

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF FREESTONE

## RESTRICTIONS FOR THE CAPE ESTES SUBDIVISION, UNIT I

That KENSAL, INC. a Texas Corporation, acting herein by and through its duly authorized officers, herein after called "Developer", being the owner of all that certain tract of land out of the John Thomas League, A-603 Survey, as platted of Record in Plat Cabinet B, Envelope 101, of the Plat Records of Freestone County, Texas, do hereby impress all of the property included in the above named subdivision with the following restrictions:

1. There shall be established an Architectural Control Committee composed of three (3) members appointed by KENSAL, INC. (and/or by its designees, from time to time) to protect the owners of lots in this Subdivision against such improper use of lots as will depreciate the value of their property; to preserve, so far as practicable, the natural beauty of said property; to guard against the erection thereon of poorly designed or proportioned structures and structures built of improper or unsuitable materials, to obtain harmonious architectural schemes; to insure the highest and best development of said property; to encourage and secure the erection of attractive homes and placement of attractive mobile homes thereon, with appropriate locations thereof on lots; to secure and maintain proper setbacks from streets and adequate free spaces between structures; and, in general, to provide adequately for a high type of quality of improvements on said property, and, thereby, to enhance the value of investments made by purchasers of lots therein.

The undersigned, the Architectural Control Committee, and the officers and members thereof shall not be deemed to have assumed any liability with regard to any undertaking by consequences of its enactment and enforcement of, or failure to enact or enforce minimum standards for any improvements, and no act or omission shall be construed to impose any liability upon the undersigned, said Architectural Control Committee, or the officers and members thereof for damages which any grantee may sustain.

2. The Committee may, as a condition to its approval, make any requirements in its judgement that is deemed proper, including the following requirements:

(1) That the home must be of an attractive design and appearance to comply with the architectural design of the area.

(2) Water service must be connected and an approved septic system must be installed before any house or structure is occupied, even though for temporary use only.

(3) That any motor home or camper unit allowed by these restrictions must be in good repair and of an attractive design, appearance, and quality comparable to those built by a commercial manufacturer.

3. No residence, outbuilding, structure, fence or construction of any kind shall be constructed, erected or placed on any lot in this subdivision until the building plans, specifications and plot plans showing the location of said improvements have been submitted to and approved in writing by the Architectural Control Committee for the Subdivision. The original Architectural Control Committee will be chaired by GARY D. DOUGLAS. The committee so constituted may, at any time, but no later than January 1, 2015, transfer all of the powers herein given to an Architectural Control Committee composed of owners of lots in the Subdivision duly selected by democratic process by all of such lot owners.

4. All lots shall be known and described as lots for residential purposes only. Only a one-family residence may be erected, altered, placed or be permitted to remain on any lots or any lot and adjoining fractional part of another lot. These residential lots shall not be used for business purposes of any kind nor for any commercial, manufacturing or apartment house purpose.

5. No building shall be nearer than five (5') feet to either the side or rear property lines.

There shall be an easement reserved forever of a width of fifteen (15') feet across the front or street side of each lot for utility construction. In further regard to this, no building shall be nearer than ten (10') feet of the above named fifteen (15') foot easement, (i.e. no building shall be nearer than twenty-five (25') feet to the front or street side of each lot).

An easement with right of ingress and egress is reserved in all the above named building set-backs of five (5') feet and utility easement of fifteen (15') feet on each lot for utility installations, service and maintenance, including the right to keep same cleared of shrubbery, trees and fences. Said easements are for the construction and perpetual maintenance of conduits, poles, wires, guy wires, as necessary, and fixtures for electric lines, gas lines, telephone lines, water lines, sewer lines, sanitary and storm sewers, road drains and other public utilities. Wires, cables or crossarms may extend over portions of said lot not within the easement so long as it does not hinder the construction of buildings.

As to Lots 1 through 38, Block 1, the Tarrant County Water Authority has reserved unto themselves a flood easement up to and including the 320' MSL elevation adjacent to the Richland Creek Reservoir and no building shall be nearer than one (1') foot to this line, said line shown on the above referenced recorded plat, without prior written approval from the Tarrant County Water Authority. Piers and Boathouses shall be allowed below this 320' MSL line but must be approved by both the Tarrant County Water Authority and the Architectural Control Committee before the start of construction.

