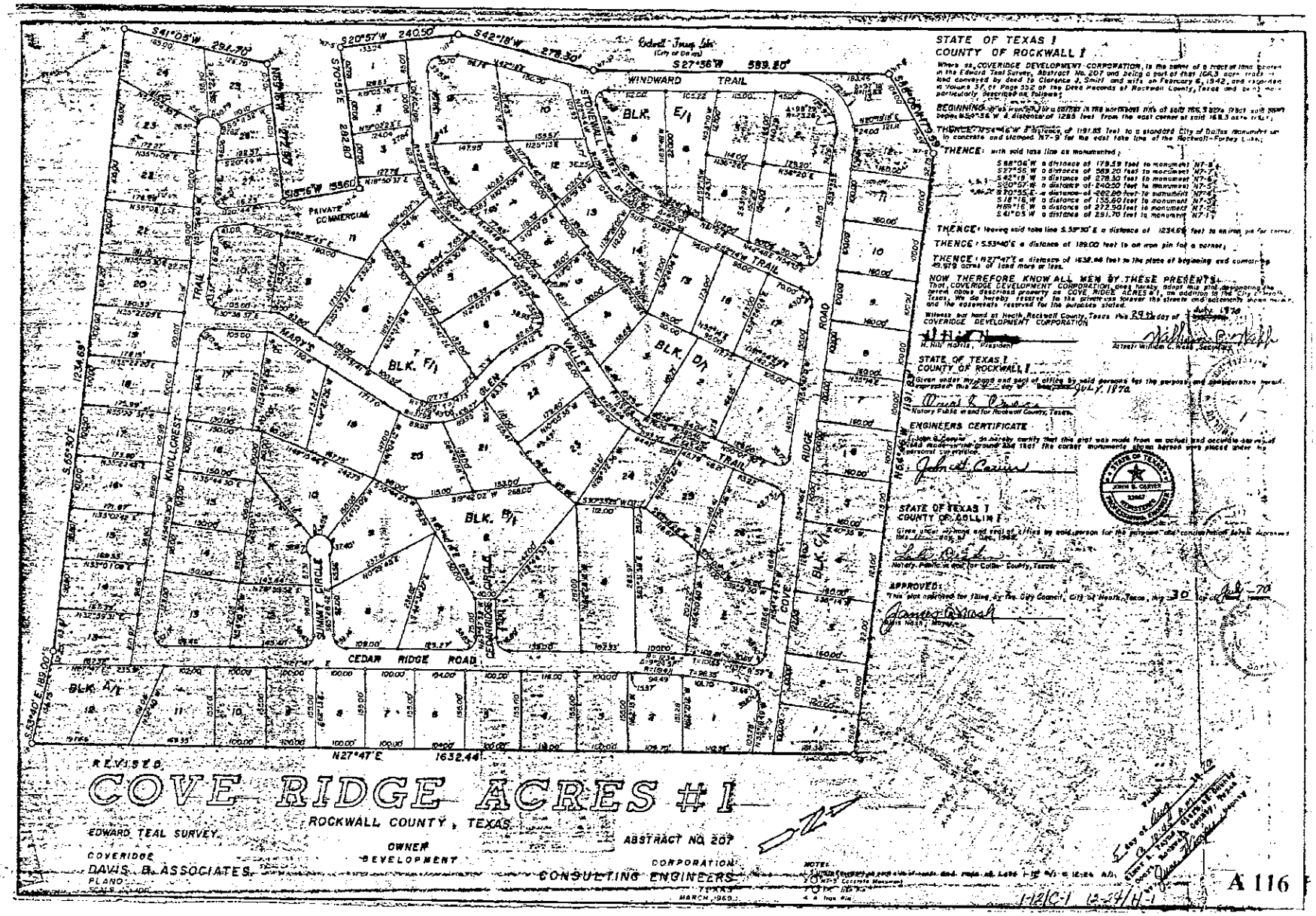

Reg. Lanell Smith
bdfw.com


REVISED
COVE RIDGE ACRES #1
ROCKWALL COUNTY, TEXAS
EDWARD TEAL SURVEY
ABSTRACT NO. 207
COVERIDGE
DAVIS & ASSOCIATES
PLANO
OWNER
DEVELOPMENT
CORPORATION
CONSULTING ENGINEERS
TEXAS
CEDAR RIDGE ROAD
WINDWARD TRAIL
BLK. A/1
BLK. B/1
BLK. C/1
BLK. D/1
BLK. E/1
BLK. F/1
STATE OF TEXAS
COUNTY OF ROCKWALL
ENGINEERS CERTIFICATE
STATE OF TEXAS
COUNTY OF COLLIN
APPROVED:
30

