

WESTWAY ESTATES RESTRICTIONS

Volume 258, Page 137, Deed Records of Kerr County, Texas, having been corrected by Volume 259, Page 789, Deed Records of Kerr County, Texas, BUT OMITTING ANY COVENANT OR RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons.

OTHER EXCEPTIONS

- Easement dated April 25, 1940 to E.B. Carruth, Jr., recorded in Volume 66, Page 121, Deed Records of Kerr County, Texas.
- 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 easement for Westway dated October 10, 1967 as conveyed to Kerr County, Texas, recorded in Volume 5, Page 28, Easement Records of Kerr County, Texas.
- Easement and Right Of Way dated October 25, 1968 to L.C.R.A., recorded in Volume 5, Page 408, Easement Records of Kerr County, Texas.
- Roadway and Utility Easements as per the plat recorded in Volume 4, Page 272, Plat Records of Kerr County, Texas.
- Building Set Back Lines as per the Restrictions recorded in Volume 258, Page 137, Deed Records of Kerr County, Texas, said restrictions having been corrected by Volume 259, Page 789, Deed Records of Kerr County, Texas.
- All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed.
- Any visible and/or apparent roadways or easements over or across the subject property.
- Rights of Parties in Possession. (AS PER OWNER POLICY ONLY)

RESTRICTIONS

THE STATE OF TEXAS

X

VOL. 258 PAGE 137

COUNTY OF KERR

821092

X

WHEREAS, JOHN W. BERGE, JR. and wife, ELMOR GENE BERGE, (hereinafter collectively called "Owner") residents of Kerr County Texas, are the owners of the following described property (hereafter called the "Property") located in Kerr County, Texas, said property being more particularly described as follows, to wit:

FIELD NOTES DESCRIPTION FOR A 2.54 ACRE TRACT OF LAND OUT OF THAT 6.201 ACRE TRACT OF LAND CONVEYED TO JOHN W. BERGE, JR. AND WIFE, ELMOR GENE BERGE FROM KERR PUBLICATIONS, INC. BY WARRANTY DEED WITH VENDOR'S LIEN DATED FEBRUARY 2, 1972, AND RECORDED IN VOLUME 153 AT PAGE 760 OF THE DEED RECORDS OF KERR COUNTY, TEXAS.

BEING all of a certain 2.54 acre tract or parcel of land out of that certain 6.201 acre tract of land fronting on West Way Drive in Kerrville South which was conveyed to John W. Berge, Jr. and wife, Elnor Gene Berge, of Kerr County, Texas from Kerr Publications, Inc., a Texas corporation, by Warranty Deed with Vendor's Lien dated February 2, 1972, and recorded in Volume 153 at Page 760 of the Deed Records of Kerr County, Texas; being all out of Survey No. 144, James H. Cocke, Abstract No. 95 in Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the centerline of a certain 60 foot wide roadway and utility easement known as West Way Drive, which point marks the Northeast corner of the herein described tract; and which point bears approximately 3115 feet, S. 79° 03' E., from the West corner of said Survey No. 144 in Kerr County, Texas;

THENCE, with the east line of the herein described tract S. 23° 40' W., passing at 31.47 feet a 3/8" iron stake set in the south right-of-way line of said West Way Drive and continuing for a total distance of 209.20 feet to a 3/8" iron stake set for the Southeast corner of the herein described tract;

THENCE, with the south line of the herein described tract, each point being a 3/4" iron pipe set at an angle point, the following five (5) calls:

- (1) N. 82° 04' W., 96.28 feet;
- (2) S. 79° 15' W., 101.78 feet;
- (3) S. 60° 53' W., 106.77 feet;
- (4) S. 48° 26' W., 94.74 feet;
- (5) S. 64° 57' W., 85.08 feet to a 3/4" iron pipe

set to the Southwest corner of the herein described tract;

