

VBW\REAL\KAPLAN1.TNB

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FILED FOR RECORD

1983 APR 27 PM 4:11

CLERK OF DISTRICT COURT
COMAL COUNTY

BY

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4:50

DECLARATION OF COVENANTS, CONDITIONS,
AND RESTRICTIONS

STATE OF TEXAS §

COUNTY OF COMAL §

THAT WHEREAS, Fred L. Kaplan and wife, Vivian K. Kaplan, hereinafter called KAPLAN are the owners of all that certain real property located in Comal County, Texas (the "Property") described as follows:

Being all those certain tracts, pieces or parcels of land lying and being situated in Comal County Texas, and more fully described in a Warranty Deed dated June 29, 1983, from Herman Conrad, Inc. to Fred L. Kaplan and wife, Vivian K. Kaplan and recorded in the Deed Records of Comal County, Texas, at Volume 348, pages 46 to 48, a copy of which is attached hereto and made a part hereof for all intents and purposes as Exhibit "A".

WHEREAS, KAPLAN will convey Lot 2 of the Kaplan Ranch Subdivision according to a map or plat thereof recorded in Volume 9, Page 313, Comal County, Texas Map and Plat Records above described to Edward A. Hundley and wife, Connie P. Hundley, hereinafter called HUNDLEY, subject to certain protective covenants, conditions, and restrictions, as hereinafter set forth; and

WHEREAS, HUNDLEY has required as part of the consideration for the sale and conveyance of Lot 2 that KAPLAN similarly encumber and restrict all of the remaining property owned by KAPLAN and described in Exhibit "A" attached hereto with the same protective covenants, conditions, and restrictions; and

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NOW, THEREFORE, it is hereby declared that all of the Property described herein shall be held, sold, and conveyed subject to the following restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with the Property and shall be binding on all parties having right, title or interest in or to the above described Property or any part thereof, and their heirs, successors, and assigns, and which restrictions, covenants, and conditions shall inure to the benefit of each owner thereof.

I.

RESTRICTIONS

- a. No hogs;
- b. No tents, house trailers, mobile homes, or other temporary structure may be used as a permanent residence;
- c. No trash dumping, junk cars, etc.; and
- d. No noxious, offensive, unlawful or immoral use.

II.

SEVERABILITY

Invalidation of any one of these covenants, conditions, or restrictions by judgment or court order shall in no way affect any other provision, and all other provisions shall remain in full force and effect.

III.

ENFORCEABILITY

This Declaration may be enforced by KAPLAN, HUNDLEY, and their respective heirs, successors and assigns, and the owner of



all or any part of the Property, and their heirs, executors, administrators, successors and assigns.

IV.

DURATION AND AMENDMENT

The covenants, conditions and restrictions provided for in this Declaration shall run with and bind the land and shall inure to the benefit of and be enforceable by KAPLAN, HUNDLEY, or any other owner of any part of the Property subject to these Declarations, their respective heirs and successors and assigns, for a term of twenty-five (25) years from the date this Declaration is recorded, after which time the same shall be automatically extended for successive periods of ten (10) years. Except as hereinabove expressly provided, the provisions hereof may be amended only by an instrument signed by not less than ^{2/3} ONE HUNDRED (100%) per cent of the owners of the Property. Any amendment must be properly recorded.

EXECUTED this 27th day of April, 1990.


FRED L. KAPLAN

VIVIAN K. KAPLAN

THE STATE OF TEXAS §

COUNTY OF COMAL §

This instrument was acknowledged before me this 27th day of April, 1990, by the said Fred L. Kaplan.


