

DEED RESTRICTIONS

The following "Deed Restrictions" were filed at the Courthouse when the subdivision was platted. The restrictions for Brushy Bend Park Section I are printed, followed by a list of differences for Section II Phase I and Section II Phase II (see map in centerfold).

- A. The premises herein conveyed shall be used only for lodge or home site and not for any business or commercial purposes. No residence trailers or mobile homes shall be allowed. No old houses shall be moved in. Used lumber may be used for construction only after the prior consent of the Architecture committee is obtained.
- B. No lodge or home shall be constructed on this tract having an area of less than 1600 square feet exclusive of garage and porches. A separate garage building, servant's quarters of one story or a one-story guest house not to exceed 600 square feet of floor area will be permitted provided that such structure or structures be attached to the main residence by a common wall or by a covered passageway, and the outer walls of such structure be in the same construction and percentage by area of masonry as the main dwelling; provided that the main dwelling be substantially completed prior to the erection of such structure and provided further that all other restrictions, covenants, conditions and uses herein are complied with.
- C. No building shall be nearer than 30' to the road upon which property abuts and no nearer than 10' to any of the other property lines. No fence shall be placed forward of the front of any residence except that a chain link fence enclosing the entire tract shall be permitted.
- D. Any lodge or residence constructed on this tract shall have a three piece bathroom minimum and may have a lavatory, commode, and shower stall with septic tank and drain field acceptable to Subdivider; the kitchen shall have a minimum of one kitchen sink; and all plumbing is to be installed in keeping with good plumbing practices. No outside toilets shall be permitted.
- E. In the event of the installation of septic tank soil-absorption sewage-disposal system same shall be in accordance with minimum recommendations by the Division of Sanitary Engineering, Texas State Department of Health and inspected by duly authorized agent of the Williamson County Health Department. Written certification by inspecting agency that said installation is within said recommendations shall be presented to Subdivider by Owner prior to occupancy of premises.
- F. Outside wall area of lodge or home shall have a minimum of fifty (50%) per cent masonry construction consisting of brick, ledge-stone, fieldstone, or native type of stone veneer.
- G. No hogs will be allowed and it is agreed by Owner herein he will keep said tract in a clean and orderly manner at all times. If this is not done and a complaint is filed against Owner by a majority of tract owners owning lands within 500 feet of this tract, Subdivider shall have the right to clean said tract and add such cost to the remaining balance on this contract and to charge ten per cent (10%) per annum interest thereon. Lots 1 through 26 inclusive, Lots 65, 66, 68, 69, 70, 79, 80 through 89, inclusive, and Lots 90 through 102, inclusive shall be considered as two animal unit tracts, excluding hogs, and not more than two animals shall be allowed on each of said tracts. Buildings, fences, equipment and housing to be used by such animals must be approved by said architecture committee. Said premises where said animals are located must be kept clean, odorless, sanitary, insect free and otherwise in a good sightly condition. If the premises whereupon animals are located are not so maintained and a complaint is filed concerning said condition by a majority of the tract owners owning land within 500 feet of the tract in question, the architecture committee shall have the right to cause such work to be performed and the cost of such work shall be charged against the owner of the tract in question plus 10% interest and said sum by be added to this contract and to prevent such conditions said committee may, if it deems advisable, after ten (10) days notice in writing to the owner of said tract by certified mail return receipt requested for the animals to be removed from the premises and to dispose of said animals. In this connection said committee shall be held harmless by owner from any and all liability incident to such conduct.
- H. No tract shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition. No junk or wrecking yards shall be located on any tract. Material of any kind stored on said property shall be arranged in an orderly manner on the rear one-third of said property, shall be properly covered, and shall be allowed only so long as Subdivider in its best and sole judgment deems such storage to be in the best interests of the property.
- I. These restrictions are to run with the land until January, 2000, and extend automatically for additional periods of 10 years each unless the record owners of a majority of the tracts in Brushy Bend Park through a duly recorded written instrument or instruments amend or cancel the same.
- J. All covenants and restrictions shall be binding upon the Owner, his successors, heirs, or assigns, and said covenants and restrictions are for the benefit of all tract owners.
- K. Invalidation of any one of these covenants or restrictions by judgment of any Court shall in no wise [sic] affect any of the

other provisions which shall remain in full force and effect. Such restrictions may be changed only by vote of the owners of the tracts in said subdivision, with each tract carrying one vote, not counting fractional tracts.

L. Owner agrees to deliver to Subdivider one (1) copy of the plans and specifications at least fifteen (15) days prior to the commencement of construction of any improvements upon said land and no such construction shall be commenced until Subdivider, acting through its committee as hereinafter provided, shall have approved the plans as being consistent with the overall scheme or plan of development of the subdivision. At the same time of the delivery of the plans and specifications owner shall also deliver a plot plan of said tract showing the exact location of the improvements to be constructed reflecting set-back and other information that may be desired by the committee.

M. No tract within this subdivision shall be resubdivided without the prior written approval of the architecture committee for a period of ten (10) years from January 1, 1974.

N. Subdivider hereby appoints a committee of three (3) initially composed of N. G. Whitlow, Perry O. Mayfield and Tom Nelson and expowers [sic] it to consider requests for variances from the restrictions contained herein and to grant same if found by the committee to be desirable from the standpoint of balancing the needs of the applicant with the needs of all owners within the subdivision to avoid substantial disruption at the overall plan or scheme of development of said land. Said committee is hereby empowered to relocate easements anywhere within said subdivision provided that in the case of utility easement, utility companies have not already installed utilities. [See Note]

O. No fireworks shall be ignited, firearms discharged nor explosives of any kind discharged on the premises.

Note: in November 1984, Mr. Whitlow asked Si Holt, Charles Land, and May Cherry to serve on the committee.

Section II Phase I Deed Restrictions differ as follows:

1. Item G. Replace third sentence with "Lots 23, 24, and 25 shall be considered as 1 animal unit tracts excluding hogs, and not more than 1 animal shall be allowed on each of said tracts."
2. Item I. Add Section II Phase I after words Brushy Bend Park.
3. Item M. Replace 1974 with 1975.
4. Item N. Replace expowers with empowers.

Section II Phase II Deed Restriction differ as follows;

1. Item G. Replace third sentence with "All lots shall be allowed to keep 1 animal unit per each 2 acres, excluding hogs."
2. Item I. Add Section II Phase II after words Brushy Bend Park.
3. Item M. Replace 1974 with 1975.
4. Item N. Replace expowers with empowers.