

Item: **VERDE HILLS SUBDIVISION**

(Category: RESTRICTIONS)

Volume 153, Page 400, Volume 154, Page 238, Volume 172, Page 618 and Volume 223, Page 625, Deed Records of Kerr County, Texas; Volume 428, Page 683, Real Property 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.

Item: **VERDE HILLS SUBDIVISION**

(Category: Subdivisions)

- a. Easements as per the Plat recorded in Volume 3, Page 88, Plat Records of Kerr County, Texas.
- b. Building Set Back Lines as per the Restrictions recorded in Volume 153, Page 400 and Volume 154, Page 238, Deed Records of Kerr County, Texas and Volume 428, Page 683, Real Property Records of Kerr County, Texas.
- c. Mineral reservation by Grantor, as described in instrument from {PR,"Name of Grantor",ST1,1} to {PR,"Name of Grantee",ST1,2}, dated {PR,"Date of Instrument",DT2,3}, recorded in Volume {PR,"Number/Letter of Volume",ST1,4}, Page {PR,"Number/Letter of Page",ST1,5}, {PR,"Type of Records",ST1,6} 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.
- d. Annual assessments and/or current maintenance charges as set forth in instrument notarized on July 20, 1979, recorded in Volume 223, Page 625, Deed Records of Kerr County, Texas.
- e. Any visible and/or apparent roadways or easements over or across the subject property.
- f. Rights of Parties in Possession. (AS PER OWNER POLICY ONLY)

STATE OF TEXAS X

COUNTY OF KERR X

VERDE HILLS RESTRICTIONS

WHEREAS, we, Lloyd F. Taylor and Linda B. Taylor, hereafter called DEVELOPERS, own that certain property known as VERDE HILLS, being the identical property referred to by plat recorded in Volume 3 Page 88 of the Plat Records of Kerr County, Texas;

AND WHEREAS, DEVELOPERS desire to develop and use said lands in an orderly manner to enhance the value thereof for the mutual benefit of all subsequent owners;

NOW, THEREFORE, DEVELOPERS hereby adopt and impose the following restrictions and covenants, hereafter called restrictions, upon each and every lot shown upon the above referred to plat of VERDE HILLS, such restrictions to be covenants running with the land, as follows:

1. Use - Said land shall be used primarily for residential purposes and no building shall be permitted which shall house more than one family. No building erected on said land shall be erected nearer than thirty (30) feet to any boundary of said tract. No tract is to be subdivided after initial sale by DEVELOPERS more than one time and if subdivided is to be no smaller than one acre in size. DEVELOPERS reserve the right to resubdivide the remainder of VERDE HILLS at their sole discretion as to size. No mobile homes, trailers, or temporary structure of any sort shall be used as a residence on said tracts whether or not same is placed on a foundation of any type.

2. Size - The principle residential structure on any one tract shall contain a minimum of 1,500 square feet of living area under roof unless DEVELOPERS agree otherwise in writing.

3. Animals - No swine or poultry shall be kept on said tracts. Other animals such as horses, cows, may be kept only with prior written consent of DEVELOPERS or their authorized agents. No commercial use for breeding or keeping animals shall be permitted.

4. Construction - Any building erected on said tracts, which are constructed of wood, stucco, cement, or metal shall be stained, painted, or have the color mixed in the final coat. Once construction shall have been initiated upon any structure on any said tract, it must be completed within one year of the time construction was initiated.

5. Firearms - There shall be no hunting of any kind permitted nor the discharge of firearms within the boundaries of VERDE HILLS.

6. Sewage - All toilets shall be indoor. No sewage disposal system, sanitary system, cesspool, or septic tank shall be constructed, altered, or allowed to remain or be used in any tract unless fully approved as to design, capacity, location, and construction by all proper public health agencies of the State of Texas and the County of Kerr.

7. Nuisance - Said land shall not be occupied or used for any noxious or offensive activity and nothing shall be done or permitted to be done on said lands which is a nuisance or might become a nuisance to the owners of any of the surrounding lands including the disposal of trash, garbage, and junked cars. Garbage shall be incinerated or kept in covered containers and be hauled away at least once every two weeks.

8. Zoning - All zoning and other laws, rules and regulations of any government under whose jurisdiction said land lies are considered to be a part hereof and enforceable hereunder and all owners of said lands shall be bound by such laws, rules and regulations as they now exist or may hereafter come into effect.

9. Enforcement - Enforcement of these covenants shall be by proceedings at law or in equity to restrain violations or to recover damages, against any person or persons violating or attempting to violate any covenant, and available to any tract owner.

10. Amendments - No amendments to or variance from any of these restrictions shall be permitted or be of any force or effect unless approved in writing by DEVELOPERS or their duly authorized agents and the owners of at least seventy-five percent of all the VERDE HILLS tracts.

ADOPTED this 7th day of January, 1972.

Lloyd F. Taylor and Linda B. Taylor
Lloyd F. Taylor and Linda B. Taylor
Owners and Developers - VERDE HILLS

STATE OF TEXAS I
COUNTY OF KERR I

BEFORE ME, the undersigned authority, in and for said County, Texas, on this day personally appeared Lloyd F. Taylor and Linda B. Taylor 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, This 7th day of January, A.D. 1972.

