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RESTRICTIONS

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LAKELAND SECTION FOUR SUBDIVISION

DEEDS

THE STATE OF TEXAS COUNTY OF MONTGOMERY) KNOW ALL MEN BY THESE PRESENTS:

That, the property owners of Lakeland Section 4 desire to create and carry out a uniform plan and scheme for the improvement, development, maintenance, sale, and maintain exclusiveness for residential purposes of all property in Lakeland Section 4, and to accomplish such end does hereby adopt, establish, promulgate and impress the following Reservations, Restrictions and Covenants which shall be and are nereby made applicable to those properties located in Lakeland Section 4 which are herein defined as the "Subdivisior

SUBDIVISION - Lakeland Section 4 of the George Taylor Survey, Abstract No. 555 DEFINITIONS in Montgomery County, Texas, including Block 13. PROPERTY OWNERS GOVERNING AUTHORITY - Lakeland Section 4 Civic Club through a duly elected <u>Board of Directors</u>. Lakeland Section 4 Civic Club was founded by profit organization; and received Charter No. 173763, dated April 6, 1961, from the Secretary of State to legally transact business necessitated in maintaining and operating a subdivision; after L. W. Peay, original owner and developer, divested himself of all interests in the Subdivision and legally veloper, divested himself of all interests in the Subdivision and legally deeded these interests, namely, roads, lakes, levies, parkways, water wells and lines, Club House area, etc., to the property owners or trustees of Lakeland Section 4 Civic Club. By the term, Board of Directors, as used herein, it is meant the Board of Directors of the Lakeland Section 4 Civic Club. BY-LAWS OF LAKELAND SECTION 4 CIVIC CLUB - These by-laws are guidelines for the operation of the Civic Club and for the election of a 13-member Board of Directors. The by-laws in force were adopted by Lot owners at a General Meeting

LOT - That portion of platted territory or fractional part of block measured and set apart for individual and private use and occupancy according to the recorded plat of the Subdivision on file in the Plat Records of Montgomery

COMMUNITY PROPERTY - This includes all premises of the Subdivision on the recorded plat that are not designated as Lots defined above. Each property owner shall have an equal interest in this Community Property.

GENERAL PROVISIONS

APPLICABILITY

1. Each Contract, Deed or Deed of Trust which may be hereafter executed with respect to any property in the Subdivision shall be deemed and held to have been executed, delivered and accepted subject to all of the provisions of this instrument, including, without limitation, the Reservations, Restrictions and Covenants herein set forth, regardless of whether or not any of such provisions are set forth in said Contract, Deed or Deed of Trust, and whether or RESERVATIONS

2. All conveyances of property made in Section No. 4 have been made subject to all easements, rights-of-way, stipulations, restrictions and reserva-

- 3. The property owners within the Subdivision have the right to use all Community Property shown on the recorded plat of the Subdivision only so long as they are in "good standing" with regard to "Maintenance Dues" and are not in violation of any of these restrictions. Further, the Community Property can be used for the enjoyment of such Lot owners' guests, representatives, and invitees subject to all reservations.
- 4. The Community Property shown on the recorded plat is for the common use and benefit of Lot owners, their guests, and invitees, with such common use limited to that of walkways, horse and bicycle paths and shall not be used by any motor vehicle except such necessary vehicles used for the improvement and/or maintenance of the Subdivision, and designated parking areas in existence. By reserved or set aside for specific common uses and benefits other than above.
- 5. The utility easements shown on the recorded plat are dedicated with the reservation that such utility easements are for the use and benefit of any public utility and for the benefit of the property owners in the Subdivision to allow for the construction, repair, maintenance and operation of a system or systems of electric light and power, telephone lines, gas, water, sanitary sewers, storm sewers and any other utility or service which the Civic Club may find necessary or proper.
- 6. Specifically set out is the right to repair waterlines. The Board of Directors or Civic Club shall not be liable for any damage done to shrubbery, trees, flowers or other property of the land owner, with necessary notification, in advance, if possible.

DURATION

7. The provisions hereof, including the Reservations, Restrictions and Covenants herein set forth, shall run with the land, shall be perpetual and shall be binding upon all persons or parties claiming under it or them, except that at any time and from time to time, with thirty (30) day's written notice, a majority of these Lot owners in the Sub division shall have the right to execute and record an instrument or instruments changing the provisions hereof, become effective on the next day following the day on which such executed instrument shall be recorded in the Deed Records of Montgomery County, Texas.

