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DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR EASY LIVING SUBDIVISION IN RUSK, CHEROKEE COUNTY, TEXAS

STATE OF TEXAS

COUNTY OF CHEROKEE

WHEREAS, HARRY R. TOSH, hereinafter called the DEVELOPER, is the owner of all that certain real property located in Rusk, Cherokee County, Texas, described as follows:

Lots numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 in the Easy Living Subdivision in Rusk, Cherokee County, Texas as shown on the Plat of such subdivision recorded in Plat Cabinet B, Page 68 of the Plat Records of Cherokee County, Texas; and

WHEREAS, the Developer will convey the above described lots, subject to certain protective covenants, conditions, restrictions, and charges as hereinafter set forth;

NOW, THEREFORE, it is hereby declared that all of the property described above shall be held, sold, and conveyed subject to the following easements, 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 above described property or any part thereof, and their heirs, successors, and assigns, and which easements, restrictions, covenants, and conditions shall inure to the benefit of each owner thereof.

ARTICLE ONE

DEFINITIONS

Owner

1.01 "Owner" shall refer to the record owner, whether one or more persons or entities, of the fee simple title to any lot or portion of a lot on which there

is or will be built a detached single family dwelling, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

Properties

1.02 "Properties" shall refer to that certain real property hereinbefore described, and such additions thereto as may be placed on such real property.

Lot

1.03 "Lot" shall refer to that portion of any of the plots of land shown upon the plat and subdivision map recorded in Plat Cabinet B, Page 68 of the Plat Records of Cherokee County, Texas, on which there is or will be built a single family dwelling.

Developer

1.04 "Developer" shall refer to HARRY R. TOSH, his successors and assigns, if such successors or assigns shall acquire more than one undeveloped Lot from Developer for the purpose of development.

ARTICLE TWO

ARCHITECTURAL CONTROL

Architectural Control Committee

2.01 Developer shall designate and appoint an Architectural Control Committee consisting of not less than two qualified persons, which committee shall serve at the pleasure of the Developer.

Approval of Plans and Specifications

2.02 No building, fence, wall, or other structure shall be commenced, erected, or maintained upon the Properties, nor shall any exterior addition to, or change or alteration therein, be made, nor shall any landscaping of any Lot or Lots be undertaken, until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to, and approved in writing by, the Architectural Control Committee as to harmony of external design and location in relation to surrounding structures and topography.

Failure of Committee to Act

2.03 In the event that any plans and specifications are submitted to the Architectural Control Committee as provided herein, and such Committee shall fail either to approve or reject such plans and specifications for a period of sixty (60) days following such submission, approval by the Committee shall not be required, and full compliance with this Article shall be deemed to have been had.

ARTICLE THREE

EXTERIOR MAINTENANCE

In the event an Owner of any Lot shall fail to maintain the premises and the improvements situated thereon in a neat and orderly manner, the Developer or the Architectural Control Committee shall have the right, through its agents and employees, to enter upon said Lot and to repair, maintain, and restore the Lot and exterior of the buildings and any other improvements erected thereon, all at the expense of the Owner.

ARTICLE FOUR

USE RESTRICTIONS

Type of Buildings Permitted

4.01 All Lots shall be used for residential purposes only. Any home on such Lots shall contain all new construction materials and be "built in place" homes. No mobile homes, old homes, or prefabricated homes shall be moved in or allowed on any Lot. Any home built in this subdivision shall be a detached single family dwelling not to exceed two (2) stories in height and a private garage for not more than two (2) vehicles.

Minimum Floor Area and Exterior Walls

4.02 Any residence constructed on said Lots must have a ground floor area of not less than 1,200 square feet, exclusive of open or screened porches, terraces, patios, driveways, carports, and garages. The exterior walls of any residence shall consist of not less than fifty-one (51%) per cent masonry construction.