Jeanie Kirchoff
Notary Public, Kerr County, Texas



Filed 12 Day of Jan, A.D. 1972
EMMIE M. MUENKER, 9:15 AM
Clerk County Court, Kerr County, Texas
By Jeanie Kirchoff Deputy

Filed for record January 12, 1972 at 9:15 o'clock A. M.
Recorded January 13, 1972
EMMIE M. MUENKER, Clerk

By Margaret Williams Deputy

STATE OF TEXAS

I

699

VERDE HILLS RESTRICTIONS

(As Amended February 19, 1972)

COUNTY OF KERR

I

WHEREAS, we, Lloyd F. Taylor and Linda B. Taylor, hereafter called DEVELOPERS, own that certain property known as VERDE HILLS, being the identical property referred to by plat recorded in Volume 3, Page 88 of the Plat Records of Kerr County, Texas;

AND WHEREAS, DEVELOPERS desire to develop and use said lands in an orderly manner to enhance the value thereof for the mutual benefit of all subsequent owners;

NOW, THEREFORE, DEVELOPERS hereby adopt and impose the following restrictions and covenants, hereafter called restrictions, upon each and every lot shown upon the above referred to plat of VERDE HILLS, such restrictions to be covenants running with the land, as follows:

1. Use - Said land shall be used primarily for residential purposes and no building shall be permitted which shall house more than one family. No building erected on said land shall be erected nearer than thirty (30) feet to any boundary of said tract. No tract is to be subdivided after initial sale by DEVELOPERS more than one time and if subdivided is to be no smaller than one acre in size. DEVELOPERS reserve the right to resubdivide the remainder of VERDE HILLS at their sole discretion as to size. No mobile homes, trailers, or temporary structure of any sort shall be used as a residence on said tracts whether or not same is placed on a foundation of any type.

2. Size - The principle residential structure on any one tract shall contain a minimum of 1,000 square feet of living area under roof.

3. Animals - No swine or poultry shall be kept on said tracts. Other animals such as horses, cows, may be kept only with prior written consent of DEVELOPERS or their authorized agents. No commercial use for breeding or keeping animals shall be permitted.

4. Construction - Any building erected on said tracts, which are constructed of wood, stucco, cement, or metal shall be stained, painted, or have the color mixed in the final coat. Once construction shall have been initiated upon any structure on any said tract, it must be completed within one year of the time construction was initiated.

5. Firearms - There shall be no hunting of any kind permitted nor the discharge of firearms within the boundaries of VERDE HILLS.

6. Sewage - All toilets shall be indoor. No sewage disposal system, sanitary system, cesspool, or septic tank shall be constructed, altered, or allowed to remain or be used in any tract unless fully approved as to design, capacity, location, and construction by all proper public health agencies of the State of Texas and the County of Kerr.

7. Nuisance - Said land shall not be occupied or used for any noxious or offensive activity and nothing shall be done or permitted to be done on said lands which is a nuisance or might become a nuisance to the owners of any of the surrounding lands including the disposal of trash, garbage, and junked cars. Garbage shall be incinerated or kept in covered containers and be hauled away at least once every two weeks.

8. Zoning - All zoning and other laws, rules and regulations of any government under whose jurisdiction said land lies are considered to be a part hereof and enforceable hereunder and all owners of said lands shall be bound by such laws, rules and regulations as they now exist or may hereafter come into effect.

9. Enforcement - Enforcement of these covenants shall be by proceedings at law or in equity to restrain violations or to recover damages, against any person or persons violating or attempting to violate any covenant, and available to any tract owner.

10. Amendments - No amendments to or variance from any of these restrictions shall be permitted or be of any force or effect unless approved in writing by DEVELOPERS or their duly authorized agents and the owners of at least seventy-five percent of all the VERDE HILLS tracts.

ADOPTED this 19th day of February, 1972.

Lloyd F. Taylor and Linda B. Taylor
Lloyd F. Taylor and Linda B. Taylor
Owners and Developers - VERDE HILLS

STATE OF TEXAS I
COUNTY OF KERR I

BEFORE ME, the undersigned authority, in and for said County, Texas, on this day personally appeared Lloyd F. Taylor and Linda B. Taylor 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, This 28th day of February, A.D. 1972.



Jo Burleson
Notary Public, Kerr County, Texas

FILED FOR RECORD

at 4:45 o'clock P. M.,

FEB 29 1972
Emmie M. Muenker
Clerk County Court, Kerr County, Texas

Margaret Muenker Deputy

Filed for record February 29, 1972 at 4:45 o'clock P. M.
Recorded March 2, 1972
EMMIE M. MUENKER, Clerk

By Margaret Muenker Deputy

NOW THEREFORE, the undersigned lot owners of Verde Hills Subdivision hereby do amend the aforesaid amended restrictions by now adding the following provisions which shall be effective and apply to all the lands comprising Verde Hills Subdivision (and said undersigned lot owners expressly reconfirm and declare all other provisions of the aforesaid amended restrictions which are not altered or affected by the following provisions to now be and remain

in full force and effect), said provisions so added being the following, to-wit:

11. Easement to Central Water Storage Tank - The undersigned persons hereby establish and grant and declare a perpetual easement which shall be 15 feet in width and shall lie contiguous and adjacent to and extending along the entire length of the North line of Lot or Tract No. 13 of said Verde Hills Subdivision, and shall extend over and across the surface of said Lot or Tract No. 13, and shall exist for the purpose of access, ingress, and egress, to be utilized by the owners and/or operators of the central water system now serving the said Verde Hills Subdivision, and shall provide such access, ingress, and egress to and from the following described tract of land (being the identical tract of land on which the central water storage tank for the said Verde Hills Subdivision central water system is now located), to-wit:

That certain rectangular tract of land out of the S.W. corner of Lot 14 of said Verde Hills Subdivision being more particularly described by metes and bounds as follows:

BEGINNING at the S.W. corner of said Lot 14;

THENCE N. $0^{\circ} 36'$ E. with the W. line of said Lot 14 a distance of 58 feet to a point in said W. line for the N.W. corner of the herein conveyed tract;

THENCE N. $89^{\circ} 57'$ E. parallel to the South line of said Lot 14 a distance of 71 feet to point for the N.E. corner of the herein conveyed tract;

THENCE S. $0^{\circ} 36'$ W. parallel to the W. line of said Lot 14 to a point in the S. line of said Lot 14 for the S.E. corner of the herein conveyed tract;

THENCE S. $89^{\circ} 57'$ W. a distance of 71 feet to the PLACE OF BEGINNING, and being the identical property denominated as Tract No. 3 and conveyed as Tract No. 3 in that certain Warranty Deed executed by Lloyd F. Taylor, and wife, Linda B. Taylor to H. E. Boyd, et al dated November 9, 1973 and recorded in Volume 168, at Page 512 through Page 516, Deed Records, Kerr County, Texas, to which instrument and the record thereof reference is here made for all purposes;

The aforesaid easement is and shall be and is hereby declared to be the only and exclusive means of access, ingress, and egress to

and from the aforesaid tract of land, and in no event shall any easements or rights-of-way described or referred to in any other instrument pertaining to Verde Hills Subdivision be construed in any manner to be easements of access, ingress, and egress to and from said tract, and any such construction is hereby expressly disavowed. It is expressly affirmed that any such easement or right-of-way, whether express or implied, for access, ingress, and egress, to and from the aforesaid tract of land described by metes and bounds above, is hereby declared further to be inapplicable to both Lot or Tract No. 14 and Lot or Tract No. 15 of the said Verde Hills Subdivision.

12. Verde Hills Subdivision Central Water System - The undersigned lot owners, H. E. Boyd, Marion Jafferson Butler, Gene Rosinbaum, and Kenneth W. Peterson, being all of the present owners and operators of Verde Hills Subdivision Central Water System by virtue of the provisions of that certain Warranty Deed executed by Lloyd F. Taylor and wife, Linda B. Taylor to said lot owners dated November 9, 1973 and recorded in Volume 168, at Page 512 through Page 516, Deed Records, Kerr County, Texas, to which instrument and the record thereof reference is here made for all purposes, further in consideration of the covenants herein made, and for the purpose of establishing a known general system of charges for the operation and maintenance of the Verde Hills Subdivision Central Water System, do hereby agree for the benefit of the present lot owners and the future lot owners of Verde Hills Subdivision as follows:

12.1-To operate, repair, and maintain the existing central water system in Verde Hills Subdivision in accordance with the laws of the State of Texas and/or any political subdivision thereof, specifically including but not limited to all pumps, valves, tanks, pipelines, meters, and any and all other water system improvements and

equipment now existing or hereafter installed and/or incorporated into said central water system until their ownership of said central water system is terminated by transfer of same to a homeowner's association comprised of the lot owners of Verde Hills Subdivision, such association to be formed at some subsequent time, and such transfer to be in a manner acceptable to the present owners and operators of said central water system.

12.2-To limit the water service charge to be received for water utilized from the central water system within any one month period of time to the sum of Seven and No/100 (\$7.00) Dollars per month, per lot.

12.3-To limit the charge to be received from any owner of any lot in the said Verde Hills Subdivision for the expense of connecting to the aforesaid central water system of Verde Hills Subdivision to a maximum of Two Hundred Fifty and No/100 (\$250.00) Dollars per connection.

13. Mineral Exploration - No person or entity shall hereafter have the right to commence in any manner to explore, drill in or upon, or produce from, any lands comprising the aforesaid Verde Hills Subdivision, for the purpose of finding, producing, and/or mining minerals of any type from the surface or from beneath the surface of any such lands.

SIGNED AND AGREED this 15th day of May, 1974.