ENFORCEMENT

8. In the event of any violation or attempted violation of any of the provisions hereof, including any of the Reservations, Restrictions or Covenants herein contained, enforcement shall be authorized by any proceedings at law or in equity by the Board of Directors or any person or persons owning property in the Subdivision against any person or persons violating or attempting to violate any of such provisions, including proceedings to restrain or prevent such or mandatory in commanding compliance with such provisions; and it shall not be a prerequisite to the granting of any such injunction to show inadequacy of legal remedy or irreparable harm. Likewise, any person entitled to enforce the provisions hereof may recover such damages as such person has sustained by reason of the violation of such provisions.

PARTIAL INVALIDITY

9. In the event that any portion of the provisions hereof shall become or be held invalid, whether by reason of abandonment, waiver, estoppel, judicial

decision or otherwise, such partial invalidity shall not affect, alter or impair any other provision hereof which was not thereby held invalid, and such other provisions, including Restrictions, Reservations and Covenants shall remain in full force and effect, binding in accordance with their terms.

III. ARCHITECTURAL CONTROL

GENERAL

- 1. Until such time as an Architectural Control Committee or Building Committee is elected, a committee that controls the quality of construction herein, the Board of Directors has the authority to control the quality of all proposed construction to assure that it is to be in compliance with the intent of these deed restrictions. If necessary, the Board may request construction plans, specifications and plats showing the location of any nome on any property in the Subdivision. Approval shall be granted or withheld based on matters of compliance with the provisions of this instrument, quality of materials, harmony of external design with existing and proposed structures and location with respect to topography and finished grade elevation.
- The Architectural Control or Building Committee shall consist of three (3) members who are property owners within the Subdivision. These committee members shall be elected in the same manner as the officers of the Civic Club. Upon the death, resignation, refusal or inability of any member of the committee to serve, the Board of Directors may fill the vacancy by appointment, pending the next election.

GENERAL RESTRICTIONS

LAND USE AND BUILDING TYPE

- 1. All Lots of the Subdivision are hereby designated to be used for single-family residential purposes only. The term residential purposes as used herein excludes hospitals, clinics, apartment houses, boarding houses, hotels and commercial and professional uses, whether from homes, residences or otherwise, and all such uses of the Lots are expressly prohibited. No house trailer, mobile home, motor home, camper vehicle or motor vehicle (or portion thereof) shall be used as a residence, (either temporarily or permanently) on any Lot. Mobile homes or house trailers cannot be brought into the Subdivision. Recreational vehicles are allowed. No Lot in the Subdivision shall be used for any commercial, business or professional purpose nor for church purposes, except Lot 1 in Block 2 and Lots 1 and 11 in Block 13, which are designated as either resiential or for commercial purposes. However, in order to maintain a high standard and to eliminate the type of business that may be objectionable to a desirable residential section, the Board of Directors reserve the right to approve type of building and/or type of business if contemplated. Specifically excluded would be hill boards, junk yards, tourist camps, dance halls, used car lots, beer gardens, massage parlors.
- 2. No noxious or offensive activity of any sort shall be permitted, nor shall anything be done on any Lot which may be or become an annoyance or nuisance to the Subdivision.
- 3. No structure of a temporary character nor any trailer, tent, shack, garage, barn or other outbuilding shall be used on any Lot at any time as a
- 4. No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot, except that dogs, cats or other common household pets may be kept as household pets provided they are not kept, bred or maintained for commercial purposes and provided they do not constitute a nuisance and do not, in

the sole judgement of the Board of Directors, constitute a danger or potential or actual disruption of other Lot owners, their families or guests. No animals or poultry may roam on Community Property unless on a leash or accompanied by owner.

5. All Lots shall be kept at all times in a sanitary, healthful and attractive condition, and the owners or occupants of all Lots shall keep all weeds and grass thereon cut and shall in no event use any Lot for storage of material or equipment except for normal residential requirements or incident to construction of improvements thereon as herein permitted, nor shall such owners or occupants permit the accumulation of garbage, trash or rubbish of any kind thereon. Boat trailers, boats, travel trailers, automobiles, campers, or vehicles of any kind are not to be semipermanently stored in the street period of time.

