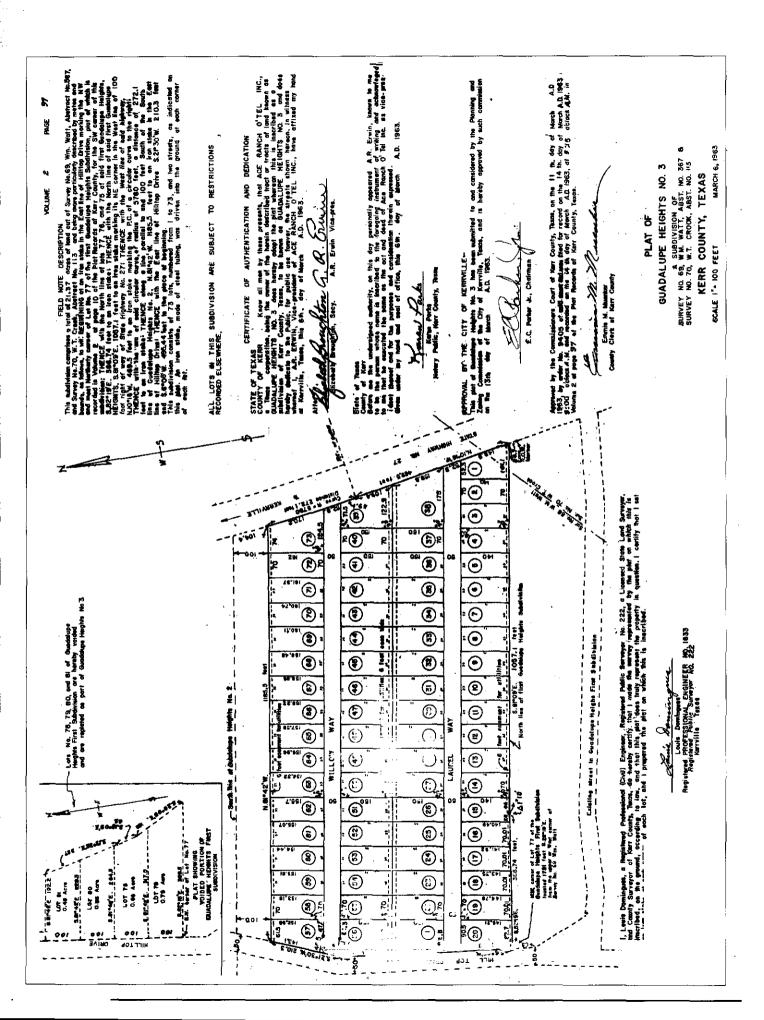
03-14-08 GUADALUPE HEIGHTS NO. THREE

RESTRICTIONS

Volume 115, Page 28, 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 to L.C.R.A., dated December 22, 1944, recorded in Volume 75, Page 217, Deed Records of Kerr County, Texas. (Affects Sur. 70 only)
- Easement to L.C.R.A., dated November 14, 1947, recorded in Volume 1, Page 37, Easement Records of Kerr County, Texas. (Sur. 69)
- Easement to L.C.R.A., dated January 19, 1948, recorded in Volume 1, Page 53,
 Easement Records of Kerr County, Texas. (Sur. 69)
- Easement to L.C.R.A., dated June 27, 1949, recorded in Volume 1, Page 176, Easement Records of Kerr County, Texas. (Sur. 69)
- Easement to L.C.R.A., dated January 10, 1951, recorded in Volume 1, Page 425,
 Easement Records of Kerr County, Texas. (Sur. 69 & 70)
- Easements per plat recorded in Volume {PR,"insert volume number",IN1,1},
 Page {PR,"insert page number",IN1,2}, Plat Records of Kerr County, Texas.
- Building Set Back Lines as per the Restrictions recorded in Volume {PR,"insert volume number",IN1,3}, Page {PR,"insert page number",IN1,4}, Deed Records of Kerr County, Texas.
- Provisions for, but not limited to, a water system and easements as per deed recorded in Volume 120, Page 527, Deed Records of Kerr County, Texas, executed by Ace Ranch-O-Tel, Inc., a Texas corporation, to J.D. Brance. Title to said interest not checked subsequent to date of aforesaid instrument.
- Certified Service Area Map For Harper Water Company, Inc. CCN #11421, recorded in Volume 1573, Page 820 and refiled in Volume 1599, Page 325, Official Public 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)



