence line which forms the westerly boundary of herein described tract, and also perimeter of said Tuck, et al, 512.83 acre tract;

THENCE, along said fence line N. 9° 46' W., 376.97 feet to a fence corner and 1/2" iron stake in the westerly boundary of the herein described tract;

THENCE, along another fence line N. 74° 56' W., 562.36 feet to a 1/2" iron stake set to mark a northwest corner of the herein described tract;

THENCE, along the northwest boundary of herein described tract N. 29° 44' E., 320.98 feet to a 1/2" iron stake set in the center of said ranch road, which point also marks a northwest corner of the herein described tract;

THENCE, along the center line of said ranch road which forms the northerly and easterly boundary of the herein described tract, N. 67° 42' E., 54.65 feet; N. 52° 00' E., 169.98 feet; N. 61° 11' E., 48.18 feet; N. 77° 37' E., 167.22 feet, N. 83° 49' E.,

91.84 feet; S. 62° 25' E., 267.99 feet; S. 42° 10' E., 65.03 feet; S. 25° 45' E., 248.92 feet; and S. 21° 11' E., 550.03 feet to the PLACE OF BEGINNING, containing 15.10 acres of land within these metes and bounds; SAVE AND SUBJECT TO a twenty-five (25') foot side road and utility easement along and abutting said ranch road in the north and east boundary line of the herein described tract;

said conveyance having been made on the 1st day of December, 1977 by deed recorded in Volume 203, page 342, Deed Records of Kerr County, Texas; and

WHEREAS, Grantor is desirous of amending the restrictions and covenants covering and pertaining to said land and conveyance;

NOW THEREFORE, in consideration of the premises and the mutual benefits to be derived therefrom, the parties mutually agree to the restriction regarding re-subdivision of the property hereby amended to read as follows:

"2. Subdivising. No portion of said land may be subdivided into lots or parcels of less than one and one-half (1.5) acres of land."

EXECUTED THIS 2nd day of April, 1980.

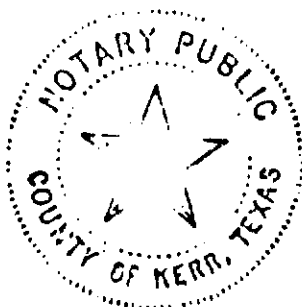
Filed 29 Day of April A.D. 1980 at  
EMMA E. M. MUENKER, 4:25 P.M.  
Clerk: County Court, Kerr County, Texas  
By Winnie L. Peschel Deputy

Grady Tuck, Jr.  
GRADY TUCK, JR.

THE STATE OF TEXAS    S  
COUNTY OF KERR        S

BEFORE ME, the undersigned authority, on this day personally appeared GRADY TUCK, JR., 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 28<sup>th</sup> day of April, 1980.



Jimmie L. Peschel  
Notary Public in and for  
Kerr County, Texas

JIMMIE L. PESCHEL  
Notary Public  
Kerr County, Texas  
My Commission Expires

131-81



802398

FIDELITY ABSTRACT AND TITLE CO.  
323 Earl Garrett  
Phone 896-4311 P. O. Box 509  
Kerrville, Texas 78028

VOL. 234 PAGE 374

*Amended Restrictions*

*Grady Jack Jr.*

*between*

*Randall Keith Olson*

FILED FOR RECORD

at 4:25 o'clock P.M.

APR 29 1980

EMMIE M. MUENKER

Clerk County Court, Kerr County, Texas

By *William J. Levey* Deputy

*Return:*

*Randall Keith Olson  
Green Valley Ranch  
Ingram, TX 78025*

Filed for record April 29, 1980 at 4:25 o'clock P.M.