In the event of default on the part of the owner or occupant of any Lot in observing the above requirements or any of them, such default continuing after ten (10) days' written notice, by certified mail, thereof, the Board of Directors may, without liability to the owner or occupant in trespass or otherwise, enter upon (or authorize one or more others to enter upon) said Lot, and cause to be cut, such weeds and grass, and remove or cause to be removed such with these restrictions, so as to place said Lot in a neat, attractive, health-to the owner or occupant of such Lot for the reasonable cost of such work and associated materials. The owner or occupant, as the case may be, agrees by upon receipt thereof; however, the payment of such charge is not secured by any nature of lien on the property.

- 6. The digging of dirt or the removal of any dirt from any Lot is expressly prohibited except as necessary in conjunction with the landscaping of or construction or repair on such Lot.
- 7. No rifles shall be fired on lake or lake property. Shot guns can be used during duck season or to kill snakes. No minors will be allowed to carry any firearms unless accompanied by parent.
- 8. Nothing which obstructs sight lines at elevations between two (2) and six (6) feet above the roadways with the triangular area formed by intersecting from the intersection of the connecting them at points fifteen (15) feet be placed, planted or permitted to remain on corner lots.
- 9. No outside toilets will be permitted, and no installation of any type of device for disposal of sewage shall be allowed which would result in raw or tank or other means of sewage being carried into any water body. No septic proper governmental authorities having jurisdiction with respect thereto or the Board of Directors, except for construction purposes.
- 10. At no time shall the drilling, usage or operation of any water well be BUILDING LOCATIONS
- 11. In accordance with the recorded plat, and except as provided herein, no part of any building shall be located upon any Lot nearer to the frontline then twenty (20) feet, where possible, or nearer than five (5) feet to a side Lot line, nor nearer than five (5) feet to the rear Lot line; except that where a

Lot is adjacent to a side street, no building located upon such Lot shall be nearer than ten (10) feet to the side street line. In the event a Lot contains a utility easement, then no building shall be constructed upon such utility easement. Notwithstanding the foregoing, an owner of two or more adjacent Lots shall be permitted to build a single residence upon such Lots without regard to restrictions which would otherwise be applicable to the side Lot lines which separate such Lots.

- 5 -

The front of the Lot is the property line having the smallest dimension on a street, where possible. LOT AREA AND WIDTH \cdot

12. Lots may be resubdivided into building sites comprised of a part of one or more Lots as platted, provided that no detached dwelling shall be erected or placed upon any building site containing less than 7,500 square feet in area or having a width of less than 75 feet at the front building line shown on the recorded plat of said Subdivision.

DWELLING SIZE AND CONSTRUCTION

- 13. The living area of the main residence structure exclusive of porches, whether open or screened, garage, or other carparking facility, terraces, driveways shall not be less than 900 square feet of floor space.
- 14. The lakes are designated for the use and benefit of property owners in Lakeland Section 4, husbands or wives and single children living at home, and guests, only when property owner is physically on his premises, or carries badge of authority from owner.
- All parties using said lakes in the Subdivision shall do so at their own risk and benefit, and the Subdivision does not assume any liability by reason of the use of said lakes. Owners are liable for any damage caused by guests.
- 15. Each property owner shall have no more than four fishing guests on any one day other than relatives. For more, prior arrangements must be made.
- 16. All swimming must take place in Lake No. ?, or lake provided for swimming.
- 17. Each Lot owner shall take an active part in trying to improve the lakes, fish and fishing conditions.
- 18. Row boats shall be permitted or used on the water of the lakes but no gasoline motors to propel said rowboats may be used nor any motor boats of any type except at the direction of the Board of Directors in the maintenance of the lakes. Electric trollers are permissable.

USE OF ROADS

- 19. All roads in the Subdivision are private roads and are designated for the use of property owners.
- To maintain the privacy of the roads and not let them become public roads by useage, once each year in September the entrance to the Subdivision shall be blocked from public use.
- 20. The speed limit shall not exceed 20 miles per hour, except where otherwise posted.
- 21. Trucks and/or trailers or both in excess of 10 tons shall not be permitted use of the roads, except for construction purposes.