such subdivision as the same appear of record in said Plat Records, and as amended; and there is reserved unto Ace Ranch-O-Tel, inc., an essenent along the west line of said percel, 6 feet in width for the purposes of laying, maintaining, repairing and servicing a water pipe line or lines; together with the right of ingress and egress on, over and across the same for all such purposes.

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 RAY E. CILBERT and wife, MICHELLE CILBERT, 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 RAY E. GILBERT and wife, MICHELLE GILBERT, their heirs and assigns, against every person whomseever lawfully claiming, or to claim the same, or any part thereof.

Witness our hands at Kerrville, Texas this 28th day of March, A. D. 1963.

/s/ A. R. Erwin /t/ A. F. Erwin

(No Revenue Stamps Affixed)

/s/ Jean E. Erwin /t/ Jean E. Erwin

THE STATE OF TEXAS I

COUNTY OF KERR I BEFORE ME, the undersigned authority, in and for said County, Texas, on this day personally appeared A. R. Erwin and Jean E. Erwin his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said Jean E. Erwin, wife of the said A. R. Erwin having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Jean E. Erwin acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

CIVEN UNDER MY HAND AND SEAL OF OFFICE, This 29th day of March, A. D. 1963.

Seal

Karen Parks
Notary Public in and for Kerr County, Texas
My Commission Expires June 1, 1963

Filed for record April 9, 1963 at 10:10 o'clock A. M. Recorded April 12, 1963 at 3:55 o'clock P. M. (ms) Volume 115, page 27 EMMIE M.MBENKER, County Clerk

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115/28

RESTRICTIONS

CUADALUPE HEICHTS NO. 3

THE STATE OF TEXAS {

MIERRAS, the undersigned Ace Ranch-O-Tel, Inc., acting by and through its officers thereunto duly authorized have caused to be subdivided into lots and streets, a certain tract of 21.37
acres of land out of Survey No. 70, N. T. Crook and Survey No. 69, William Matt, and have likewise caused to be resubdivided all of Lots Nos. 78-81, inclusive, of Cuedalupe Heights, a plat
of which appears of record in Volume 2, page 12, Kerr County Plat Necerds, the entirety of such
subdivided acreage and resubdivided lots being designated and hereafter to be known as
"Cuedalupe Heights #3"; and,

WHEREAS, SAID CORPORATION HAS CAUSED THE PLAT OF such Guadalupe Heights *3 to be filed for record in the office of the County Clark of Key Gunty, Texas, where the same now appears in Volume 2, page 97, Kerr County Plat Records; and,

WHEREAS, to provide for the orderly development of such subdivision, it is desirable that certain restrictions be imposed upon the use and occupancy of such subdivision;

NOW, THEREFORE, Ace Ranch-O-Tel, Inc., acting herein by and through its officers thereunto duly authorized, have this day adopted and by these presents do adopt and impose upon the lands. included in such Guadalupe Heights #3 and the several parts thereof, the following restrictions, to-wit:

- 1. Lots Nos. 1-6 inclusive, Lots Nos. 35-42 inclusive and Lots Nos. 71-73 inclusive, are reserved to the subdividers for use as a community center, including buildings which may be used for retail sales and merchandising, a private club, playground area and any shop or store business, so long as the same does not entail noxious or offensive noises, substances and/or odors and provided further, that no part of such reserved area shall be used for the boarding, keeping or treating of persons with infectious or contagious diseases for profit. The subdividers shall not be required to use the reserved area for the reserved purposes; and if the same or any part thereof shall be used for residential purposes, then the restrictions affecting the remainder of the subdivision shall apply with equal force to that part of the reserved area which is used for residential purposes.
- 2. The remaining 56 lots and every part thereof shall be used for residential purposes only, including duplex or two family dwellings and not more than one such residence or duplex shall be constructed on any one lot.
- 3. None of said property shall be used for the purposes of boarding or keeping for hire persons afflicted with tuberculosis or other infectious or contagious diseases.
- 4. No dwelling house shall be constructed upon any part of said property which contains less than 1,000 square feet of floor space; and no duplex or other two family type of dwelling shall be constructed upon such property which contains less than 1200 square feet of floor space, in each instance, exclusive of garage whether such garage is attached to the dwelling or constructed separately therefrom.
- 5. Every dwelling constructed upon said property shall be provided with sanitary, Indeer plumbing.
- 6. No outbuilding shall be constructed upon any of said property, except a garage with storeroom and/or garage apartment attached thereto, nearer than 75 feet from the street upon which said property fronts.
- 7. No dwelling house shall be constructed nearer than 25 feet from the street in front thereof.
- 8. No shack, trailer or tent shall ever be placed upon any of said property for dwelling or any other purpose, except that trailers belonging to individual owners of said property may be stored upon the premises provided they are not used for dwelling purposes.
- 9. No dwelling house or other structures shall be moved upon the premises from outside the subdivision, except with the express consent of the "Committee" hereinafter provided for.
- Tentrictions) is commenced, the pland and specifications therefor shall be first submitted to the "Committee", and by it approved, which Committee shall consist of Elizabeth Broughton, A. R. Erwin and Darrell C. Lochte, and it is provided that the said corporation shall have the right at any time and without notice, to substitute members to serve upon said Committee, subject only to the condition that such new member at the time of appointment shall be a resident property common in Guadalupe Heights, Cuadalupe Heights #2 or Cuadalupe Heights #3.
 - 11. He part of said property shall ever be owned, used or occupied by persons of the negro

er Mexican race, except as servants of white persons owning or occuping said property, and the separate quarters shall be provided for the occupancy of such servants.

12. All dwelling houses constructed upon said property shall face the street in front thereof.

The undersigned corporation further reserves the right to adopt additional restrictions with respect to any unsold portions of such subdivision at any time, provided, however, that any additional restrictions shall not affect lands which were conveyed by the corporation prior to the adoption of such additional restrictions.

Performance of the foregoing restrictive covenants shall be enforceable by injunction, and the subdivider or any owner of property in such subdivision shall have the right to maintain such an action to enjoin or to correct any breach of such restrictions.

IN TESTIMONY WHEREOF, witness its hand, this the 29th day of March, A. D., 1963.

Corporate Seal

ACE RANCH-O-TEL, INC.

/s/ Mrs. Elizabeth Broughton /t/ Mrs. Elizabeth Broughton By: /s/ A. R. Erwin /t/ A. R. Erwin, Vice President

I. Elmer Lee Jennings, the owner of Lot No. Nineteen (19), in said Cuadalupe Heights #3, do hereby adopt, ratify and confirm the foregoing restrictions and do further hereby agree to abide by the same in all respects.

WITNESS my hand this 29th day of March, A. D., 1963.

/s/ Elmer Lee Jennings /t/ Elmer Lee Jennings

THE STATE OF TEXAS I

BEFORE ME, the undersigned authority in and for said County and State, on this day personally appeared A. R. Erwin, Vice President of Ace Ranch-O-Tel, Inc., a corporation, 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, as the act and deed of said Corporation, and in the capacity therein stated.

CIVEN UNDER MY HAND AND SEAL OF OFFICE, this 3rd day of April, A. D., 1963.

Seal

Karen Parks
Notary Public in and for Kerr County, Texas

THE STATE OF TEXAS I

BEFORE ME, the undersigned authority in and for said County and State, on this day personally appeared Elmer Lee Jennings, known to me to be the person whose name is subsdriked 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 3rd day of April, A. D., 1963.

Seal

Karen Parks Notary Public in and for Kerr County, Texas

Filed for record April 9, 1963 at 10:10 o'clock A. M. Recorded April 15, 1963 at 9:05 o'clock A. M. (ms) Volume 115, page 28 EMPITE M.MUENKER, County Clerk

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