THENCE, with the west line of the herein described tract, N. 14° 15' W., passing at 191.29 feet a 3/8" iron stake in the south right-of-way line of said West Way Drive, and continuing for a total distance of 222.46 feet to a "60-penny" common nail set in the centerline of said road for the Northwest corner of the herein described tract;

THENCE, with the centerline of said West Way Drive, which line forms the north line of the herein described tract,

N. 60° 02' E., 149.49 feet to an existing 1/2" iron stake at a road angle point; N. 68° 05' E., 175.00 feet to a "60-penny" common nail set at a road angle point; N. 83° 05' E., 100.00 feet to a "60-penny" common nail set at a road angle point; and S. 83° 55' E., 185.27 feet to the PLACE OF BEGINNING, containing 2.45 acres of land within these metes and bounds, SAVE AND SUBJECT TO a thirty foot (30') wide roadway and utility easement along the north boundary line of the herein described tract.

Field notes prepared by Hedges Engineering and Surveying Company, February 24, 1982.

WHEREAS, Owner desire to place restrictions on the Property for the purpose of promoting the orderly development of the same and to protect the value of said Property;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that Owner does hereby adopt the following covenants and restrictions which shall be taken and deemed as covenants to run with the land and shall be binding on Owner and all persons acquiring title under him until January 1, 2000, at which time said covenants, conditions and restrictions shall be automatically extended for successive periods of ten (10) years unless and until by duly recorded instrument signed by a majority of the owners of said Property it is agreed to change said covenants, conditions and restrictions, in whole or in part.

If Owner, or any of his respective heirs or assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for any person or persons owning any of the property to prosecute any proceedings at law or in equity against any person or person violating or attempting to violate any such covenants and either to prevent him or them from so doing or to recover damages or other dues for such violation.

Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions hereof, which shall remain in full force and effect.

Such restrictions, reservations, covenants and easements are as follows, to-wit:

FIRST: That the above described property herein conveyed shall be used for residential purposes only; said property shall not be used for business purposes of any character nor have any commercial or manufacturing purpose.

SECOND: Not more than one primary residence shall be constructed on the land hereinafter described and no such residence shall be constructed thereon which contains less than 1,600 square feet of

living area nor which the exterior of the vertical walls is less than one hundred (100%) percent masonry or rock construction. The minimum depth of building set back lines from the property lines at the center of West Way Drive, shall be not less than sixty (60) feet and not less than six (6) feet from the side tract lines.

THIRD: No tent, shack, or mobile home shall be placed, erected or permitted to remain on the above described property, nor shall any trailer or any structure of a temporary character be used as a residence thereon.

EXECUTED this the 25 day of February, 1982.

John W. BERGE, JR.
JOHN W. BERGE, JR.

Elnor Gene BERGE
ELNOR GENE BERGE

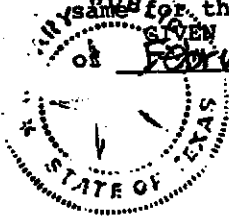
THE STATE OF TEXAS

X

COUNTY OF KERR

X

BEFORE ME, the undersigned authority, on this day personally appeared JOHN W. BERGE, JR. and ELNOR GENE BERGE, 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. GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 25 day of February, 1982.



Robert J. Parmley
Notary Public in and for Kerr
County, Texas

My commission expires on: 9/13/85

Robert J. Parmley

Return to: Mr. and Mrs. John W. BERGE, JR.
334 West Way Drive
Kerrville, Texas 78028

#821072
Re
Restriction
John W. Berge, Jr. et al
to
The Public

FILED FOR RECORD
at 4:10 o'clock P M

FEB 25 1982

EMMIE M. MUENKER
Clerk County Court, Kerr County, Texas
By John W. Berge, Jr. Deputy

Filed By:

John W. Berge, Jr.
334 West Way Drive
Kerrville, Texas
78028

Filed for record February 25, 1982 at 2:10 o'clock P.M.
Recorded March 2, 1982
EMMIE M. MUENKER, Clerk

