

## **MOUNTAIN TOP RANCHETTS RESTRICTIONS**

Volume 217, Page 223, 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**

- An undivided non-participating royalty interest reserved by Grantors, as described in instrument from V.P. Tippet and wife, Ergeal B. Tippet to Herman A. Swan, et al, dated March 6, 1962, recorded in Volume 112, Page 139, of the Deed Records of Kerr County, Texas; said deed being corrected by instrument dated May 9, 1962, recorded in Volume 124, Page 100, 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.
- Road and Utility Easements as per the Plat recorded in Volume 3, Page 62, Plat Records of Kerr County, Texas. (As per Lots 1-7, 12, 13 & 23 only)
- Road Easement reserved in deed dated October 10, 1978, recorded in Volume 214, Page 408, Deed Records of Kerr County, Texas. (As per Lots 1, 7, 8, 12, 13, 17, 18, & 23 only)
- Road Easements as per Plat recorded in Volume 4, Page 151, Plat Records of Kerr County, Texas.
- Easements and Building Set Back Lines as per the Restrictions recorded in Volume 217, Page 223, Deed Records of Kerr County, Texas.
- Easement to Kerrville Telephone Company and L.C.R.A. dated July 27, 1979, recorded in Volume 11, Page 71, Easement Records of Kerr County, Texas. (As per Lot 18 only)
- Any visible and/or apparent roadways or easements over or across the subject property.
- Rights of Parties in Possession. (AS PER OWNER POLICY ONLY)

790276

VOL. 217 PAGE 223

A. D. MAIER AND WIFE,  
MYRTLE E. MAIER

SUBDIVISION RESTRICTIONS

TO  
THE PUBLIC

DATE DECEMBER 6, 1978

SUBDIVISION RESTRICTIONS  
OF MOUNTAIN TOP RANCHETTS

WHEREAS, A. D. MAIER, and MYRTLE E. MAIER, are the owners of the tract of land in Kerr County referred to above, said tract of land comprising all of the land which has been subdivided as MOUNTAIN TOP RANCHETTS, a subdivision in Kerr County, Texas;

THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that in consideration that purchasers of any of the hereinbefore described lots situated in the above-described subdivision and the undersigned may be protected and be assured as to the type of any and all buildings and structures that surround them and be assured of the nature of the occupancy and use of said premises, the following restrictions are hereby placed on all of the above-described lots in Mountain Top Ranchetts Subdivision, Kerr County, Texas as above fully described, said restrictions being as follow, to-wit:

1. Every residential dwelling constructed or erected on any of the lots above shall contain a minimum of 1,200 square feet of fully enclosed living area devoted to living purposes (exclusive of roofed or unroofed porches, terraces, garages, carports, and other outbuildings).
2. No building shall be nearer than six (6) feet to any property line.
3. All lots in said subdivision shall be single family residential lots and shall be used for residential purposes only.
4. No stockade type fence shall be erected in the subdivision.
5. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
6. No junk automobiles or accumulation of trash shall be allowed on any lot in this subdivision.
7. No animals shall be kept on any lot except household pets, which shall not become a nuisance to other lot owners.
8. No mobile home may be placed within the bounds of the subdivision, nor may any motor home or trailer be used as a residence within the subdivision.
9. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat, and in addition an easement for public utilities is provided in every lot. Said easement being 5 feet from each side and front property line. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities or which may damage the direction of flow of drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a

public authority or utility company is responsible.

10. These covenants are to run with the land and shall be binding on all parties and all persons claiming hereunder for a period of ten (10) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for a successive periods of five (5) years unless an instrument signed by a majority of the then owners of the lots has been recorded agreeing to change said covenants in whole or in part.

11. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation thereof or to recover damages.

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

EXECUTED This 28th day of December, 1978.

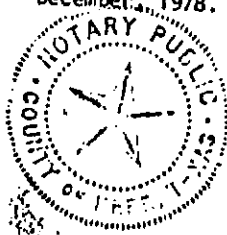
A. D. MAIER

MYRTLE E. MAIER

THE STATE OF TEXAS  
COUNTY OF KERR

Before me, the undersigned authority, on this day personally appeared A. D. MAIER and wife, MYRTLE E. MAIER, 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 on this the 28th day of December, 1978.



Carlton Jander  
Notary Public in and for  
Kerr County, Texas

Return To:

A. D. Maier  
211 Valley View  
Kerrville, Texas 78028

EMMIE M. MUENKER  
Clerk County Court, Kerr County, Texas  
By Letitia K. O'Brien Deputy

FILED FOR RECORD  
at 9:50 o'clock A.M.  
JAN 9 1979

Restrictions  
Buld. Mountain Top  
Bonhills  
TO  
The Public

Filed for record January 9, 1979 at 9:50 o'clock A.M.  
Recorded January 11, 1979  
EMMIE M. MUENKER, Clerk

By Marianna Schurer Deputy