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 28 day of Dec., 196 7

[illegible], Notary Public
[illegible] Dallas County, Texas
Notary Public Dallas County, Texas

FILED FOR RECORD 5th DAY OF Jan. 196[illegible] AT 10:30 A.M.

RECORDED 10th DAY OF Jan 196[illegible] AT 10:00 A.M.

81/255

ELMER A. PAYNE, CLERK OF THE COUNTY COURT, ROCKWALL COUNTY, TEXAS
BY Elmer A. Payne

Cove Ridge DEVELOPMENT CORP.

★ 6011 Gaston Avenue, Dallas, Texas 75214

Telephone TAylor 7-3673 • Diamond 8-9207

DEED RESTRICTIONS FOR COVE RIDGE ACRES #1 ADDITION
CITY OF HEATH, COUNTY OF ROCKWALL, TEXAS

WHEREAS, we, COVERIDGE DEVELOPMENT CORP, a Texas Corporation, being owners of CoveRidge Acres #1 Addition to the City of Heath, Texas, hereby, this date, place the following Deed Restrictions upon all platted Lots contained within said sub-division.

1. Only Single-Family Residences shall be constructed within sub-division.

2. All Residences constructed shall contain a minimum Living Area of Eighteen Hundred (1800) Square Feet, exclusive of Garages and Porches.

3. All construction shall be approved, in writing, by an Architectural Committee as established by the Developer, prior to the commencement of any construction.

4. All Residences constructed shall be a minimum of Sixty (60%) Percent Masonry, or Masonry-Veneer Construction.

5. There shall be no Temporary Structures allowed within sub-division.

6. All Construction shall conform to City and/or National Building Codes, with compliance insured by inspections during course of construction.

7. All Residences constructed shall build provision for garbage recepticles to be located within Eight Feet of front curb line, with such recepticles being recessed into the ground and enclosed with an attractive Brick Wall enclosure.

COVERIDGE DEVELOPMENT CORP.

BY: Howard R. Harris
President

DATE: 1-4-69

81/255

2 PM. 2:15 P.M.
10th. 10th 1980 A.M.
Ernest A. Payne 81/254

151—WARRANTY DEED (WITH VENDOR'S LIEN) 266394-Lochwood-eb TEXAS STANDARD FORM

The State of Texas, } **Know All Men by These Presents:**

County of ROCKWALL

That, SAM H. MURPHY, and wife, BETTY MURPHY,

of the County of Dallas State of Texas for and in consideration

of the sum of TEN AND NO/100 ($10.00) ----------

----------DOLLARS

and other good and valuable considerations,
to us paid, ~~XXXXXXXXXXXXXXXXXX~~, by GENE WILSON FERGUSON, and wife,
OMEGA FERGUSON,

the receipt of which is hereby acknowledged: ~~XXXXXXXXXX~~

AND THE SUM OF ELEVEN THOUSAND AND NO/100 ($11,000.00) cash advanced by SOUTHERN PROVIDENT LIFE INSURANCE COMPANY at the special instance and request of the Grantees herein; said amount evidenced by the execution and delivery by the Grantees herein of one note of even date herewith in the principal sum of $11,000.00, payable to SOUTHERN PROVIDENT LIFE INSURANCE COMPANY in monthly installments of principal and interest as therein provided; said note secured by Deed of Trust of even date herewith to KENNETH C. STEPHENSON, Trustee, and by a first and superior lien upon the hereinafter described property;

have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey, unto the said GENE WILSON FERGUSON, and wife, OMEGA FERGUSON,

of the County of Dallas State of Texas Rockwall all that certain lot, tract or parcel of land, lying and being situated in ~~XXXXXXX~~ County, Texas; BEING all of Resident Lot No. 57 in the Town of Royse City, Rockwall County, Texas, as shown by plat recorded in Volume H, Page 288, Deed Records, Rockwall County, Texas; SAVE AND EXCEPT the South 90 feet thereof conveyed by Regina Pennington, a single woman to W.N. Wilder and B. E. Wilder by deed dated Nov. 2, 1942, recorded in Volume 42, Page 19 Deed Records, Rockwall County, Texas.