By Winnifred J. Wadsworth Deputy

822043CORRECTED
RESTRICTIONS

VOL 259 PAGE 789

THE STATE OF TEXAS

X

VOL. 258 PAGE 137

COUNTY OF KERR

821092

X

WHEREAS, JOHN W. BERGE, JR. and wife, ELMOR GENE BERGE,
(hereinafter collectively called "Owner") residents of Kerr County
Texas, are the owners of the following described property
(hereafter called the "Property") located in Kerr County, Texas,
said property being more particularly described as follows, to
wit:

FIELD NOTES DESCRIPTION FOR A 2.54 ACRE TRACT OF
LAND OUT OF THAT 6.201 ACRE TRACT OF LAND CONVEYED
TO JOHN W. BERGE, JR. AND WIFE, ELMOR GENE BERGE
FROM KERR PUBLICATIONS, INC. BY WARRANTY DEED WITH
VENDOR'S LIEN DATED FEBRUARY 2, 1972, AND RECORDED
IN VOLUME 153 AT PAGE 760 OF THE DEED RECORDS OF KERR
COUNTY, TEXAS.

BEING all of a certain 2.54 acre tract or parcel of
land out of that certain 6.201 acre tract of land
fronting on West Way Drive in Kerrville South which
was conveyed to John W. BERGE, Jr. and wife, ELMOR
Gene BERGE, of Kerr County, Texas from Kerr Publica-
tions, Inc., a Texas corporation, by Warranty Deed
with Vendor's Lien dated February 2, 1972, and
recorded in Volume 153 at Page 760 of the Deed
Records of Kerr County, Texas; being all out of
Survey No. 144, James H. Cocke, Abstract No. 95 in
Kerr County, Texas; and being more particularly des-
cribed by metes and bounds as follows:

BEGINNING at a point in the centerline of a certain
60 foot wide roadway and utility easement known as
West Way Drive, which point marks the Northeast corner
of the herein described tract; and which point bears
approximately 3115 feet, S. 79° 03' E., from the West
corner of said Survey No. 144 in Kerr County, Texas;

THENCE, with the east line of the herein described
tract S. 23° 40' W., passing at 31.47 feet a 3/8"
iron stake set in the south right-of-way line of said
West Way Drive and continuing for a total distance of
209.20 feet to a 3/8" iron stake set for the Southeast
corner of the herein described tract;

THENCE, with the south line of the herein described
tract, each point being a 3/4" iron pipe set at an
angle point, the following five (5) calls:

- (1) N. 82° 04' W., 96.28 feet;
- (2) S. 79° 15' W., 101.78 feet;
- (3) S. 60° 53' W., 106.77 feet;
- (4) S. 48° 26' W., 94.74 feet;
- (5) S. 64° 57' W., 85.08 feet to a 3/4" iron pipe

set to the Southwest corner of the herein described
tract;

THENCE, with the west line of the herein described tract,
N. 14° 15' W., passing at 191.29 feet a 3/8" iron stake
in the south right-of-way line of said West Way Drive, and
continuing for a total distance of 222.46 feet to a "60-
penny" common nail set in the centerline of said road for
the Northwest corner of the herein described tract;

THENCE, with the centerline of said West Way Drive, which
line forms the north line of the herein described tract,

N. 60° 02' E., 149.49 feet to an existing 1/2" iron stake at a road angle point; N. 68° 05' E., 175.00 feet to a "60-penny" common nail set at a road angle point; N. 83° 05' E., 100.00 feet to a "60-penny" common nail set at a road angle point; and S. 83° 55' E., 185.27 feet to the PLACE OF BEGINNING, containing 2.45 acres of land within these metes and bounds, SAVE AND SUBJECT TO a thirty foot (30') wide roadway and utility easement along the north boundary line of the herein described tract.