Notary Public, State of Texas

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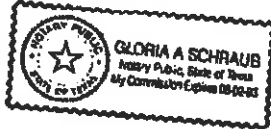
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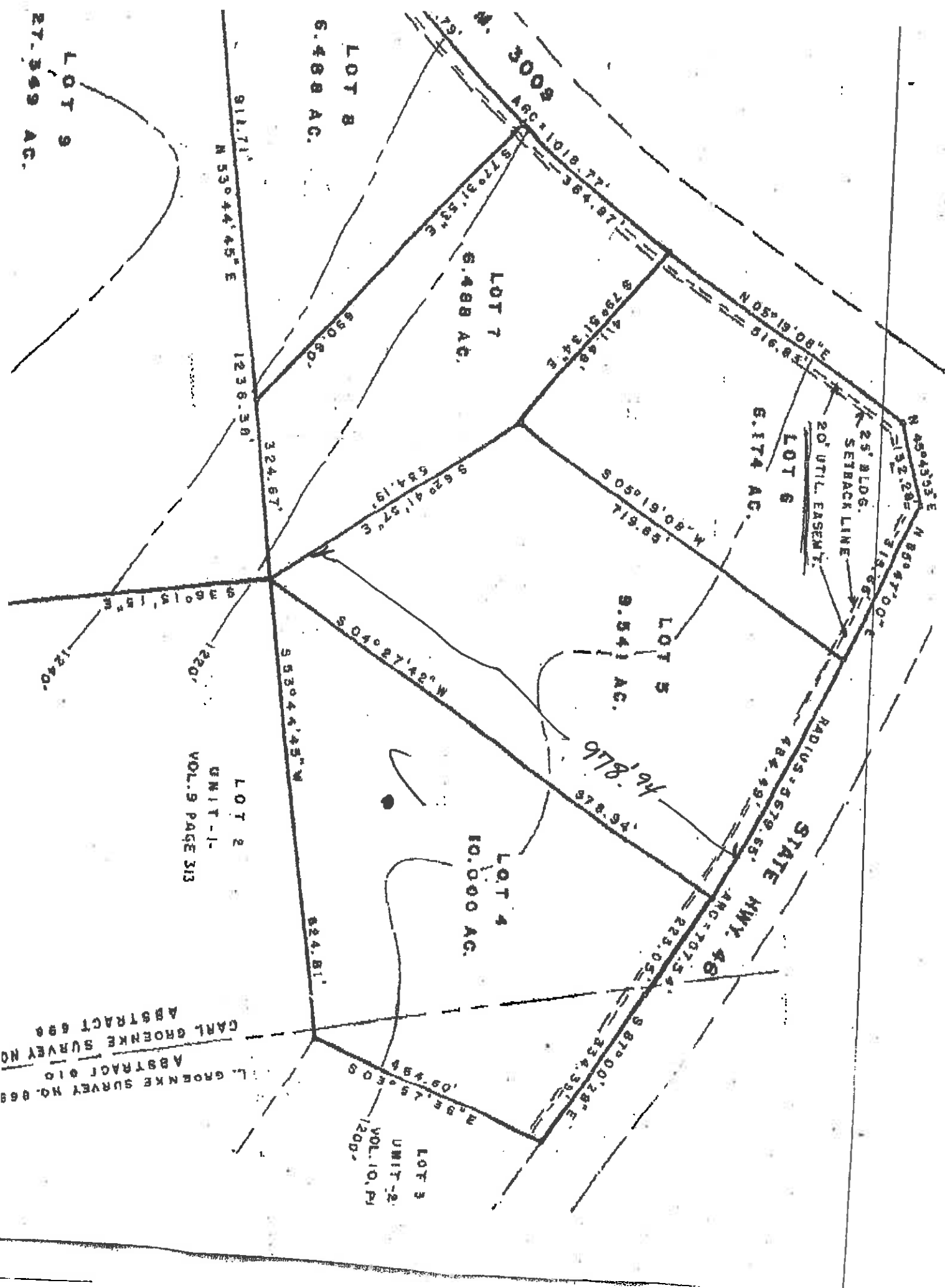
THE STATE OF TEXAS 5

COUNTY OF COMAL 5

This instrument was acknowledged before me this 27th day
of April, 1990, by the said Vivian K. Kaplan.

G. A. Schaub
Notary Public, State of Texas





LOT 9
27.369 AC.

L. GROENKE SURVEY NO. 869
ABSTRACT 810
CARL GROENKE SURVEY NO.
ABSTRACT 898

LOT 2
UNIT - 1-
VOL. 9 PAGE 313

LOT 3
UNIT - 2-
VOL. 10, P. 1
1200'