6. All permanent homes or modular type homes allowed by these restrictions shall contain not less than 960 sq. ft. of floor space in the enclosed living area, exclusive of open or screened porches, breezeways or garages. All modular type homes shall have a minimum width of 24 ft., be installed on a concrete foundation or concrete runners, and be underpinned with materials approved by the Architectural Control Committee. All residences not on a slab foundation must be underpinned within 90 days of construction completion or placement upon the lot. Approved recreational vehicles such as motor homes and travel trailers may be used on any lot for temporary use only (i.e. weekend use, vacation or during construction of a home) so long as the same has been approved by the Architectural Control Committee in writing but in no way shall an approved recreational vehicle be set up on a permanent basis.

7. No residence of "box" or "sheet metal" construction shall be erected, placed or permitted to remain on any lot nor shall any structure of a temporary character be used at any time as a residence. Outbuildings, such as storage buildings, may be constructed of "sheet metal" if the materials and the specifications for construction are first approved in writing by the Architectural Control Committee.

8. No old or existing house, prebuilt or prefabricated house or structure, or modular type home shall be moved, placed or maintained on any lot without prior written approval of the Architectural Control Committee.

9. Exterior walls of all buildings and improvements shall be constructed of masonry, wood or other commercial siding approved by the Architectural Control Committee provided that all exposed wood surfaces and cement block surfaces shall be painted with at least two coats of good quality paint. No metal roofs shall be used unless approved by the Architectural Control Committee.

10. All exterior walls must be completed and painted as required and roof must be completed within ninety (90) days after the start of construction. Outside storage of building supplies on any lot in this subdivision shall be permitted only during said ninety (90) day construction period.

11. All lavatories, toilets, and bath facilities shall be completely installed before the residence is occupied.

12. All lavatories, toilets, and bath facilities shall be installed indoors and shall be connected with adequate septic tanks and lateral lines constructed to comply with the specifications of the State and Local Health Authorities and no "outside" or surface toilets shall be permitted under any circumstances. The installation of septic systems on all lots shall be governed by the Tarrant County Water Authority.

13. No water well shall be drilled upon any of the said lots by owners thereof as long as water for domestic uses shall otherwise be available to the owners of said lots. Water for domestic use as herein used shall be defined as sufficient water to satisfy the customary and ordinary requirements of a residential household for drinking, bathing, cooking, washing and operation of the sanitary facilities. Nothing herein contained shall be construed as prohibiting the said "Developer", its successors, assigns or nominees, from drilling a well or wells on the reserved area of any lot in said Subdivision for the purpose of supplying water to the owners of any property in said Subdivision or in any addition thereto.

14. The owner of each lot shall keep the same clean and free of weeds and debris such as will be in keeping with other property and the community at any particular time. At no time shall junk cars or other inoperable equipment be stored on the lot. Upon the failure of the lot owner to keep the premises in a clean and orderly condition, the "Developer", its successors or assigns may have the lot cleaned, or junk cars and equipment removed and the cost or expense thereof shall be payable by the owner of said lot, to the "Developer", its successors or assigns.

15. No pits, holes or other excavations shall be dug on any lot except in connection with the actual construction of the foundation of the improvements to be erected thereon. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers.

16. No lot may be subdivided for any reason except that nothing herein contained shall prevent the "Developer" from subdividing lots prior to their initial sale.

17. Notwithstanding anything to the contrary contained herein, the "Developer" reserves for itself and its designated agent or agents the right to use any lot or lots for a temporary office location and the right to place a sign on any lot.

18. No billboards, sign boards, unsightly objects or advertising displays of any kind shall be installed, maintained or permitted to remain on any residential lot, except that one (1) sign containing not more than three (3) sq. ft. of surface area may be displayed for the sale of a dwelling house and lot, but only after the construction of the dwelling house has actually been started. No such signs for the sale of unimproved lots shall be permitted.