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 GENE WILSON FERGUSON, and wife, OMEGA FERGUSON, 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 GENE WILSON FERGUSON, and wife, OMEGA FERGUSON, their

heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any

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THE STATE OF TEXAS)
(KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF ROCKWALL)

AFFIDAVIT IN REFERENCE TO RESTRICTIVE COVENANTS FOR COVE RIDGE ACRES(SUBDIVISION), HEATH, TEXAS.

THAT I, P. C. CLAYTON, JR., of 514 Cove Ridge Road, Heath, Texas, having been duly sworn by the undersigned authority, do state that the following facts are true and correct to the best of my knowledge, to-wit:

That Cove Ridge Acres, sometimes referred to as Cove Ridge Acres #1, and presently as Cove Ridge Subdivision, was created by William C. Webb and Howard Hill Harris on or about June 13, 1967, wherein a plat was recorded in Book 1, pages 59 and 60 of the Plat Records of Rockwall County, Texas; that on or about January 4th of 1968, another plat was filed setting out some restrictive covenants for Cove Ridge Acres #1 Addition; that some time thereafter, an additional plat was made that set out additional restrictive covenants, which included building set-backs, which plat was apparently not filed of record in Rockwall County, Texas; that these restrictive covenants have been followed and relied on by all that have built homes in this subdivision, with exception of a few were variances were allowed; that the Webbs' and Harris's, and in the later years the Harris's(primarily Maxine) controlled the construction and enforced the restrictive covenants above described, up until about a year ago, when Maxine sold her interest in Cove Ridge Water Distribution, and shortly thereafter died; that when plans for new construction of homes were made and presented, if they did not comply with the restrictive covenants, both filed and non-filed, then the applicant was denied connection to the private water system; that this effectively enforced the restrictive covenants, and to my knowledge, has done so until lately challenged; that to my knowledge, everyone that has built a home in this subdivision, at least since I arrived in 1993, has known and relied on these unrecorded restrictive covenants;

NOW THEREFORE, to clarify and give judicial notice of these unrecorded restrictive covenants, I hereby attach a true and correct copy of such restrictions and plat, marked Exhibit A, for all the world to know and observe, so as to protect the rights of those who have followed and relied on such in the past.

EXECUTED this the 21 day of March, 2006.

P. C. Clayton, Jr. Affiant

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SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority, by the said P. C. Clayton, Jr.,on this the 21st day of March 2006, to which WITNESS MY HAND AND SEAL OF OFFICE.

(Seal)

Notary Public in and for Rockwall County, Texas

STATE OF TEXAS

COUNTY OF ROCKWALL

STEPHANIE GALANIDES
MY COMMISSION EXPIRES
August 11, 2009

Before me, the undersigned authority, on this day, personally appeared P. C. Clayton, Jr., known to me to be the person whose signature appears above, and that he acknowledged to me that he executed the above affidavit for the purpose and considerations therein expressed.
IN WITNESS THEREOF, I have set my hand and seal of office on this the 21st day of March, 2006.

(SEAL)

Notary Public in and for Rockwall County, Texas

STEPHANIE GALANIDES
MY COMMISSION EXPIRES
August 11, 2009

00349949

COVE RIDGE ACRES

GENERAL INFORMATION & DEED RESTRICTIONS

1. All Utilities shall be underground.
2. Only Permanent type Homes of an attractive nature, having a Floor Area of over 1800 square feet will be approved.
3. All Construction shall require prior approval of the Architectural Committee.
4. All Construction shall be at least 60% Masonry.
5. All Construction shall conform to National Building Codes, and shall require necessary inspections.
6. Building Set-Back from Property Lines shall be:
   a. Front : 55ft. or 33% of average depth.
   b. Side : 10% of average width, or 10 ft. min.
   c. Rear : 20 ft. minimum.