Setbacks

4.03 No building or fence shall be located on any Lot nearer to the front Lot line or nearer to the side street line than the minimum building setback lines shown on the recorded plat. For the purpose of this covenant, eaves, steps, and open porches shall not be considered as a part of the building; provided, however, that this shall not be construed to permit any portion of the building on any Lot to encroach upon another Lot. If two or more Lots, or fractions thereof, are consolidated into a building site in conformity with the provisions of Paragraph 4.04, these building setback provisions shall be applied to such resultant building site as if it were one original, platted Lot.

Resubdivision or Consolidation

4.04 None of said Lots shall be resubdivided in any fashion except that any person owning two or more adjoining Lots may subdivide or consolidate such Lots into building sites, with the privilege of constructing improvements as permitted in Paragraphs 4.02 and 4.03 hereof on each resulting building site, provided that such subdivision or consolidation does not result in any building site having a front Lot line of less than thirty (30) feet, except Lots 1, 2, and 3 shall have a front Lot line of not less than twenty (20) feet.

Easements

4.05 Easements for the installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. No utility company, water district, political subdivision, or other authorized entity using the easements herein referred to shall be liable for any damage done by them or their assigns, agents, employees, or servants, to shrubbery, trees, or flowers, or to other property of the Owner situated within any such easement.

Noxious or Offensive Activities Prohibited

4.06 No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance

to the neighborhood.

Prohibited Residential Uses

4.07 No structure of a temporary character, trailer, mobile home, basement, tent, shack, garage, or other outbuilding shall be used on any Lot at any time as a residence, either temporarily or permanently.

Signs

4.08 No signs of any character shall be allowed on any Lot except one sign of not more than three (3) square feet advertising the property for sale or rent; provided, however, that Developer and any other person or entity engaged in the construction and sale of residences within the subdivision shall have the right, during the construction and sales period, to construct and maintain such facilities as may be reasonably necessary or convenient for such construction and sale, including, but not limited to, signs, offices, storage areas, and model units.

Oil Development and Mining Prohibited

4.09 No oil well drilling, oil development operations, oil refining, quarrying, or mining operations of any kind shall be permitted on a Lot, nor shall oil wells, tanks, tunnels, mineral excavations, or shafts be permitted on any Lot. No derrick or other structure designed for use in boring for oil, natural gas, or other minerals shall be erected, maintained, or permitted on any Lot.

Rubbish, Trash, and Garbage

4.10 No Lot shall be used or maintained 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.

Sewage Disposal

4.11 No individual sewage-disposal system shall be permitted on any Lot.

Water Supply

4.12 No individual water-supply system shall be permitted on any Lot.

Animals

4.13 No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any Lot except that dogs, cats, or other household pets may be kept, provided that they are not kept, bred, or maintained for any commercial purpose.

Fences, Walls, Hedges, and Utility Meters

4.14 No fence, wall, hedge, or utility meter shall be placed, or permitted to remain, on any Lot nearer to the street or streets adjoining such Lot than is permitted for the main residence on such Lot, except for decorative subdivision entry fences.

Trucks, Buses, and Trailers

4.15 No vehicle, boat, truck, bus, or trailer shall be left parked in the street in front of any Lot except for construction and repair equipment while a residence or residences are being built or repaired in the immediate vicinity, and no truck, bus, boat, or trailer shall be parked on the driveway or any portion of the Lot in such manner as to be visible from the street. Only vehicles belonging to overnight guests of a Lot owner in this subdivision shall be left parked in the street in front of any Lot overnight; other vehicles shall be towed away and stored at the vehicle owner's expense.

Prohibited Activities

4.16 No professional, business, or commercial activity to which the general public is invited shall be conducted on any Lot.

TELEVISION ANTENNAES AND POLES

4.17 Any television antennae, receivers, and poles must be placed behind the house located on the Lot in this subdivision.

ARTICLE FIVE

EASEMENTS

Reservation of Easements

5.01 All easements in alleys for the installation and maintenance of utilities