LOT OWNERS:

FILED FOR RECORD

at 2:21 o'clock P.M.,

MAY 17 1974

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

Estelle Wittmore

H. E. Boyd by *Kenneth W. Peterson*
H. E. Boyd, acting herein by and through his attorney-in-fact, Kenneth W. Peterson

Marion Jefferson Butler

Marion Jefferson Butler and wife,

Mrs. Marion Jefferson Butler

John P. Wells
John P. Wells

Gene Rosinbaum
Gene Rosinbaum and wife,

Catherine D. Rosinbaum

Kenneth W. Peterson
Kenneth W. Peterson, a single man

Norman Berlin, acting through
his agent and attorney in fact, Edgar A. Wallace
Norman Berlin, acting herein by and
through his duly authorized agent
and attorney-in-fact, Edgar A.
Wallace

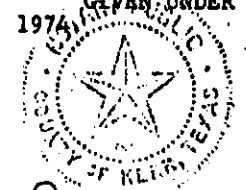
LOT OWNERS AND DEVELOPERS:

Lloyd S. Taylor and wife,
Linda B. Taylor

THE STATE OF TEXAS §
THE COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally
appeared ~~HOVEE C. DODD~~ Dal. W. Boyd, 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 15th day of May,
1974



Betty L. Smith

Betty L. Smith
Notary Public, County of Kerr
State of Texas

THE STATE OF TEXAS §

THE COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared MARION JEFFERSON BUTLER and wife, Mrs. Marion Jefferson Butler, 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 this 15th day of May,

1974.



Betty L. Burney
Notary Public, County of Kerr
State of Texas

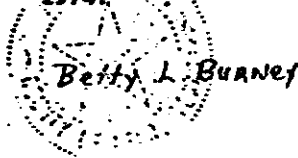
THE STATE OF TEXAS §

THE COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared GENE ROSINBAUM and wife, Catharine D. Rosinbaum, 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 this 15th day of May,

1974.



Betty L. Burney
Notary Public, County of Kerr
State of Texas

THE STATE OF TEXAS §

THE COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared KENNETH W. PETERSON, 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 15th day of May,

1974.



Betty L. Smith
Notary Public, County of Kerr
State of Texas

Betty L. Smith

THE STATE OF TEXAS §

THE COUNTY OF KERR §

BEFORE ME, the undersigned authority, a Notary Public in and for said County, Texas, on this day personally appeared EDGAR A. WALLACE, known to me to be the person whose name is subscribed to the foregoing instrument as attorney-in fact of and for NORMAN BERLIN, the party whose name is subscribed thereto, and acknowledged to me that he executed the same as attorney-in-fact for the said NORMAN BERLIN, and that the said NORMAN BERLIN executed the same by and through EDGAR A. WALLACE, for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 16th day of May, 1974.



Mary B. Olsen
Notary Public, County of Kerr
State of Texas
MARY B. OLSEN
Notary Public, Kerr County, Texas.

THE STATE OF TEXAS §

THE COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared JOHN P. WELLS, 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 15th day of May, 1974.



Betty L. Smith
Notary Public, County of Kerr
State of Texas
BETTY L. SMITH
My commission expires the 1st
day of JUNE, 1975.

THE STATE OF TEXAS §

THE COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared LLOYD F. TAYLOR and wife, LINDA B. TAYLOR, 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 this 15th day of May, 1974.



Mary B. Olsen
Notary Public, County of Kerr
State of Texas

THE STATE OF TEXAS §

THE COUNTY OF KERR §

BEFORE ME, the undersigned authority, a Notary Public in and for said County, Texas, on this day personally appeared KENNETH W. PETERSON, known to me to be the person whose name is subscribed to the foregoing instrument as attorney-in-fact of and for H. E. BOYD, the party whose name is subscribed thereto, and acknowledged to me that he executed the same as attorney-in-fact for the said H. E. BOYD, and that the said H. E. BOYD executed the same by and through KENNETH W. PETERSON, for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 17th day of May, 1974.



Mary B. Olden
Notary Public, County of Kerr
State of Texas

MARY B. OLDEN
Notary Public, Kerr County, Texas

- 8 -

Filed for record May 17, 1974 at 2:21 o'clock P. M.
Recorded May 21, 1974
EMMIE M. MUENKER, Clerk

By Thelma Adams Deputy

794240

AMENDMENTS TO RESTRICTIONS

VOL 223 PAGE 625

STATE OF TEXAS

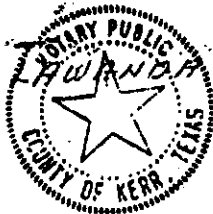
COUNTY OF KERR

Catherine Greer, being first duly sworn, states:
that she is Secretary of the VERDE HILLS WATER
ASSOCIATION, A Subdivision of Kerr County, Texas,
and that the records of the association are kept
under her supervision, that attached hereto, is a
true and correct copy of the minutes of a meeting
of the association held on March 25, 1979 for the
purpose of amending the Verde Hills Subdivision
Restrictions (as amended May 14, 1974), being re-
corded in Volume 172, page 618, Deed Records, Kerr
County, Texas and that the same has not been mod-
ified or revoked to the knowledge of said affiant.

Catherine F. Greer

Catherine F. Greer
Secretary, Verde Hills Water Association

Subscribed and sworn to before me this 20th day
of July, 1979



IRVING

Lawanda Irving

Notary

My Commission expires 10-30-80

FOURTH MEETING OF THE VERDE HILLS WATER ASSOCIATION, MARCH 26, 1979

The first meeting of the VERDE HILLS WATER ASSOCIATION for 1979, delayed because of some of the members' absense, was held in the home of Mrs. James Greer on March 26.