TERMS OF PURCHASE

1. At time of Lot Purchase, a deposit of 20% of purchase price is required.
2. Balance shall be due at time of Closing.
3. Such Balance may be financed with Seller by Installment Note.

COVE RIDGE ACRES

PHONES 771 Rockwall 722-3152

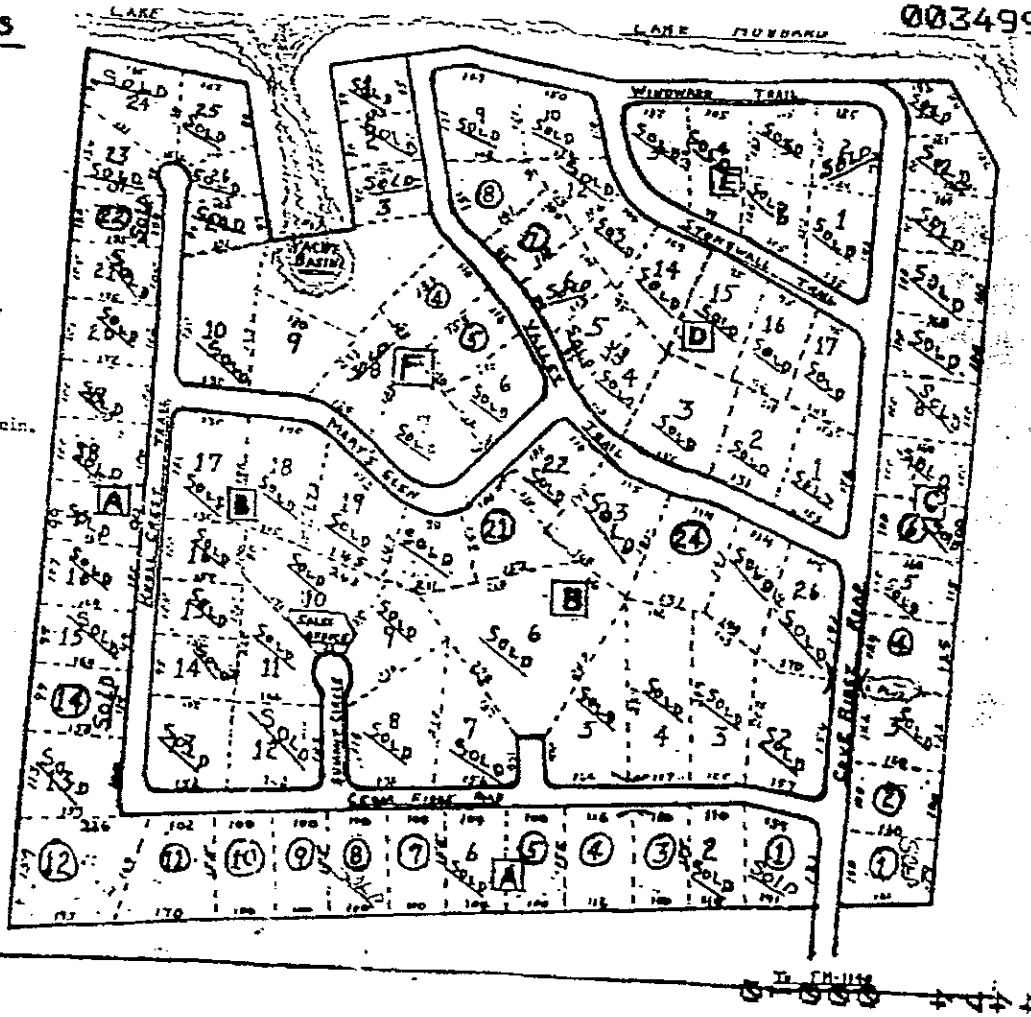

EXHIBIT A

00349949

OR

044744

00011

Filed for Record in:
Rockwall County

On: Mar 21,2006 at 03:16P

As a
Recording

Document Number 00349949

Amount 24.00

Receipt Number - 155114
By,
Sheri R

STATE OF TEXAS COUNTY OF ROCKWALL
I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the named records of:
Rockwall County
as stamped hereon by me.