Recorded May 1, 1980

EMMIE M. MUENKER, Clerk

By *Betty J. Levey* Deputy

816408

AMENDED RESTRICTIONS

VOL. 255 PAGE 381

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

THIS AGREEMENT entered into the 30<sup>th</sup> day of November 1981, by and between Grady Tuck, Jr., hereinafter referred to as Grantor, and Timothy E. Fennell, hereinafter referred to as Grantee;

W I T N E S S E T H:

WHEREAS, Grantor has hereinbefore conveyed unto Randall Keith Olson a 15.10 acre tract of land being described in deed dated the 1st day of December, 1977 and appearing of record in Vol. 203, page 342, Deed Records of Kerr County, Texas; and

WHEREAS, restrictions contained in said Deed were amended by instrument dated the 2nd day of April, 1980, appearing of record in Vol. 234, page 372, Deed Records of Kerr County, Texas; and

WHEREAS, Randall Keith Olson and wife, Marsha Lynne Olson did, thereafter, convey to Grantee a 13.60 acre tract of land out of said 15.10 acre tract of land by Deed dated the 12th day of February, 1981 and appearing of record in Vol. 244, page 498, Deed Records of Kerr County, Texas; and

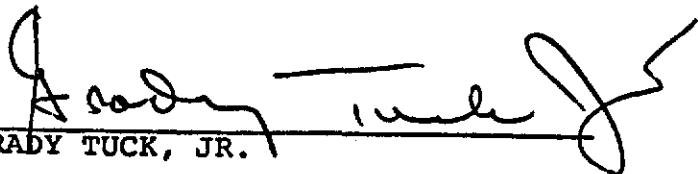
WHEREAS, Grantor is desirous of amending the restrictions and covenants covering and pertaining to the 13.60 acre tract of land conveyed to Grantee by deed recorded in Vol. 244, page 498, Deed of Records of Kerr County, Texas;

NOW THEREFORE, in consideration of the premises and the mutual benefits to be derived therefrom, the parties mutually agree that the restriction regarding re-subdivision of the property is hereby amended to read as follows:

"2. Subdividing. No portion of said land may be subdivided into lots of parcels of less than one-half (.5) acres of land."

EXECUTED THIS 30th day of November, 1981

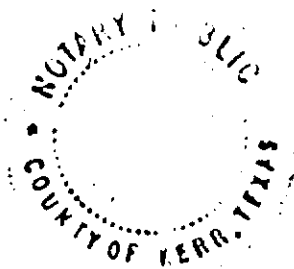
  
TIMOTHY E. FENNELL

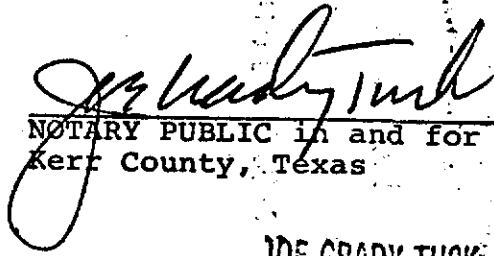
  
GRADY TUCK, JR.

THE STATE OF TEXAS     §  
COUNTY OF KERR         §

BEFORE ME, the undersigned authority, on this day personally appeared TIMOTHY E. FENNEL, 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.

GIVEN under my hand and seal of office on this 30th day of November, 1981.



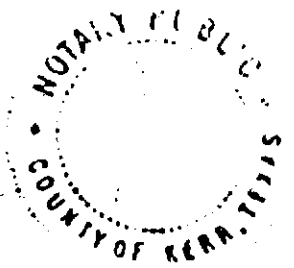
  
NOTARY PUBLIC in and for  
Kerr County, Texas

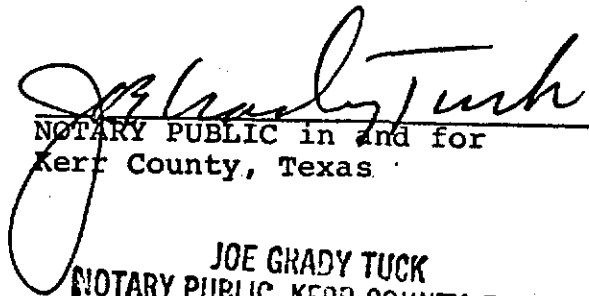
THE STATE OF TEXAS     §  
COUNTY OF KERR         §

JOE GRADY TUCK  
NOTARY PUBLIC, KERR COUNTY, TEXAS  
COMMISSION EXPIRES JUNE 10, 1985

BEFORE ME, the undersigned authority, on this day personally appeared GRADY TUCK, JR., 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.