Field notes prepared by Hedges Engineering and Surveying Company, February 24, 1982.

WHEREAS, Owner desire to place restrictions on the Property for the purpose of promoting the orderly development of the same and to protect the value of said Property;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that Owner does hereby adopt the following covenants and restrictions which shall be taken and deemed as covenants to run with the land and shall be binding on Owner an all persons acquiring title under him until January 1, 2002, at which time said covenants, conditions and restrictions shall be automatically extended for successive periods of ten (10) years unless and until by duly recorded instrument signed by a majority of the owners of said Property it is agreed to change said covenants, conditions and restrictions, in whole or in part.

If Owner, or any of his respective heirs or assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for any person or persons owning any of the property to prosecute any proceedings at law or in equity against any person or person violating or attempting to violate any such covenants and either to prevent him or them from so doing or to recover damages or other dues for such violation.

Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions hereof, which shall remain in full force and effect.

Such restrictions, reservations, covenants and easements are as follows, to-wit:

FIRST: That the above described property herein conveyed shall be used for residential purposes only; said property shall not be used for business purposes of any character nor have any commercial or manufacturing purpose.

SECOND: Not more than one primary residence shall be constructed on the land hereinafter described and no such residence shall be constructed thereon which contains less than 1,600 square feet of

living area nor which the exterior of the vertical walls is less than one hundred (100%) percent masonry or rock construction. The minimum depth of building set back lines from the property lines at the center of West Way Drive, shall be not less than sixty (60) feet and not less than six (6) feet from the side tract lines.

THIRD: No tent, shack, or mobile home shall be placed, erected or permitted to remain on the above described property, nor shall any trailer or any structure of a temporary character be used as a residence thereon.

EXECUTED this the 25 day of February, 1982.

John W. Berge, Jr.
JOHN W. BERGE, JR.

Elnor Gene Berge
ELNOR GENE BERGE

THE STATE OF TEXAS

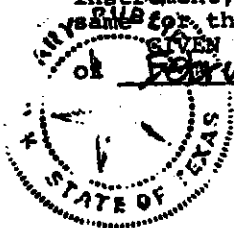
I

COUNTY OF KERR

I

BEFORE ME, the undersigned authority, on this day personally appeared JOHN W. BERGE, JR. and ELNOR GENE BERGE, 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 25 day of February, 1982.



Robert J. Parmley
Notary Public in and for Kerr
County, Texas

My commission expires on: 8/13/85
Robert J. Parmley

Return to: Mr. and Mrs. John W. Berge, Jr.
334 West Way Drive
Kerrville, Texas 78028

☒ INDEXED
☒ COMPARED

#821092

Re

Restriction

John W. Berge, Jr. et al
to
The Public

VOL 259 PAGE 792
VOL 258 PAGE 140

FILED FOR RECORD

at 4:10 o'clock P M

FEB 25 1982

EMMIE M. MUENKER

Clerk of County Court, Kerr County, Texas

By *John W. Berge, Jr.*

Notary Public for the State of Texas, my commission expires on the 25th day of the month of June 1982.

MAR 2 1982



James P. Gaudin
Notary Public

Filed By:

John W. Berge, Jr.
334 West Way Drive
Kerrville, Texas
78028

RECORDED
CLERK'S CERTIFICATE INSIDE

WESTWAY ESTATES SUBDIVISION

FIELD NOTES DESCRIPTION FOR A 2.58 ACRE TRACT OF LAND OUT OF THAT 6.201 ACRE TRACT OF LAND CONVEYED TO JOHN W. BERGE, JR. AND WIFE, ELMOR GENE BERGE FROM KERR PUBLICATIONS, INC. BY WARRANTY DEED WITH VENDOR'S LIEN DATED FEBRUARY 2, 1972, AND RECORDED IN VOLUME 153 AT PAGE 760 OF THE DEED RECORDS OF KERR COUNTY, TEXAS.