Mar 21, 2006

Honorable Paulette Burks, County Clerk
Rockwall County

This Document has been received by this Office for Recording into the Official Public Records. We do hereby swear that we do not discriminate due to Race, Creed, Color, Sex or National Origin.

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THE STATE OF TEXAS)
(KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF ROCKWALL)

ADDENDUM TO AFFIDAVIT IN REFERENCE TO RESTRICTIVE COVENANTS FOR COVE RIDGE ACRES(SUBDIVISION), HEATH, TEXAS.

THAT I, P. C. CLAYTON, JR., OF 514 Cove Ridge Road, Heath, Texas, having been duly sworn by the undersigned authority, do state the following facts are true and correct to the best of my knowledge, to-wit:

That heretofore, on the 21st day of March, 2006, I executed an affidavit entitled "Affidavit In Reference to Restrictive Covenants for Cove Ridge Acres(Subdivision), Heath, Texas", which affidavit was filed of record in Rockwall County in Volume 04474, Page 00008.

That this affidavit addressed, amongst other things, an unrecorded plat and restrictions for Cove Ridge Acres, which was undated and unsigned by anyone, which was filed as an exhibit to said affidavit; that this Affiant in the above referred to affidavit, assumed that all viewing said plat and restrictions would recognize that an unsigned and undated instrument would not be a binding instrument; that some question has arisen as to whether the restrictions in this undated and unsigned instrument constitute enforceable legal restrictions upon the owners of lots within Cove Ridge Subdivision;

NOW THEREFORE, to clarify any such questions concerning their legal effect, this Affiant would state, to the best of his knowledge, that the above described plat and restrictions do not constitute any enforceable legal restrictions upon the owners of lots in Cove Ridge Subdivision, and specifically do not restrict the development of lots within the subdivision as to set-back;

That the affidavit to which this addendum relates, was prepared and filed of record because for years, probably from the dedication of the subdivision in 1968, these so called "restrictive covenants" have been used as a guide for the development of the lots within the subdivision; that the former organizers of the subdivision, up until the death of Maxine Harris in 2005, applied these restrictions to the development within the subdivision, and while not legally binding, were obeyed or no water would be supplied to the lot involved, because Maxine Harris(from at least the date this Affiant built his home in 1993) owned the water system; that to Affiant's knowledge, the Cove Ridge Homeowners Association has requested these so-called "restrictions" to be observed in the development of lots in certain instances, to retain the uniformity and beauty of the subdivision, especially in cases where those who were forced to obey such "restrictions" would be affected if not observed; that while Cove Ridge Homeowners Association has requested the observance of these "restrictions" in certain cases, it has never prevented, nor could it prevent, the development of the lots within the subdivision, having no legal authority to intervene in such development; that in those instances where the

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"restrictions" have been asked to be observed, requests for the plat and restrictions herein referred to have been requested by the developers, and the filing of the affidavit to which this addendum refers was made so it would be available to all concerned and would provide some understanding of the requests for observance of the "restrictions" by the Cove Ridge Homeowners Association;

EXECUTED this the 11th day of April, 2006.

P. C. Clayton, Jr. Affiant

SWORNED TO AND SUBSCRIBED BEFORE ME, the undersigned authority, by the said P. C. Clayton, Jr., on this the 11 day of April, 2006, to which WITNESS MY HAND AND SEAL OF OFFICE.

NORMA K. LOYD
Notary Public
STATE OF TEXAS
My Comm. Exp. 01-19-10

Norma Loyd
Notary Public in and for Rockwall County, Texas.

STATE OF TEXAS

COUNTY OF ROCKWALL

Before me, the undersigned authority, on this day personally appeared P. C. Clayton, Jr., known to me to be the person whose signature appears above, and that he acknowledged to me that he executed the above affidavit for the purpose and consideration therein expressed.

IN WITNESS THEREOF, I have set my hand and seal of office on this the 11 day of April, 2006.

