

STATE OF TEXAS

§

COUNTY OF BRAZORIA

§

**RELEASE AND ABOLISHMENT OF DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTION FOR BRAZOS OAKS A/K/A CLOVER LAKE  
ESTATES**

Previously filed under Clerk's File Number 02-018937 in the Official Records of Brazoria County, Texas are the Declaration of Covenants, Conditions and Restrictions of Clover Lake Estates (as recorded in Volume 22, Pages 337 and 338 of the Plat Records of Brazoria County, Texas).

Owners hereby acknowledge proper notice was given pursuant to Article XII, Paragraph 12.03 of the Declaration of Covenants.

The Owners, pursuant to Article XII, Paragraph 12.03 of the above-referenced Declaration of Covenants, hereby remove, release and abolish all covenants, conditions and restrictions, in their entirety, from the property described in Exhibit "A" attached hereto and to be effective 31 days following the recording of this document.

IN WITNESS WHEREOF, Craig McDonald, Kathleen McDonald, and David Smelscer being the owners of property described in Exhibit "A" attached hereto and made a part hereof, have caused this instrument to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Kathleen McDonald,

\_\_\_\_\_  
Craig McDonald, Individually and as  
Agent

STATE OF TEXAS )

COUNTY OF BRAZORIA )

This instrument was acknowledged before me on \_\_\_\_\_, 2018, by  
Craig McDonald, Individually and as Agent on Behalf of Kathleen McDonald.

\_\_\_\_\_  
Notary Public, State of Texas  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
David Smelscer

STATE OF TEXAS )

COUNTY OF BRAZORIA )

This instrument was acknowledged before me on \_\_\_\_\_, 2018, by  
David Smelscer.

\_\_\_\_\_  
Notary Public, State of Texas  
My commission expires: \_\_\_\_\_

## EXHIBIT A

### CLOVER LAKE ESTATES

(to be known as Brazos Oaks)

A PLAT OF 136.72 ACRES OF LAND OUT OF A 1130.72 ACRE TRACT, KNOWN AS LOWOOD RANCH, OF WHICH 1111.12 ACRES LIE IN THE WILLIAM PARKER SURVEY, ABSTRACT 104, AND 19.60 ACRES LIE IN THE WILLIAM HARRIS SURVEY, ABSTRACT 71, BRAZORIA COUNTY, TEXAS; SAID 136.72 ACRES BEING ENTIRELY IN THE WILLIAM PARKER SURVEY, ABSTRACT 104, BRAZORIA COUNTY, TEXAS; ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 22, PAGE 337-338 PLAT RECORDS, BRAZORIA COUNTY, TEXAS.

COMMENCING at a 1/2" Iron rod found In the North right-of-way line of County Road 32 said rod marking the Southeast corner of sold 1130.72 acre tract; said rod marking the Southeast corner of a 53.69 acre tract as described in a deed recorded In Volume 1611, Page 398 of the Deed Records of Brazoria County, Texas:

THENCE; North 89° 51'33", West, 600.00 feet, along the North right-of-way line of County Road 32, to a 1/2" iron rod found for the Place of Beginning of the herein described tract; said rod marking the Southwest corner of said 53.69 acre tract and the Southwest corner of a 47.92 acre tract as described in File No. 95-015473 of the Official Records of Brazoria County, Texas.

THENCE; North 89° 51' 33" West 1440.15 feet, along the North right-of-way line of County Road 32, to a 1/2" Iron rod found for corner;

THENCE, ' North 2° 56' 40" West 2809.14 feet to a 30" live oak tree found for an angle point;

THENCE North 0° 37' 09" East 1107.66 feet to a disc in concrete found for corner in the South line of a 200 acre tract as described in Volume (87)419, Page 853 of the official Records of Brazoria County, Texas.

THENCE South 89° 19' 17" East, along the South line of said 200 acre tract, at 85.00 feet pass a 1/2" Iron rod found on the bank of a reservoir, and continue to a total distance 1560.53 feet to a point for corner in said reservoir, said point marking the Northwest corner of said 47.92 acre tract;

THENCE; South 0° 10' 38" East, along the West line of said 47.92 acre tract, at 1246.96 feet pass a 1/2" iron rod found on line at 2446.96 feet pass a concrete monument found on line, and continue to a total distance of 3698.14 feet to the Place of Beginning,

Said tract therein containing 136.72 Acres.