Mr. Dunseath called the meeting to order, the minutes of the last meeting were read and approved, Mr. Greenhaw gave a treasurers report and a general resume of the current financial state of the association. The present monthly dues of \$10.00 per month being minimal, there is no reserve whatsoever for any emergencies. After discussion, Mr. Reeves moved and Mr. Greenhaw seconded, that dues be raised to \$15.00 as of July, 1979. It was passed unanimously.

The next order of business was the consideration of what procedures should be taken toward the drilling of a new well. Mr. Reeves reviewed the efforts made to secure firm prices and commitments from various drillers. Because of the many variables involved, it has been impossible to secure definite bids from anyone. Mr. Schumaker, who has already done work on the existing well, and has proved to be very reliable, seemed to be the most logical one to proceed with.

Mr. Dunseath felt that we should consider immediately, anyone who did show interest in our job. Mr. Cotten said he thought we should make a firm decision at this time to do this, would Schumaker give us a firm figure? Mrs. Smith moved that we authorize Mr. Reeves officially to contact Mr. Schumaker for firm commitments on the various divisions of the work to be done, so much per foot for drilling, so much for casing, concrete, etc., also to get an approximate estimate of the date work could commence.

Individual assessments were estimated to be from \$680.00 to \$750.00, perhaps more, per shareholder, depending on all of the variables. The motion was seconded and passed unanimously.

It was decided that as soon as Mr. Reeves had definite information on the prices and the time estimate, another meeting should be called.

It was also agreed that the paper work on the transfer of title for the actual drilling site from Joe Takach, to the Association, should proceed immediately. There would be no need for a surveyor, it could be arranged as a 99 year lease, or as an outright grant, the decision should be up to Mr. Takach.

There being no further business, the meeting adjourned.

Members present: Ruth Takach, Martha Carlson, Marie Smith, Betty and Ernest Horne, Wilbur Dickey, Tom Conlon, George Dunseath, Herman Greenhaw, Mervin Reeves and Catherine Greer.

Respectfully submitted,

Catherine F. Greer
Secretary

Catherine F. Greer

(7)

#794240

VOL. 223 PAGE 627

AMENDMENTS TO RESTRICTIONS

Verde Hills Subdivision

to

The Public

FILED FOR RECORD

at 11:35 o'clock A.M.

JUL 23 1979

EMMIE I.A. MUENKER

Clerk County Court, Kerr County, Texas
By Shirley A. Holt Deputy

Return to:

Herman Greenhaw
#10 Verde Hills
Benton Point, Texas
78010

Filed for record July 23, 1979 at 11:35 o'clock P.M.
Recorded July 26, 1979
EMMIE M. MUENKER, Clerk

By Betty J. Levey Deputy

STATE OF TEXAS §
COUNTY OF KERR §

VOL. 428 PAGE 683

WHEREAS, the undersigned, collectively, are the owners of more than seventy-five percent (75%) of all the lots or tracts comprising Verde Hills Subdivision, a subdivision of record in Volume 3, Page 88 of the Plat Records of Kerr County, Texas; and,

WHEREAS, the original restrictive covenants that apply to said subdivision are dated January 7, 1972, and are recorded in Volume 153, Page 400, of the Deed Records of Kerr County, Texas; and,

WHEREAS, said restrictions have been amended on two (2) prior occasions, the first Amendment having been dated February 19, 1972, and recorded in Volume 154, Page 238, of the Deed Records of Kerr County, Texas, and the second Amendment having been dated May 14, 1974, recorded in Volume 172, Page 618, of the Deed Records of Kerr County, Texas; and,

WHEREAS, said restrictions, as amended, provide in part as follows:

"10. Amendments - No amendments to or variance from any of these restrictions shall be permitted or be of any force or effect unless approved in writing by Developers or their duly authorized agents and the owners of at least seventy-five percent (75%) of all the VERDE HILLS tracts";
and,

WHEREAS, the undersigned desire to further amend said restrictive covenants;

NOW THEREFORE the undersigned lot owners of Verde Hills Subdivision do hereby amend the original and subsequently amended restrictions of said subdivision by restating and/or amending all of said subdivision restrictions to hereafter read as follows:

"The following restrictions and covenants, hereinafter called restrictions, are hereby imposed on each and every lot shown in the above referenced plat of Verde Hills Subdivision, such restrictions to be covenants running with the land:

1. Use - Said land shall be used primarily for residential purposes and no building shall be permitted which shall house more than one family. No building erected on said land shall be erected

nearer than thirty (30) feet to any boundary of said tract. No tract is to be subdivided after initial sale by DEVELOPERS more than one time and if subdivided is to be no smaller than one acre in size. No mobile homes, trailers, or temporary structure of any sort shall be used as a residence on said tracts whether or not same is placed on a foundation of any type.

2. Size - The principle residential structure on any one tract shall contain a minimum of 1,500 square feet of living area under roof.

3. Animals - No swine or poultry shall be kept on said tracts. Other animals such as horses, cows, may be kept only on tracts of more than two acres and shall be limited to one animal (horse or cow) per acre. No commercial use for breeding or keeping animals shall be permitted.