BEING all of a certain 2.58 acre tract or parcel of land out of that certain 6.201 acre tract of land fronting on West Way Drive in Kerrville South which was conveyed to John W. Berge, Jr. and wife, Elmor Gene Berge, of Kerr County, Texas from Kerr Publications, Inc., a Texas corporation, by Warranty Deed with Vendor's Lien dated February 2, 1972, and recorded in Volume 153 at Page 760 of the Deed Records of Kerr County, Texas; being all out of Survey No. 144, James H. Cocke, Abstract No. 95 in Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the centerline of a certain 60 foot wide roadway and utility easement known as West Way Drive, which point marks the Northeast corner of the herein described tract; and which point bears approximately 3115 feet, S. 79° 03' E., from the West corner of said Survey No. 144 in Kerr County, Texas;

THENCE, with the east line of the herein described tract S. 23° 43' W., passing at 31.47 feet a 3/8" iron stake set in the south right-of-way line of said West Way Drive and continuing for a total distance of 209.20 feet to a 3/8" iron stake set for the Southeast corner of the herein described tract;

THENCE, with the south line of the herein described tract, each point being a 3/4" iron pipe set at an angle point, the following five (5) calls:

- (1) N. 82° 01' W., 96.28 feet;
- (2) S. 79° 18' W., 101.78 feet;
- (3) S. 58° 57' W., 107.19 feet;
- (4) S. 52° 50' W., 89.44 feet;
- (5) S. 68° 42' W., 84.77 feet to a 3/4" iron pipe set to the Southwest corner of the herein described tract;

THENCE, with the west line of the herein described tract, N. 14° 12' W., passing at 181.43 feet a 3/8" iron stake in the south right-of-way line of said West Way Drive, and continuing for a total distance of 212.50 feet to a "60-penny" common nail set in the centerline of said road for the Northwest corner of the herein described tract;

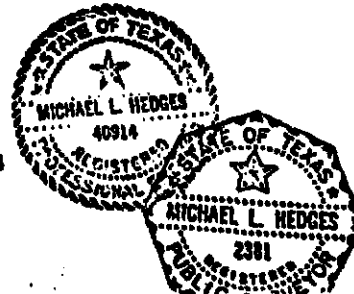
THENCE, with the centerline of said West Way Drive, which line forms the north line of the herein described tract, N. 60° 04' 30" E., 149.49 feet to an existing 1/2" iron stake at a road angle point; N. 68° 07' 30" E., 175.00 feet to a "60-penny" common nail set at a road angle point; N. 83° 07' 30" E., 100.00 feet to a "60-penny" common nail set at a road angle point; and S. 83° 52' 30" E., 185.27 feet to the PLACE OF BEGINNING, containing 2.58 acres of land within these metes and bounds, SAVE AND SUBJECT TO a thirty foot (30') wide roadway and utility easement along the north boundary line of the herein described tract.

I hereby certify that these field notes are an accurate description of the property described therein as determined by a survey made on the ground under my supervision, except no survey was made to re-establish Patent Survey lines or corners, and that all corners are as stated.

Dated the 7th day of April, 1982.

Michael L. Hedges

Michael L. Hedges
Registered Professional Engineer No. 40914
Registered Public Surveyor No. 2381



Corrected
Restrictions

Westway Estates Subdivision
to
The Public

Re-FILED FOR RECORD

at 10:50 o'clock A.M.

APR 13 1982

EMMIE M. MUENKER

Clerk County Court, Kerr County, Texas

By Betty J. Lundy Deputy

Re:

File By + Return To:

JOHN W. BERGE, JR.

334 West Way Dr.

KERRVILLE, TEXAS

78028

Filed for record April 13, 1982 at 10:50 o'clock A.M.

Recorded April 15, 1982

EMMIE M. MUENKER, Clerk

By Betty J. Lundy Deputy