## **Declaration of Covenants, Conditions and Restrictions**

### **Basic Information**

**Date:** \_\_\_\_\_

**Declarant:** Craig McDonald and Kathleen McDonald, husband and wife; and David Smelscer

**Declarant's Address:**

\_\_\_\_\_  
\_\_\_\_\_

**Property:** A plat of 136.72 acres of land out of a 1130.72 acre tract, known as Lowood Ranch, of which 1111.12 acres lie in the William Parker Survey, Abstract 104, and 19.60 acres lie in the William Harris Survey, Abstract 71, Brazoria County, Texas; said 136.72 acres being entirely in the William Parker Survey, Abstract 104, Brazoria County, Texas; according to the map or plat thereof recorded in Volume 22, Page 337-338 Plat Records, Brazoria County, Texas and being more particularly described by metes and bounds in Exhibit "A" attached here to and made a part hereof.

### **Definitions**

"Covenants" means the covenants, conditions, and restrictions contained in this Declaration.

"Declarant" means an individual or entity, and any successor that acquires any portion of the Property.

"Easements" means Easements within the Property for access, utilities, drainage, and other purposes as shown on the Plat or of record.

"Lot" means each tract of land designated as a lot on the Plat.

"Owner" means every record Owner of a fee interest in a Lot.

"Residence" means a detached building designed for and used as a dwelling by a Single Family and constructed on one or more Lots.

"Single Family" means a group of individuals related by blood, adoption, or marriage or a number of unrelated roommates not exceeding the number of bedrooms in a Residence.

"Structure" means any improvement on a Lot (other than a Residence), including a fence, wall, tennis court, swimming pool, outbuilding, or recreational equipment.

"Subdivision" means the Property covered by the Plat and any additional property made subject to this Declaration.

"Vehicle" means any automobile, truck, motorcycle, boat, trailer, or other wheeled conveyance, whether self-propelled or towed.

## **Clauses and Covenants**

### **A. Imposition of Covenants**

1. Declarant imposes the Covenants on the Subdivision. All Owners and other occupants of any portion of the property by their acceptance of their deeds, leases, or occupancy of any part, agree that the Property is subject to the Covenants.

2. The Covenants are necessary and desirable to establish a uniform plan for the development and use of the Property for the benefit of all Owners. The Covenants run with the land and bind all Owners, occupants, and any other person holding an interest in the Property.

3. Each Owner and occupant of a portion of the Property agrees to comply with this Declaration and agrees that failure to comply may subject him to a fine, damages, or injunctive relief.

### **B. Use and Activities**

SEE "EXHIBIT B", attached hereto and made a part hereof.

### **C. General Provisions**

1. *Term.* This Declaration runs with the land and is binding in perpetuity.

2. *No Waiver.* Failure by an Owner to enforce this Declaration is not a waiver.

3. *Corrections.* Declarant may correct typographical or grammatical errors, ambiguities, or inconsistencies contained in this Declaration, provided that any correction must not impair or affect a vested property right of any Owner.

4. *Severability.* If a provision of this Declaration is unenforceable for any reason, to the extent the unenforceability does not destroy the basis of the bargain among the parties, the unenforceability does not affect any other provision of this Declaration, and this Declaration is to be construed as if the unenforceable provision is not a part of the Declaration.

5. *Notices.* Any notice required or permitted by this Declaration must be given in writing by certified mail, return receipt requested. Unless otherwise required by law or this Declaration, actual notice, however delivered, is sufficient.

6. *Presuit Mediation.* As a condition precedent to the commencement of a legal proceeding to enforce this Declaration, the Owners will mediate the dispute in good faith.

Kathleen McDonald,

\_\_\_\_\_  
Craig McDonald, Individually and as  
Agent

STATE OF TEXAS )

COUNTY OF BRAZORIA )

This instrument was acknowledged before me on \_\_\_\_\_, 2018, by  
Craig McDonald, Individually and as Agent on Behalf of Kathleen McDonald.

\_\_\_\_\_  
Notary Public, State of Texas  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
David Smelscer

STATE OF TEXAS                    )

COUNTY OF BRAZORIA            )

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Said tract therein containing 136.72 Acres.

## EXHIBIT B

### Prohibited Activities:

1. No swine, hogs, pigs shall be kept, raised, or bred on the property
2. No dumping of rubbish, garbage, trash or waste
3. No mobile home, manufactured home, manufactured housing, or house trailer shall be installed or stored on the property.
4. No storage or keeping of inoperable or junk vehicles.