

RESTRICTIONS FOR GARDEN ACRES ADDITION

Garden Acres Addition is a part of the 174.85 acres of land deeded to B. F. Vance by C. H. Andrews, et al, by deed dated November 24, 1943, and recorded in Volume 114, Page 607, of the Deed Records of Brazos County, Texas. The attached plat gives full description of the part consisting of Garden Acres and is situated on the South-East side of said 174.85 acres.

The following restrictions are covenants running with the title to the various lots in GARDEN ACRES ADDITION in accordance with plat attached hereto and shall apply to and be binding upon all purchasers of said lots, their heirs, executors, administrators, devisees, successors and/or assigns.

1. All the parks, streets, roadways and every reserved strip as shown on the plat of GARDEN ACRES ADDITION are hereby dedicated for public use and maintenance forever, except that the developer, B. F. Vance, reserves the right to place utilities in streets and make repairs on streets.
2. All lots in the tract shall be known and described as residential lots, EXCEPT those lots which are specifically excepted in paragraph 3, below, and no structure shall be erected on any residential building plot other than one detached single-family dwelling not to exceed two stories in height and a one, two or three car garage.
3. Lots numbers 39 to 51, inclusive, are restricted to residential and commercial use for retail merchandizing, and NO business shall be conducted thereon until it has been approved in writing by the committee referred to in paragraph 10 hereof. However, if such committee is not in existence or fails to approve or disapprove the proposed type of business within 30 days, then such approval will not be required, provided the business is not of an illegal nature and not in violation of paragraph 11 hereof. Any subdivision or rearrangements of lots 39 to 50, inclusive, must be approved by B. F. Vance.
4. No building shall be erected on any residential building plot nearer than 30 feet to the front lot line, nor nearer than 8 feet to any side lot line. The side line restriction shall not apply to a garage located in the rear one quarter of a lot, except that on corner lots no structure shall be permitted nearer than 15 feet to the side street line.
5. No residential lot shall be resubdivided into building plots having less than 13,500 square feet of area or a width of less than 90 feet for each plot. No new streets shall be opened in addition without written approval of the building committee referred to in Item 10.
6. No noxious or offensive trade 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. The committee referred to in paragraph 10 shall decide whether the trade is noxious or offensive.
7. Invalid - No longer applicable - (See paragraph 14).

8. No trailer, basement, tent, shack, garage, barn, or other out-building erected in the tract shall at any time be used as a resident temporarily or permanently, nor shall any residence of a temporary character be permitted.

9. No structure shall be moved onto any lot unless it meets with the approval of the committee hereinafter referred to, or if there is not a committee, it shall conform to and be in harmony with existing structures in the tract.

10. No building shall be erected, placed, or altered on any building plot in this subdivision until the building plans, specifications, and plot plan showing the location of such building have been approved in writing by a majority of a committee composed of B. F. Vance, Mrs. B. F. Vance and Walter Sayers, or their authorized representative, for conformity and harmony of external design with existing structures in the subdivision; and as to location of the building with respect to property and building set-back lines. B. F. Vance, Mrs. B. F. Vance, and Walter Sayers shall constitute the committee until at least 10 resident owners are living in the addition, after which time the then lot owners may elect a committee. If the aforesaid committee fails to approve or disapprove such design and location within 10 days after plans have been submitted to it, or if no suit to enjoin the erection of such building, or the making of such alternations has been commenced prior to the completion thereof, such approval will not be required. In any case, either with or without the approval of the committee, no dwelling costing less than \$2500.00 shall be permitted on any lot in the tract, and the ground floor square foot area thereof shall not be less than 1,200 square feet in the case of a one store structure, not less than 1,000 square feet in the case of a one-and-one-half or two-story structure. Said committee or their authorized representative shall act without compensation.

11. A perpetual easement is reserved over the rear five feet of each lot for utility installation and maintenance.

12. These covenants are to run with the land and shall be binding on all the parties and all persons claiming under them until January 1, 1965, at which time said covenants shall be automatically extended for successive periods of ten years unless by a vote of the majority of the then owners of the lots it is agreed to change the said covenants in whole or in part. If the parties hereto, or any of them, or their heirs or assigns, shall violate or attempt to violate any of the covenants or restrictions herein before January 1, 1965, at which time said covenants or restrictions shall terminate, unless, extended, it shall be lawful to any other person or persons owning any other lots in said development or subdivision to prosecute any proceedings at law or in equity against the persons or person violation or attempt to violate any such covenant or restriction and either to prevent him or them from so doing or to recover damages or other dues for such violation.

14. Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect. (True and correct copy recorded in Vol. 116, Page 231 of Deed Records of Brazos County, Texas.)

WITNESS MY HAND THIS THE 12TH DAY OF JUNE, 1944 A.D.

/s/ B. F. VANCE