MAINTENANCE PUND

- 1. Each property owner in the Subdivision shall be and is hereby made subject to a maintenance charge of not less than \$7 per month (\$84.00 per year) nor more than \$15 per month (\$180 per year). Except as otherwise hereinafter provided, the maintenance charge shall be paid quarterly by the property owner in advance, on or before the 1st day of each month. Each property owner one assessment per occupied dwelling.
- 2. The maintenance charge shall be used to create a fund to be known as the "Maintenance Fund."
- 3. The exact amount of each monthly maintenance charge will be determined by the Board of Directors with each change becoming effective thirty (30) days matters relating to the assessment, collection, expenditure and administration of the Maintenance Fund shall be determined by the Board of Directors.
- 4. The maintenance charges collected shall be paid into the Maintenance fund to be held in trust and used for the benefit directly or indirectly, of Directors for any purposes which, in the judgment of the Board of will tend to maintain the property values in the Subdivision, including, but
 - a. Providing for the enforcement of the provisions of this instrument;
 - b. For the maintenance, operation, repair of water wells and lines;
- c. For the maintenance, operation, repair, benefit and welfare of any recreational facilities or maintenance service easements;
- d. Maintenance of streets, paths, parks, parkways, resident security, mosquito control;
- e. Generally for doing any other thing necessary or desirable in the opinion of the Board of Directors to maintain or improve the property of the Subdivision.

The use of the Maintenance Fund for any of these purposes is permissive and not mandatory, and the decision of the Board of Directors with respect thereto shall be final, so long as made in good faith.

5. In order to secure the payment of the maintenance charge hereby levied, a lien shall be and is hereby reserved in this instrument of Restrictions which lien shall be enforceable through appropriate judicial proceedings by the Board of Directors on any Lot or Lots held to be three (3) months delinquent in payments. Said lien shall be deemed subordinate to the lien or liens of any bank, insurance company or savings and loan association ("Institutional Subdivision, and/or for the construction (including improvement) and/or permanent financing of improvements on any such property. All past due maintenance charges shall bear interest from their due date at 8% per annum until

RESTRICTIONS LAKELAND SECTION FOUR SUBDIVISION

VOL 970 PAGE 185

The following restrictions shall become effective January 1, 1977, and hereby supersede, cancel and void the restriction covenants and lake rules on L. W. Peay's lots in Section No. 4 in Lakeland Subdivision of the George Taylor Survey, Abstract No. 555 in Montgomery County, Texas (including reservations), recorded in Volume 432, Page 381, and the same on Block 13, recorded in Volume 503, Page 505 of the Deed Records of Montgomery County, Texas.

These new restrictions are put into effect in the manner prescribed by the original restrictions in that they can be changed in whole or in part by vote of a majority of the present lot owners. A majority of the present lot owners have signified their vote of acceptance of the new restrictions by their signature on the last pages.

At the General Meeting of Lakeland Section 4 Civic Club, October 10, 1976, with a quorum of members present, a vote was taken on these Deed Restrictions (after being discussed and voted on article by article); and a majority voted to adopt them and have them become effective at the designated time.

IN WITNESS whereof, we, the Officers and Directors, set our hands and signatures this day

| Allen | Allen | Allen | Block | B

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

BEFORE me the undersigned authority, on this day personally appeared Eugene T. Hanks, known to me to be the person whose name is subscribed to the above as President of Lakeland Section 4 Civic Club, and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN under my hand and seal of office on this 26th day of December.

Notary Public

Secretary-Treasurer

1000

| BLOCK NO. 1 | • |
|---------------|------------------------------|
| Lot.1 | Gaul Budmann |
| Lots 2, 3 | Paul Buchmann |
| | C. W. Gardner |
| Lot 4 | 1. Killingsworth |
| Lot 5 | 1 m X alu |
| Lots 6, 7 | J. A. Slind Sander |
| Lot 8 | Gilbert May |
| BLOCK NO. 2 | officer to may |
| Lot 1 | 2/2/ inter |
| Lot 2 | Herbert Ferguson |
| Lot 3 | R. W. Stallones |
| Lots 4,5,6 | Ella Whitworth |
| Lots 7,8 | Mary Value |
| Lots 9,10 | Ren Boddy" Arms frong |
| Lot 11 | Henry Kessel |
| Lots 12,13 | Fred McClerdon Sorge 3 track |
| Lots 14,15,16 | |
| Lot 17 | L. F. Roberts |
| BLOCK NO. 3 | George Davis |
| Lot 1 | |
| Lots 2,3 | Bobby Crain |
| ±ot 4 | Dorothy Beck |
| Lot 5 | G. L. Conner |
| Lot 6 | W. C. Brantly |
| Lot 7 | R. W. Garrison |
| Lot 8 | George Jones |
| Lot 9 | David Heavin |

