

7/C3

201999020834



**DECLARATION OF RESTRICTIVE COVENANTS**

This Declaration of Restrictive Covenants (hereafter "Declaration") is made by CJN HOMES LLC. (hereafter "Declarant").

**ARTICLE I**

**Recitals**

Section 1. The property covered by this Declaration are those Tracts numbered 1, 2, 3, 4, 5, 6 described by metes and bounds ( Subject Property) on Exhibit "A "and as depicted on Exhibit "B", attached hereto and incorporated by reference (hereafter "the Property").

Section 2. Declarant makes this Declaration for the purpose of subjecting the Property to one of more restrictive covenants as more particularly described below.

NOW, THEREFORE, Declarant is the owner of the Property and hereby subjects the Property to certain covenants, conditions, and restrictions and as more particularly described below.

**ARTICLE II**

**Use Restrictions**

**Section 1. Land Uses and Building Type.**

a) Mobile Homes, Manufactured Homes, and Tiny Homes, may be placed on a Tract as Living Area provided that they are not more than 20 years old from the date of placement and provided that they are freshly painted and fully skirted with painted panels.

b) Greenhouses, barns, shop buildings, and other outbuilding maybe constructed from new materials on a Tract prior to a residential structure, and are subject to building set back restrictions.

c) No noxious or offensive activity shall be carried on upon the above described tracts, nor shall any act be performed thereon which shall or may become an annoyance or nuisance to other owners of tracts.

d) Multi family will follow and be subject to the rules of Guadalupe County. Please see the county environmental department for this determination.

**Section 2. Type of Construction Materials.**

All structure construction types are permitted only with new materials and must be freshly painted. Except no construction from pallets, rusty metals, used tin, or tires is not permitted.

**Section 3. Tract lines/setbacks.**

a) All tracts shall be subject to the following set back lines: No dwelling, structure, pen or kennel, whether permanent or temporary, shall not be located closer than 50 Feet to the front of the property facing Watts Road, and no closer than 35 feet from the back property line, and 15 feet from side property lines. No vehicles, tractors and implements may not be parked or stored closer than 15 ft from any tract property lines. Water Wells and Septic System setback is 25 ft. from any property line.

b.) Tract 5 and Tract 6 are subject to a Ingress Egress Easement as depicted on Exhibits "B and B-1", attached hereto and incorporated by reference; for the use of Tract 5 and Tract 6 to widen the driveway access for large vehicles.

c.) Declarant reserves unto itself and its successors and assigns forever, a 15 foot wide utility easement along the front, back and side property lines of all the tracts and a 130 foot road turn around on the East side of Tracts 4, 5 and 6 facing Watts Road for use by the Guadalupe County Road Department and as depicted on Exhibit "B".

The terms "back" and "side lot lines", respectively, as used in this paragraph, in respect to any two or more contiguous whole tracts owned by the same owner and used as a single building site, shall mean, respectively, the outermost back property lines and side property lines considering said contiguous whole tract as one tract. However, in the event that a single owner shall own two or more adjacent tracts, and shall thereafter convey one tract to any third party, the interior property lines between the tracts then owned by separated owners shall be burdened by the setback lines described herein.

#### Section 4. Minimum Tract Area and access.

A tract can be re-subdivided subject to the plating requirements by Guadalupe County, and that subdividing does not violate these restrictions.

#### Section 5. Temporary Structures and Temporary occupancy.

- a) Travel trailer and motor homes may be used as a residence provided they shall meet all of the setback requirements of these subdivision restrictions.
- b) No tents are to be used as resident.

#### Section 6. Fences.

- a) Fences and Gates cannot be constructed from pallets, rusty metals, used tin, or tires.

#### Section 7. Completion of Construction.

- a) New construction of a dwelling must be completed within 18 months from commencement. All refuse and materials must be removed from the property every 30 days during and after completion of construction.

#### Section 8. Water Wells.

- b) Water well sharing IS NOT restricted.

Section 9. Hunting/Firearms.

- a) Hunting and discharging of firearms are subject to the laws of Guadalupe County and the State of Texas.

Section 10. Storage, Garbage, Refuse, and Prohibited Items.

- a) No tract shall be used or maintained as a dumping ground for rubbish, waste, garbage or trash or used for the Open Air storage of scrap metal, construction materials, inoperable vehicles or machinery, tires or other materials or junk, these items must be in an enclosed structure.

Section 11. Sewage Treatment.

- a) No septic system shall be installed on any tract until a permit is issued by the County.

Section 12. Use of Tract as Roadway.

- a) No tract or any part of a tract shall be used as a street, access road, or public thoroughfare to access another adjoining property that is not part of these tracts.