4. Construction - Any building erected on said tracts, which are constructed of wood, stucco, cement, or metal shall be stained, painted, or have the color mixed in the final coat. Once construction shall have been initiated upon any structure on any said tract, it must be completed within one year of the time construction was initiated.

5. Firearms - There shall be no hunting of any kind permitted nor the discharge of firearms within the boundaries of VERDE HILLS.

6. Sewage - All toilets shall be indoor. No sewage disposal system, sanitary system, cesspool, or septic tank shall be constructed, altered, or allowed to remain or be used in any tract unless fully approved as to design, capacity, location, and construction by all proper public health agencies of the State of Texas and the County of Kerr.

7. Nuisance - Said land shall not be occupied or used for any noxious or offensive activity and nothing shall be done or permitted to be done on said lands which is a nuisance or might become a nuisance to the owners of any of the surrounding lands including the disposal of trash, garbage, and junked cars. Garbage shall be incinerated or kept in covered containers and be hauled away at least one every two weeks.

8. Zoning - All zoning and other laws, rules and regulations of any government under whose jurisdiction said land lies are considered to be part hereof and enforceable hereunder and all owners of said lands shall be bound by such laws, rules and regulations as they now exist or may hereafter come into effect.

9. Enforcement - Enforcement of these covenants shall be by proceedings at law or in equity to restrain violations or to recover damages, against any person or persons violating or attempting to violate any covenant, and available to any tract owner.

10. Amendments - No amendments to or variance from any of these restrictions shall be permitted or be of any force or effect unless approved by a vote of the owners of at least seventy-five percent of all VERDE HILLS tracts.

Dorothy A. Smith
DOROTHY A. SMITH, feme sole

Martha N. Carlson
MARTHA N. CARLSON, feme sole

Roy Douglas
ROY DOUGLAS

Joyce G. Douglas
JOYCE G. DOUGLAS

Norbert K. Krebsbach
NORBERT KREBSBACH

Hilda E. Krebsbach
HILDA E. KREBSBACH

James R. Strickland
JAMES R. STRICKLAND

Frankie Lee Strickland
FRANKIE LEE STRICKLAND

Richard M. Lewis
RICHARD M. LEWIS

Betty B. Lewis
BETTY B. LEWIS

Herman H. Greenhaw
HERMAN H. GREENHAW

Earlene D. Greenhaw
EARLENE D. GREENHAW

Oris Orton
ORIS ORTON

Edwynna G. Orton
EDWYNA G. ORTON

Joe E. Takach
JOE E. TAKACH

Ruth L. Takach
RUTH L. TAKACH

Mervin Reeves
MERVIN REEVES

Ann L. Reeves
ANN L. REEVES

William S. Barker
WILLIAM S. BARKER

Bobbie J. Barker
BOBBIE J. BARKER

MARINE DRILLING CO.

BY:

J. D. HORTON

Albert Perry
ALBERT PERRY

GIL K. PHARES

J. C. Hall
J. C. HALL

Catherine F. Greer
CATHERINE F. GREER

Dennis Anderson
DENNIS ANDERSON

Janet M. Anderson
JANET M. ANDERSON

Francis J. Dubois
FRANCIS J. DUBOIS

Jane L. Dubois
JANE L. DUBOIS

Wilbur N. Dickey, Estate
Russell C. Dickey
WILBUR DICKEY ESTATE
BY RUSSELL DICKEY

Thomas House
THOMAS HOUSE

Dolores J. House
DOLORES J. HOUSE

Warren L. Hamilton
WARREN L. HAMILTON

Imogene C. Hamilton
IMOGENE C. HAMILTON

Lewis I. Cotten
LEWIS I. COTTEN

Royce H. Cotten
ROYCE H. COTTEN

DORA L. PRUITT, feme sole

Virginia R. Ford
VIRGINIA R. FORD, feme sole

Cecil V. Wilborn
CECIL V. WILBORN

Selma B. Wilborn
SELMA B. WILBORN

STATE OF TEXAS §

COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared DOROTHY A. SMITH, feme sole, 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 this the 23rd day of April, 1987.

W. Janice Green
Notary Public in and for
Kerr County, Texas

My Commission Expires:

W. Janice Green

Notary Public

In and for the State of Texas

My Commission Expires 5/5/87

STATE OF TEXAS §

COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared MARTHA N. CARLSON, feme sole, 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 this the 27th day of
April, 1987.



BETTY F. SEVEY
NOTARY PUBLIC STATE OF TEXAS
COMMISSION EXPIRES 8-27-89

Betty F. Sevey
Notary Public in and for
Kerr County, Texas

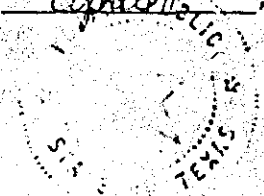
My Commission Expires: 8/27/89

STATE OF TEXAS §

COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared ROY DOUGLAS and JOYCE G. DOUGLAS, 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, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 24th day of
April, 1987.