19. Domestic animals such as dogs, cats and other animals customarily maintained for domestic purposes may be maintained on the premises with the exception that no fowl, nor hogs, nor sheep, nor goats, nor horses, nor cattle of any breed or variety may be maintained on the premises at any time for any purposes, including a temporary holding period. All animals allowed by these restrictions to be maintained on the premises must be kept and maintained in a sanitary, nonodorous and inoffensive condition at all times and shall be restrained in such a manner so as to not be a nuisance to the neighborhood. But nothing herein contained shall be construed as allowing the operation of any dog or cat kennel.

20. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

21. No hunting or discharging of firearms shall be permitted on any lot or any part of this Subdivision.

22. The streets within the Subdivision are designated as private right-of-ways and are for the private use of and by the owners of lots within the Subdivision or their guests only, and said streets shall remain private forever, said private status shall not be allowed to be changed without the vote of approval by 100% of the owners of said lots in said Subdivision. No driveway shall be installed nor permitted to be installed without written permission of the Architectural Control Committee, said written permission shall be granted only after it is determined that owner has a culvert pipe of adequate dimension and length for that particular situation. A speed limit of 25 MPH and a load limit of 10 tons is hereby imposed on all the streets.

23. If any person or persons shall violate or attempt to violate any of the restrictions and covenants herein, it shall be lawful for any person or persons owning any lot in said Subdivision to prosecute proceedings at law or in equity against the person violating or attempting to violate any such restrictions and covenants, either to prevent him or them from doing so or to correct such violation or to recover damages or other relief for such violations. Invalidation of any one or any part of these restrictions by judgement or court order shall in nowise affect any of the other provisions or parts of provisions which shall remain in full force and effect.

24. These restrictions and covenants are hereby declared to be covenants running with the land and shall be fully binding upon all persons acquiring property whether by descent, devise, purchase or otherwise, and any person by the acceptance of title to any lot of this Subdivision shall thereby agree and covenant to abide by and fully perform the foregoing restrictions and covenants. These covenants are to run with the land and shall be binding for a period of twenty-five (25) years from the date hereof; at the end of such period, said restrictions and covenants shall automatically be extended for successive periods of ten (10) years unless, by a vote of 100% of the then owners of the lots in said Subdivision (each lot having one (1) vote), taken prior to the expiration of said twenty-five (25) year period and filed for record in said County, it is agreed to amend or release same.

25. An assessment is hereby made of Five Dollars (\$5.00) per month per lot payable annually on the first day of January of each year. The assessment charge for a lot purchased during the calendar year shall be prorated from the date of purchase to the end of that calendar year.

The assessment is payable to the Architectural Control Committee at its office in Freestone County, Texas, or at such other address as may be fixed by the Committee. Such charges and assessment to be secured by an assessment lien upon said lots if not paid within sixty (60) days of the due date and such assessment lien may be imposed and foreclosed by the Architectural Control Committee in whom such authority is hereby vested or its successors or designees.

The fund created by the assessment in charges shall be used to cover expenses incurred in the maintenance and operation of the properties and facilities of the Subdivision or for Community improvement thereon, including but not limited to the construction and reconstruction, improvement and maintenance of roads, parks, and other improvements and for the security systems, patrols or guards at said Subdivision. The assessment charges may be raised by a majority vote of owners of lots in the Subdivision duly convened for that purpose.

Such assessment charges shall extend for the life of these restrictions and covenants, and shall be extended or terminate with restrictions and covenants as hereinabove provided.

April, 19 95.

WITNESS THE EXECUTION HEREOF on this the 10th day of

KENSAI, INC.

BY: [Signature]  
 GARY D. DOUGLAS, PRESIDENT

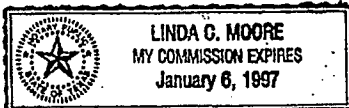
ATTEST: [Signature]

THE STATE OF TEXAS  
 COUNTY OF FRESTONE

BEFORE ME, the undersigned authority, on this day personally appeared Gary D. Douglas, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said KENSAI, INC., a Texas Corporation, and that he executed the same as the act of the said corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 10th day of April, 19 95.

[Signature]  
 Notary Public in and for the State of Texas



FILED FOR RECORD  
 At 9:00 o'clock a. M.  
 APR 24 1995

MARY LYNN WHITE  
 Clerk County Court, Freestone County, Texas  
 By [Signature]