Section 13. Animals.

- a) Provided that such use does not create any condition conflicting with the residential nature of the subdivision, the following animals may be raised or kept on the property:

- i) Up to 5 adult Cats and 5 adult Dogs are allowed, provided dogs must be within an adequate fenced area or the entire property must be fenced to contain a dog or dogs.
- ii) Horses, Cattle and other livestock, Deer, and Exotic Game are permitted provided that the total does not exceed 3 animal units per acre and provided that there is adequate fencing and grazing to contain them. No more than 40 Fowls, and 4 Goats and Sheep per acre. Bee Hives are subject to the building setback restrictions.
- b) Domestic swine are limited to a total of two (2), and only used for a school project, 4H, or FFA, No breeding of domestic swine for any reason.
- c) In no case shall any commercial feed lot operations, No animal rescue facilities are allowed on any Tract. All other agricultural farming or ranching is allowed.

ARTICLE III  
General Provisions

Section 1. Applicability.

a) Buyers and Buyer's successors and assigns, and any future owners and occupiers of the Property, shall be bound by the terms and conditions of this Declaration.

Section 2. Covenants Running with the Land.

a) All of the restrictions, covenants and easements herein provided for and adopted apply to each and every Tract, and shall be covenants running with the land. The owner of any Tract, and their respective successors and assigns shall have the right to either prevent a breach of any such restriction or covenant or to enforce the performance thereof.

Section 3. Partial Invalidation.

a) Invalidation of any covenant or restriction (by Court Judgment or otherwise) shall not affect, in any way, the validity of all other covenants and restrictions, all of which shall remain in full force and effect. Acquiescence in any violation shall not be deemed a waiver of the right to enforce against the violator or others the conditions so violated or any other conditions.

Section 4. Modifications.

a) The covenants, conditions and restrictions set forth herein may not be amended or modified without 70% written consent of the current owners of all the Tracts.

Section 5. Governing Law.

a) This Declaration shall be governed by and construed in accordance with the laws of the State of Texas.

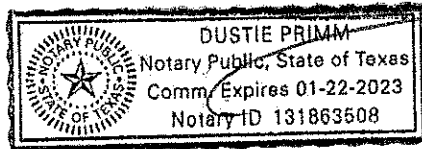
CJN HOMES LLC, a Texas Limited Liability Company

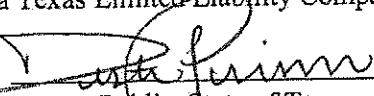
  
Michael A. Schomer, its Manager

STATE OF TEXAS )

COUNTY OF BROWN )

This instrument was acknowledged before me on September 10, 2019, by Michael A. Schomer, on behalf of CJN HOMES, LLC, a Texas Limited Liability Company, as its Manager.



  
Notary Public, State of Texas  
My commission expires: 01-22-2023  
Printed Name: Dustie Primm

## EXHIBIT "A"

### 69.449 ACRE TRACT

Being a 69.449 ACRE TRACT situated in the Harriet Cottle Survey, A-13 and the Robert Hall Survey, A-158, Guadalupe County, Texas. Said 69.449 ACRE TRACT is the residue of a tract called 70 acres, (residue of 108.16 acre tract -being part of Tracts Seven and Eight of a Partition Deed of the William M. Appling Estate dated February 22, 1919, recorded in Volume 53, Page 482 of the Deed Records of said county, described in a convenience from Darlene Engelke Clennan, pro forma her husband to Oakwood Estates, Inc. dated August 2, 1984 and recorded in Volume 714 at Page 35 Official Records of said county and being described by metes and bounds as follows:

**BEGINNING** at a three-way fence corner post marking the east corner of the tract herein described, same being the east corner of the residue of said Tract Eight lying in the common line of Tracts Eight and Nine of said Partition Deed, being the north corner of a tract called 108.229 acres in conveyance from Shirley B. Engalke to Vernon Terry Engelke dated April 13, 2018, recorded in Document Number 201899007785 of the Official Records of said county and lying in the southwest line of Watts Road.

**THENCE** with the southeast line of the tract herein described, same being a segment of the common line of Tracts Eight and Nine, further described as being the common line of said residue 70 acre tract with that of said 108.229 acre tract S 48° 02' 21" W (called N 49° 46' E) 3003.71 feet to a two inch diameter three-way fence corner post marking the south corner of the tract herein described, same being the south corner of said residue 70 acre tract, being the south corner of said Tract Eight, west corner of said Tract Nine of said Partition Deed lying in the northeast line of a tract called Tract 3 (29.869 acres) in conveyance from Joe Jesse Lerma, Jr. to Sabrina Lerma Gallardo dated January 13, 2015, recorded in Document Number 2015000768 of the Official Records of said county (described in Volume 1107, Page 178 of the Official Records) marking the approximate location of the common line of the Robert Hall Survey, A-158 and the William G. Hunt Survey, A-149.

