

DECLARATION OF COVENANT, CONDITIONS, AND RESTRICTIONS

THE STATE OF TEXAS §
 § KNOW ALL BY THESE PRESENTS
COUNTY OF HENDERSON §

Date: _____, 2023

THAT WHEREAS, John Michael Head, (hereinafter called Declarant), of this County of Henderson, State of Texas, is the owner of all that certain real property located in Henderson County, Texas, described by metes and bounds in the attached Exhibit "A", reference to which is herein made for all purposes; and

WHEREAS, Declarant will convey the real property described in Exhibit "A" attached hereto in one or multiple transactions, subject to certain protective covenants, conditions, restrictions, and charges as hereinafter set forth;

NOW, THEREFORE, it is hereby declared that all of the property shown on Exhibit "A" attached hereto shall be held, sold and conveyed subject to the hereinafter described restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with, the real property and shall be binding on all parties having any right, title or interest in or to the real property described in Exhibit "A" attached hereto, 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.

ARTICLE ONE DEFINITIONS

1.01 "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to all or a portion of the Properties, as that term is hereinafter defined, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

1.02 "Property" and/or "Properties" shall mean and refer to that certain real property described in Exhibit "A" attached hereto, and such additions thereto as may hereafter be brought within the jurisdiction of this Defendant.

ARTICLE TWO FEEDLOTS, AUCTION BARNES, JUNK YARDS, WRECKING YARDS AND OTHER NOXIOUS OR OFFENSIVE ACTIVITIES PROHIBITED

No livestock feedlot (defined as enclosure that holds animals 24 hours a day

including pigs), auction barn, junk yard, wrecking yards, or other noxious or offensive activity shall be carried on upon the properties, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

ARTICLE THREE RENDERING PLANT, RUBBISH, TRASH AND GARBAGE

None of the Properties shall be used or maintained as a rendering plant or as a dumping ground for rubbish or trash, and no garbage or other waste shall be kept except in sanitary containers. All incinerators or other equipment for the storage and disposal of such materials shall be kept in a clean and sanitary condition.

ARTICLE FOUR LARGE ANIMALS

Only one large animal (horse, cow, bull, hog) will be permitted per acre. The Property owner shall be responsible for erecting a barbed wire fence necessary to keep owner's animals on owner's property.

ARTICLE FIVE USE OF PROPERTY

Said Property shall be used for single family residential and agricultural purpose only; however, this restriction shall not prevent the construction of the usual appurtenances, including private garage, shop and/or barn. It also does not prohibit a small, home based business so long as that business does not violate any other provision herein.

ARTICLE SIX STRUCTURES ON PROPERTY

No structure of a temporary character shall be used as a permanent residence for more than 1 year.

No Manufactured Homes shall be permitted on the property for any length of time.

No wind turbines on the property over 30 feet in height nor wind turbines meant for the generation of electricity for commercial resale. Wind turbines shall only be intended for the use of the land owner.

No cell phone or radio transmission towers on the property over 30 feet in height. Cell phone or radio transmission towers shall only be intended for the personal use of the land owner and not for commercial use.

No structure may be built within twenty-five (25) feet of the perimeter property line.

ARTICLE SEVEN NON-LICENSED VEHICLES PROHIBITED

No wrecked, abandoned, junked or unlicensed vehicles will be permitted on any portion of this Property.

ARTICLE EIGHT DIVISION OF PROPERTY

The property shall not be subdivided into tracts smaller than three (3) acres. This restriction shall also be construed to prohibit more than one residential structure per three (3) acre tract.

ARTICLE NINE WASTE DISPOSAL

Waste disposal systems must meet or exceed state and county health department requirements.

ARTICLE TEN GENERAL PROVISIONS

Enforcement

10.01 Declarant, as well, as any future owner of any portion of the property shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, and reservations now or hereafter imposed by the provision of this Declaration. Failure to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Severability

10.02 Invalidation of any one of these covenants 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.

Duration and Amendment

10.03 The covenants, conditions, and restrictions of this Declaration shall run with and bind the land, and shall inure to the benefit of, and be enforceable by, the Declarant or the Owner of any portion of the Properties subject to this Declaration, and their respective legal representatives, heirs, successors, and assigns. The provisions of this DECLARATION shall be effective for a term of Forty (40) years from the date this DECLARATION is recorded.

John Michael Head, Declarant

STATE OF TEXAS §
COUNTY OF HENDERSON §

Before me, on this day personally appeared John Michael Head 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. Given under my hand and seal of office this _____ day of _____, 2023.

NOTARY PUBLIC STATE OF TEXAS
My Commission Expires: _____