



67829

AMENDMENT TO RESTRICTIONS

THE STATE OF TEXAS X

COUNTY OF WALLER X

That undersigned E & G INVESTMENT INC., a Texas Corporation, owner of Indian Oakes Estates, a subdivision of 177.444 acres of land in the S. C. Heady Survey, Abs. 31, and the John McFarland League, Abs. No. 46 of Waller County, Texas, the plat of which is of record in the Deed Records of Waller County, Texas, does hereby impress all of the property included in such Subdivision with the following restrictions:

1. Provisions hereof shall be deemed covenants running with the lands and shall be binding on the owner herein named and all persons claiming under it and the purchasers of each tract out of the said 177.444 acres of land until seventy-five percent (75%) of said property has been sold, at which time same shall be automatically extended for successive periods of ten (10) years each, unless by a vote of the majority of the then owners of the tracts of land covered hereby, it is agreed to change same in whole or in part. With reference to said vote, each owner shall be entitled to one vote.

E & G Corporation will enforce restrictions on this property until seventy-five percent of the property is sold. At such time, it shall become the sole responsibility of the individual owners to enforce such restrictions.

2. All the property shall be used for residential purposes only, except, however, portions of Tracts 1 and 61 are subject to commercial development one hundred fifty (150) feet deep fronting Highway 359.

3. No obnoxious or offensive trades or activities shall be carried on on any of the tracts, nor shall anything be done

of usual sensitivities in this area. No tracts shall be used or occupied for any vicious or immoral purpose, nor for any use or purpose in violation of the law of the local, state or federal governments. No animals shall be raised or maintained on the property in such manner or with such lack of care as to cause offensive odors or noises or so as to otherwise be a nuisance or annoyance to persons of ordinary sensitivity and shall not be maintained on premises within one hundred (100) feet of front property line. No hogs shall be raised or maintained on the property at any time. Any chickens or other fowl raised or maintained on said property shall be kept under pen. With reference to horses and cows, only two shall be maintained per acre on said property.

4. No residence shall be built or maintained of any area of less than sixteen hundred (1600) square feet, exclusive of porches and garages. Detached garages and other outbuildings located on subject property shall be built and designed to harmonize with the main building and the colors of paint, and type of exterior walls and roofing shall harmonize with the main building. Each residence shall be built at least twenty (20) feet from any road in the subdivision.

5. No tract or parcel of property shall be subdivided into tracts of less than one (1) acre.

6. Each owner must keep his property reasonably mowed and clear of all grasses, weeds, and underbrush, whether or not construction has begun.

7. No barbed wire fences shall be maintained or built along the road right-of-way.

8. No mobile homes are to be maintained on any of the tracts, and no houses are to be moved onto this property.

9. No billboards shall be erected or maintained on any of the property covered by this covenant.

10. Whenever a residence is established on any tract, it shall provide an inside toilet and shall be connected with a septic tank and drain field until such time as sanitary sewers may be available for use in connection with such tract. Such installations shall comply with the standards established by the Board of Health of the State of Texas, or such other governmental agency having jurisdiction over such matters. No cesspool shall ever be dug, used or maintained on any parcel of land in this subdivision and drainage of septic tanks or sewerage into roads, streets, alleys, ditches, ravines, or upon open ground shall be prohibited and enforceable as any other violation of these restrictions by any resident in the subdivision. Each resident shall, upon constructing any residence upon his tract, place a culvert at least eighteen (18) inches in diameter at a point between the roadway and his property and shall fill in sufficient dirt over and around same to construct a driveway to the premises. The inside bottom of said culvert must be even with or below the level of the ditch.

11. All tracts are sold subject to easements for public utilities as may be already existing, or as may become reasonably necessary to create in the future, right to do so being hereby reserved, so as to permit good development of the subdivision and provide the necessary utilities.

12. Some portions of this property are subject to pipeline easement. No improvements are to be built or maintained on this easement.

13. If the parties hereto or any one of the owners of any portion of said tract, their heirs or assigns, shall violate or attempt to violate any of the covenants or restrictions herein

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contained, the Seller or any owner of any portion of said tract shall have the right to prosecute any proceeding, at law or in equity, against any person violating or attempting to violate any of the covenants or restrictions, and either prevent such person, or persons, from so doing by prohibitive or mandatory injunction and to recover damages for such violation. It is further stipulated that the invalidation of any one or more of these covenants, restrictions or conditions by any judgment or court order shall in no wise affect or invalidate any of the other provisions, but all such other provisions shall remain in full force and effect.

This instrument constitutes an amendment of that certain instrument dated February 12, 1970, and recorded in Volume _____ Page _____ of the Deed Records of Waller County, Texas.

EXECUTED this the 5 day of March, 1970.

E & G INVESTMENT INC.

BY: John England
President

ATTEST:

Robert L. Elliott
Secretary

THE STATE OF TEXAS }

COUNTY OF WALLER }

BEFORE ME, the undersigned authority, on this day personally appeared John England, President of E & G Investment Inc., 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 and in the capacity therein stated.

Given under my hand and seal of office, this 5 day of March, 1970.



Ralph Waters
Notary Public in and for
Waller County, Texas

Filed for record Mar. 5 , A. D., 1970 at 10:50 o'clock A. M.
Recorded Mar. 9 , A. D., 1970 at 11:20 o'clock A. M.

DICK CUNY, County Clerk, Waller County, Texas.

By Linda Wallingford, Deputy.

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LIENHOLDER'S CONSENT TO DEDICATION

67830

THE STATE OF TEXAS

COUNTY OF WALLER

WHEREAS, the FIRST NATIONAL BANK OF BELLVILLE, Bellville, Texas, a banking corporation, is the legal owner and holder of a certain promissory note dated June 2, 1969, in the original principal sum of Fifty Five Thousand and no/100 Dollars (\$55,000.00), described in and secured by lien in deed of trust from E & G Investment, Inc. to Nelson B. Davis, Trustee, dated June 2, 1969, of record in Vol. 36 at pg. 178 of the Deed of Trust Records of Waller County, Texas;

WHEREAS, said E & G INVESTMENT INC. has dedicated the land securing said lien as part of Indian Oaks Estates by a plat and dedication of record in Vol. 219 at pg. 56 of the Deed Records of Waller County, Texas; and

WHEREAS, said Bank desires to consent to such dedication and to ratify and confirm same:

NOW THEREFORE, in consideration of the premises, the said First National Bank of Bellville does hereby consent to the dedication of the following described land to-wit:

A certain 118.80 acre tract of land out of the John McFarland League, Abstract 46, in Waller County, Texas, being the same land described in deed dated May 28, 1969, from E. P. Henry, Jr., et. al., to E & G Investment Inc., which is of record in Vol. 214 at pg. 723 of the Deed Records of Waller County, Texas;

as part of the Indian Oaks Estates by the said E & G Investment Inc., the same as if said Bank had joined in such original dedication, and such dedication is hereby in all things ratified and confirmed.

DATED this the 34 day of ^{March} ~~February~~, 1970.

FIRST NATIONAL BANK OF BELLVILLE

BY

Miles D. Wilson
MILES D. WILSON, PRESIDENT