NORMA K. LOYD
Notary Public
STATE OF TEXAS
My Comm. Exp. 01-19-10

Norma Loyd
Notary Public in and for Rockwall County, Texas

00351669

OR

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00257

Filed for Record in:
Rockwall County

On: Apr 11,2006 at 03:59P

As a
Recordings

Document Number: 00351669

Amount 20.00

Receipt Number - 156398
By:
Lea C

STATE OF TEXAS COUNTY OF ROCKWALL
I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the named records of:
Rockwall County
as stamped hereon by me.

Apr 11,2006

Honorable Paulette Burks, County Clerk
Rockwall County

This Document has been received by this Office for Recording into the Official Public Records. We do hereby swear that we do not discriminate due to Race, Creed, Color, Sex or National Origin.

00001 0003667 (29)

THE STATE OF TEXAS
COUNTY OF ROCKWALL

That we, C. J. Smirl and wife, Gladys Smirl of the county of Rockwell, State of Texas, for and in consideration of the sum of $1.00 dollar cash to us in hand paid by William H. Smirl, cash in hand paid, the receipt of which is hereby acknowledged do hereby grant and give to the said William H. Smirl the right to construct, reconstruct and perpetually maintain a kkk water line upon and across land owned by us, the same extending from the lot owned by William H. Smirl and connecting to a well situated upon the property of the grantors herein and being approximately 50 feet, said well being located to the South of the lot owned by said William Huey Smirl;

that there is also granted herein the right to use the well, water well to which this easement is hereby granted, that said use of said water well is to be of no cost to the grantee herein, other than that said water well will be kept up and maintained by the grantee herein.

Witness our hands, this the 31st, day of May, A.D. 1960;

THE STATE OF TEXAS
COUNTY OF ROCKWALL

Before me, the undersigned, a Notary Public, in and for said County, Texas, on this day personally appeared C. J. Smirl and GladysSmirl, 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 Gladys Smirl, wife of the said C. J. Smirl having been examined by me privily and kkkkapart from her husband, and having the same fully explained to her, she, the said Gladys Smirl 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 31st day of May, A. D., 1960.

Notary Public in and for
Rockwell County, Texas.

FILED FOR RECORD 31 DAY OF May A.D. 19 60, AT 10:30 a.m.
RECORDED 1 DAY OF June A.D. 19 60, AT 10:50 a.m.
DERWOOD WIMPEE, CLERK COUNTY COURT, ROCKWALL COUNTY, TEXAS.
BY

61/274

DEED VOL 64

(JOINT ACKNOWLEDGMENT)

THE STATE OF TEXAS }
COUNTY OF Rockwall }

Before me, the undersigned authority, on this day personally appeared Clorance J. Smirl and Clydie Smirl, 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 Clydie Smirl wife of said Clorance J. Smirl being examined by me privily and apart from her husband, and having the same by me fully explained to her, she, the said Clydie Smirl 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.

Given under my hand and seal of office on this the 28th day of September, A.D. 19 [illegible]

[illegible] County, Texas

To: Dec. 61 1-Pa.
Dec. 11-a

DEED VOL 64

THE STATE OF TEXAS }
COUNTY OF ROCKWALL } KNOW ALL MEN BY THESE PRESENTS:

That we, L. B. Smirl and wife, Clou Smirl,

of the County of Rockwall, State of Texas, for and in consideration of the sum of Ten Dollars and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby grant unto R C H Water Supply Corporation, hereinafter called "Grantee", a perpetual easement and right of way [illegible] constructing, operating and maintaining a water pipe line over and across Grantor's land in Edward Teal Survey, Abstract No. 207, Rockwall [illegible] conveyed to Alice Smith Bourn, et al, by L. B. Smirl, et ux, dated April 9, 19 55, and recorded in Vol. 51, Pg. 420, Deed Records [illegible] 90 acres.

[illegible] 15 [illegible]

BEGINNING at a point of entrance in the South [illegible] feet, more or less, East of the Northwest corner of said tract and 4.5 feet Northwest of the Northwest Right of Way line of Farm to Market Highway #1141. Thence [illegible] the left, 4.5 feet from and parallel to said [illegible] 800 feet, more or less, to a point [illegible] Grantor's tract.