Betty L. Burney
Notary Public in and for
Kerr County, Texas

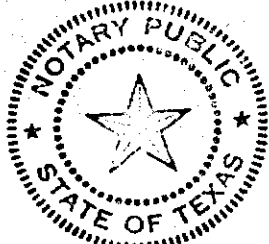
Betty L. Burney
My Commission Expires: 6/30/88

STATE OF TEXAS §

COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared NORBERT KREBSBACH and HILDA E. KREBSBACH, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to that they executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 28th day of
April, 1987.



BETTY F. SEVEY
NOTARY PUBLIC STATE OF TEXAS
COMMISSION EXPIRES 8-27-89

Betty F. Sevey
Notary Public in and for
Kerr County, Texas

My Commission Expires: 8/27/89

STATE OF TEXAS §

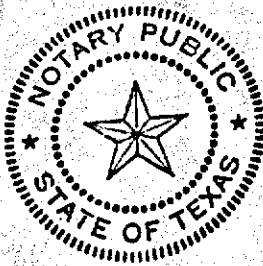
COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared JAMES R. STRICKLAND and FRANKIE LEE STRICKLAND, 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, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 4th day of

May, 1987.

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BETTY F. SEVEY
NOTARY PUBLIC STATE OF TEXAS
COMMISSION EXPIRES 8-27-89

Betty F. Sevey
Notary Public in and for
Kerr County, Texas

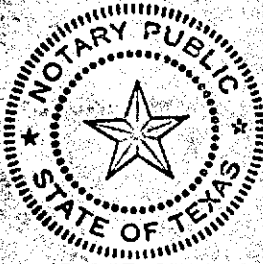
My Commission Expires: 8/27/89

STATE OF TEXAS §

COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared RICHARD M. LEWIS and BETTY B. LEWIS, 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, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 28th day of
April, 1987.



BETTY F. SEVEY
NOTARY PUBLIC STATE OF TEXAS
COMMISSION EXPIRES 8-27-89

Betty F. Sevey
Notary Public in and for
Kerr County, Texas

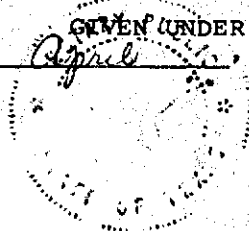
My Commission Expires: 8/27/89

STATE OF TEXAS §

COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared HERMAN H. GREENHAW and EARLENE D. GREENHAW, 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, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 24th day of
April, 1987.



Betty L. Burney
Notary Public in and for
Kerr County, Texas

Betty L. Burney
My Commission Expires: 6/30/88

STATE OF TEXAS §

COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared ORIS ORTON and EDWYNA G. ORTON, 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, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 24th day of April, 1987.



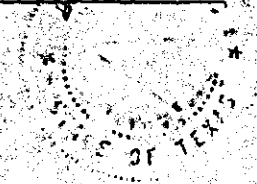
Betty L. Burney
Notary Public in and for
Kerr County, Texas
Betty L. Burney
My Commission Expires: 6/30/88

STATE OF TEXAS §

COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared JOE E. TAKACH and RUTH L. TAKACH, 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, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 24th day of April, 1987.



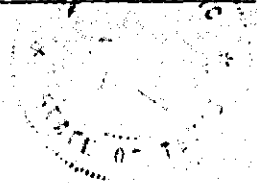
Betty L. Burney
Notary Public in and for
Kerr County, Texas
Betty L. Burney
My Commission Expires: 6/30/88

STATE OF TEXAS §

COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared MERVIN REEVES and ANN L. REEVES, 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, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 24th day of April, 1987.



Betty L. Burney
Notary Public in and for
Kerr County, Texas
Betty L. Burney
My Commission Expires: 6/30/88

STATE OF TEXAS §

COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared WARREN L. HAMILTON and IMOGENE C. HAMILTON, 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, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 28th day of
April, 1987.



BETTY E. SEVEY Betty E. Sevey
NOTARY PUBLIC STATE OF TEXAS Notary Public in and for
COMMISSION EXPIRES 8-27-89 Kerr County, Texas

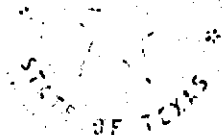
My Commission Expires: 8/27/89

STATE OF TEXAS §

COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared WILLIAM S. BARKER nad BOBBIE J. BARKER, 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, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 24th day of
April, 1987.



Betty L. Burney
Notary Public in and for
Kerr County, Texas
Betty L. Burney
My Commission Expires: 6/30/88

STATE OF TEXAS §

COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared J. D. HORTON, _____ of MARINE DRILLING COMPANY, 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 this the ____ day of
_____, 1987.

Notary Public in and for
Kerr County, Texas

My Commission Expires:

STATE OF TEXAS

§

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COUNTY OF KERR

§

BEFORE ME, the undersigned authority, on this day personally appeared CATHERINE F. GREER, 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 this the 24th day of April, 1987.

Betty L. Burney
Notary Public in and for
Kerr County, Texas
Betty L. Burney
My Commission Expires: 6/30/88

STATE OF TEXAS

§

COUNTY OF KERR

§

BEFORE ME, the undersigned authority, on this day personally appeared ----- JANET M. ANDERSON, 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 this the 24th day of April, 1987.