GIVEN under my hand and seal of office on this 30th day of November, 1981.



  
NOTARY PUBLIC in and for  
Kerr County, Texas

JOE GRADY TUCK  
NOTARY PUBLIC, KERR COUNTY, TEXAS  
COMMISSION EXPIRES JUNE 10, 1985

#816408  
Re

VOL 255 PAGE 383

Amended Restrictions

Grady Juck, Jr.

To

Timothy E. Fennell

FILED FOR RECORD

at 1:55 o'clock P. M

DEC 8 1981

EMMIE M. MUENKER

Clerk County Court, Kerr County, Texas

By Betty J. Loney Deputy

Filed by and Return To:

Tim Fennell

Box 349

Kerrville, TEXAS 78028

Filed for record December 8, 1981 at 1:50 o'clock P.M.

Recorded December 10, 1981

EMMIE M. MUENKER, Clerk

By Betty J. Loney Deputy

**820853**

OF

DAKOTA HILLS, KERR COUNTY, TEXAS

This Addendum is filed as additional restrictions and covenants to Dakota Hills, a subdivision of Kerr County, Texas, filed in Volume 203, Page 342, of Kerr County, Texas, and dated December 1, 1977.

All previously filed restrictions and covenants shall remain in full force and effect.

The following additional restrictions shall be added to the original instrument filed on December 1, 1977:

1. Any and all purchasers and buyers of property in Dakota Hills shall have the full and sole responsibility of maintaining any water system pipes connecting to or from their property or any part of Dakota Hills. Also, they have full responsibility for the expense of connecting to the existing water lines in said Dakota Hills.

2. Developer, its successors and assigns, shall not be liable nor do they guarantee any hook-ups for cable or cable hook-ups on any property of Dakota Hills, and this shall be the full responsibility of the purchaser or owner to obtain their own hook-ups.

3. All purchasers of property in Dakota Hills must first get the full approval of the Developer for the construction of any and all structures on Dakota Hills.

4. All roads in Dakota Hills will be dedicated to the buyers and owners at the time of purchase and they shall have full responsibility for the maintenance of said roads until the County takes over the maintenance of said roads. Until the County assumes the responsibility for the maintenance of said roads, the same shall be the full responsibility of the owners of the property in Dakota Hills.

EXECUTED this 16th day of February, A.D. 1982.

  
Timothy E. Fennell

657—(15-1200)—SINGLE ACKNOWLEDGMENT—Class 1 (Rev. April, 1952)

The State of Texas, Austin

THE STATE OF TEXAS,

County of KERR

BEFORE ME, the undersigned authority, on this day personally appeared

TIMOTHY E. FENNEL

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, this 16th day of February A.D. 19 82

By Tommie C. Huston Deputy  
Tommie C. Huston

EMMIE M. MUENKER, County Clerk

Kerr County Texas.

820853

Addendum to Restrictions

Sakota Wells

20

The Public

FILED FOR RECORD

at 1:25 o'clock P.M.

FEB 16 1982

EMMIE M. MUENKER

Clerk County Court, Kerr County, Texas  
By Tommie C. Huston Deputy

Return to:

✓ Timothy E. Fennell

P.O. Box 349

Kerrville, Texas 79028

Filed for record February 16, 1982 at 1:25 o'clock P.M.  
Recorded February 18, 1982  
EMMIE M. MUENKER, Clerk

By Betty J. Leroy Deputy