**THENCE** with the southwest line of the tract herein described, same being a segment of the southwest line of said residue 70 acre tract and the northeast line of said 29.869 acre tract along said common survey line N 41° 23' 52" W 486.65 feet (called S 39° 35' E 496 feet in Volume 53, Page 482) to a 1/2 inch diameter rebar found at a three-way fence corner post marking the southwest corner of the tract herein described, same being the southwest corner of said residue 70 acre tract, southwest corner of said Tract Eight and lying in the northeast line of said 29.869 acre tract, being the south corner of a tract called Tract 1 (135.110 acres) in conveyance from Joe Jesse Lerma, Jr. to Sabrina Lerma Gallardo dated January 13, 2015, recorded in Document Number 2015000765 (residue of 154.11 acres described in Volume 1882, Page 718 of the Official Records).

**THENCE** with a segment of the northwest line of the tract herein described, same being a segment of the northwest line of said residue 70 acre tract and a segment of said 135.110 acre tract, same being a segment of the northwest line of said Tract Eight of said Partition Deed N 47° 06' 14" E 1231.55 feet (called S 49° 45' W 1238.5 feet in Volume 53, Page 482 of the Deed Records) to a 1/2 inch diameter rebar found with cap (HMT) marking a re-entrant corner of the tract herein described, same being a re-entrant corner of said residue 70 acre tract, re-entrant corner of said Tract Eight of said Partition Deed, east corner of said 135.110 acre tract and marking the approximate location of the common line of the Robert Hall Survey, A-158 and the Harriet Cottle Survey, A-13, Guadalupe County, Texas.

**THENCE** continuing with the northwest line of the tract herein described, same being a segment of the common line of said residue 70 acre tract with that of said 135.110 acre tract along a segment of the southwest line of said Tracts Eight and Seven of said Partition Deed along said common survey line as follows:

N 40° 20' 58" W 460.96 feet (called S 39° 16' E 481 feet in Volume 53, Page 482) to a 1/2 inch diameter rebar found with cap (HMT) and

N 40° 25' 09" W 514.29 feet (called N 39° 16' W 514 feet in Volume 53, Page 482) to a six inch wood three-way fence corner post marking the northwest corner of the tract herein described, same being the northwest corner of said residue 70 acre tract, west corner of said Tract Seven lying in the northeast line of said 135.110 acre tract, being the south corner of a tract called "Exhibit A" (101 acres) in conveyance from John Playfair, et al, Trustees of the Rosa Lee Powell Revocable Living Trust to Thomas Mitchell Playfair, et al dated May 19, 2014, recorded in Volume 4227, Page 64 of the Official Records of said county.

**THENCE** continuing with the northwest line of the tract herein described, same being the common line of said residue 70 acre tract with that of said 101 acre tract N 47° 44' 16" E (called N 49° 45' E in Volume 53, Page 482) 1498.54 feet to a six inch wood three-way fence corner post marking the north corner of the tract herein described, same being the north corner of said residue 70 acre tract, west corner of said 38.16 acre tract.

**THENCE** with a segment of the northeast line of the tract herein described, same being the common line of said residue 70 acre tract with that of said 38.16 acre tract as follows:

S 40° 52' 48" E 786.31 feet (called N 39° 15' W 785.6 feet in Volume 714, Page 36 of the Official Records) to a 1/2 inch diameter rebar found with cap (HMT) marking a re-entrant corner of the tract herein described, same being a re-entrant corner of said residue 70 acre tract, south corner of said 38.16 acre tract and

N 47° 30' 11" E (called S 49° 45' W in Volume 714, Page 36) 249.16 feet to a 1/2 inch diameter rebar found with cap (HMT) marking the northeast corner of the tract herein described, same being the northeast corner of said residue 70 acre tract, being the west corner of said Watts Road lying in the common line of said Tracts Seven and Eight in said Partition Deed.

**THENCE** continuing with the northeast line of the tract herein described, same being the common line of said residue 70 acre tract with that of said Watts Road along the northeast line of said residue 70 acre tract S 42° 45' 54" E 705.72 feet to the PLACE OF BEGINNING and containing 69.449 ACRES OF LAND.

Basis of Bearing is Geodetic North as per GPS observation dated April 22, 2019.

I hereby certify the foregoing field notes represent the results of an on-the-ground survey made under my supervision May, 2019.