Page 2 LAKELAND SECTION 4 OWNERS -- BY BLOCKS -- 10-10-76

BLOCK NO. 3 - Continued

VOL 970 MSE 187

Lots 10, 11 Bill Westberg Lots 12,13,14 Mary Simpson James McDonald Lots 15,16 BLOCK NO. 4 Lot 1 M. L. Smith Lot 2 Gene Hall Lot 3 Ray Flores Emma Barker Lot 4 Lot 5 Lct 6 BLOCK NO. 5 Lpt 1 Gus Urbanousky Lot 2 Arnold LaBauve Lot 3 Parl/Cross Lots 4,5,6 Lot 7 E. H. Sturrup Oma Ball Lot 8 Lôt 9 BLOCK NO. 6 Lot 1 Lot 2 Lot 3 Lot 4 Lot 5 Lots 6,8 L. Landrum Lot 7 George Jones Lot 9 Gus Moore Lot 10 Rommie Galindo

CCA: . SA

where abouts unknown

Lot 11 Lots 12,13

Lot 8

Lot 14

Lois Ferguson Kernion

A. R. Talley

| Page 5 | LAKELAND SECTION 4 OWNERS BY BLOCKS - 10-10 |
|-------------|---|
| BLOCK NO. | <u>13</u> |
| Lot 1 | |
| Lot 2 | Richard Brown |
| Lot 3 | Don Bowles |
| Lots 4,5 | Mike Johnson |
| Lot 6 | Dorothy Talley M. Challer |
| Lot 7 | Bred Campsen whereabouts unknown |
| Lots 8,9,10 | William Hardin |
| Lot 11 | Dell Lee |
| Lots 12,13 | Ed White |
| Lot 14 | Ben LaGarce |
| Lots 15,16 | Steven Friday |
| Lot 17 | Hollis Bible . |
| Lot 18 | H. T. Smith whereabouts unknown |
| Lot 19 | Richard Williams |
| Lots 20,21 | Paul Circlericho |
| Lot 22 | Paul Engelörecht |
| Lot 23 | Eayne Romoser |
| | Jesse Carter |

MILED FOR RECORD AT 9 O'CLOCK AN

DEC 2 9 1978

ROY HARRIS, Clerk
County Court, Montgomery Ca.Tx.
by Brillin Was known

Lakeland Section Four Civic Club Montgomery County State of Texas Incorporated # 173763-1

| We the following, duly elected officers and board of Lakeland Section Four Charles Clark | f directors of |
|--|---|
| manufaction four CIVIC (700; | |
| President: Dorothy Talley | <u> </u> |
| vice President: Kent Hahne | |
| Secretary: Cynthia Lyon | , |
| Treasurer: Doris Dilleshaw Den Silleslaw | |
| Board of Directors | |
| Wendell Ragsdale Wendell F. Raandale | • |
| Bernard Thompson Bunga Hamilton | |
| Kent Hahne | |
| Ella Whitworth Cook Whitwerth | |
| Gilbert May. Silver C Mar | 1131 |
| Irene May | \ \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\ |
| Doris Dilleshav Dene Sellestine | APR 2 6 1980 |
| Rill Dillachan 1-0 Authorities | |
| Bill Dilleshaw Bill Dullehry | TEXAS WATER COMMISSION WATER RATES SEATON |
| Cynthia Lyon | WATER RATES SECTION |
| Lucille Watson Leille Watson | ES SECTION |
| Matilda Armstrong | |
| Do hereby acknowledge that the following persons being | Of members of |
| Tale of the same o | NP MEMOETO DI |

Do hereby acknowledge that the following persons being members of Lakeland Section Four Civic Club by virtue of addeed, have veted by a majority of 58 of the 112 owners to revise the deed restrictions of Lakeland Section Four pertaining to the Maintenance Fund. Article Five, Paragraph One, Page Six.

To read and be recorded as follows:

1. Each property owner in Lakeland Section Four Subdivision shall be and is hereby made subject to a maintenance fee of no more than \$15.00 per lot per month.

Each property will be assessed according to the following formula.

A. All properties consisting of a dwelling, plus adjoining lots, shall be subject to a full maintenance fee for the primary lot and one third maintenance fee for each adjoining lot.

B. Owners of seperate single lots shall pay a full maintenance fee for each lot owned.

C. Except as herein after provided, the maintenance fee shall be paid quarterly by the property owner in advance, on or before the fifth day of each quarter.



Signature President

Dorothy Talley

STATE OF TRXAS COUNTY OF MONTGOMERY

personally appeared the Officers and Board of Directors of the Lakeland Section Four Civic Club whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.