Betty L. Burney
Notary Public in and for
Kerr County, Texas
Betty L. Burney
My Commission Expires: 6/30/88

STATE OF TEXAS

§

COUNTY OF KERR

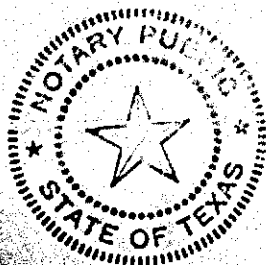
§

BEFORE ME, the undersigned authority, on this day personally appeared FRANCIS J. DUBOIS and JANE L. DUBOIS, 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, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 28th day of April, 1987.

BETTY F. SEVEY
NOTARY PUBLIC STATE OF TEXAS
COMMISSION EXPIRES 8-27-89

Betty F. Sevey
Notary Public in and for
Kerr County, Texas
My Commission Expires: 8/27/89



STATE OF TEXAS §

COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared RUSSELL DICKEY, Executor for the WILBUR DICKEY ESTATE, 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 this the 24th day of April, 1987.

Betty L. Burney
Notary Public in and for
Kerr County, Texas
Betty L. Burney
My Commission Expires: 6/30/88

STATE OF TEXAS §

COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared THOMAS HOUSE and DOLORES J. HOUSE, 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, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 23rd day of April, 1987.

W. Janice Green
Notary Public in and for
Kerr County, Texas

My Commission Expires:

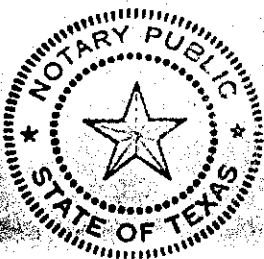
W. Janice Green
Notary Public
In and for the State of Texas
My Commission Expires 8-5-89

STATE OF TEXAS I

COUNTY OF KERR I

BEFORE ME, the undersigned authority, on this day personally appeared DENNIS ANDERSON, 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 this the 29th day of April, 1987.



BETTY F. SEVEY
NOTARY PUBLIC STATE OF TEXAS
COMMISSION EXPIRES 8-27-89

Betty F. Sevey
Notary Public in and for
Kerr County, Texas

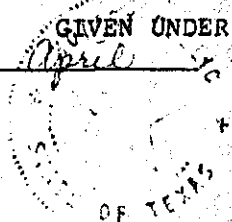
My Commission Expires: 8/27/89

STATE OF TEXAS §
COUNTY OF KERR §

VOL. 428 PAGE 694

BEFORE ME, the undersigned authority, on this day personally appeared ALBERT PERRY, 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 this the 24th day of April, 1987.



Betty L. Burney
Notary Public in and for
Kerr County, Texas
Betty L. Burney
My Commission Expires: 6/30/88

STATE OF TEXAS §
COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared GIL K. PHARES, 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 this the ____ day of _____, 1987.

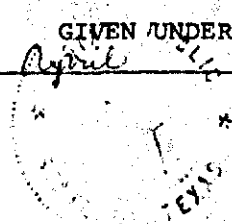
Notary Public in and for
Kerr County, Texas

My Commission Expires:

STATE OF TEXAS §
COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared J. C. HALL, 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 this the 24th day of April, 1987.



Betty L. Burney
Notary Public in and for
Kerr County, Texas
Betty L. Burney
My Commission Expires: 6/30/88

STATE OF TEXAS §

COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared LEWIS I. COTTEN and ROYCE H. COTTEN, 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, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 30 day of April, 1987.



Susie Steffey
Notary Public in and for
Kerr County, Texas
SUSIE STEFFEY
My Commission Expires: 10 31-88

STATE OF TEXAS §

COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared DORA L. PRUITT, 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 this ___ day of _____, 1987.

Notary Public in and for
Kerr County, Texas

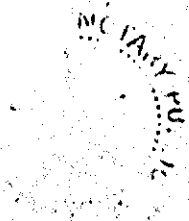
My Commission Expires:

STATE OF TEXAS §

COUNTY OF BURNET §

BEFORE ME, the undersigned authority, on this day personally appeared VIRGINIA R. FORD, 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 this 6TH day of May, 1987.



Tina Haynes
Notary Public in and for
Burnet County, Texas
Tina Haynes
My Commission Expires: 5/23/90

STATE OF TEXAS X

COUNTY OF DALLAS X

BEFORE ME, the undersigned authority, on this day personally appeared CECIL V. WELLBORN and SELMA B. WELLBORN, 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, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 18th day of May, 1987.

Frances G. Smith
Notary Public in and for
Dallas County, Texas
FRANCES G. Smith
My Commission Expires: 8-02-89

Any provisions herein which restricts the sale, rental or use of the described real property because of color or race is invalid and unenforceable under Federal Law, THE STATE OF TEXAS)
COUNTY OF KERR)

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me and was duly RECORDED in the Official Public records of Real Property of Kerr County, Texas on

JUN 1 1987



Patricia Dye
COUNTY CLERK, KERR COUNTY, TEXAS

FILED FOR RECORD
at 4:38 PM
of 1000

MAY 22 1987

PATRICIA DYE
Capt County Capt, San Diego, Texas
by Patricia D. Dye, Deputy

Return to:
Prohl & Resile