

RESTRICTIONS¹

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

That we, EDNA GARDNER WHYTE, MICHAEL J. O'BRIEN, AND JOHN RICHARD EVERETT, being the owners of 47.503 acres of land out of the F.M. Woodward Survey, Abstract No. 1420, Denton County, Texas, hereby restrict a portion of said property, said portion fully described in Exhibit "A" attached hereto and made a part hereof for all purposes, as hereinafter set out, which restrictions shall be binding upon all of the owners or purchasers of said property, or any part thereof, his or their heirs, executors, administrators, or assigns as follows, to wit:

1. Any repairs, assembly, or disassembly must be performed within the hangar and at no time may parts, or tools be stored outside of the enclosed area.
2. At no time shall planes, automobiles, or other vehicles be left unattended in the ramp or taxiway area.
3. No noxious or offensive activities shall be carried on upon any lot, nor shall anything be done thereon which may be, or may become, an annoyance or nuisance to the other property owners.
4. No owner shall use as a dumping ground any lot, public road, or easement. Trash, garbage, and other waste shall be kept in a sanitary container and all such containers, incinerators, and other equipment shall be kept in a clean and sanitary condition. Each property owner shall maintain his property in a clean, attractive condition, and, where necessary, appropriate action may be taken by the Architectural Control Committee with fines or assessments levied against the property owner.
5. All brush, trash, or other outside fires are expressly prohibited.
6. All sewage shall be disposed of by water carriage to a sanitary septic tank and underground disposal system constructed within the guidelines of all government agencies. All outside toilets or privys or other type pit toilets are expressly prohibited.
7. The Sellers, Grantors hereof, reserve the right to encroach upon the boundary lines of any and all lots for the purpose of laying and maintaining water, sewage, and other utility lines as deemed necessary and expedient.
8. All fuel, oil, paint, or other highly flammable products must be kept in a safe, suitable container.²

¹ Vol. 1002, p. 364, Deed Records of Denton County, Texas, Doc #5073, December 11, 1979 (Paragraphs 8 and 9 suggest that these were written for non-commercial properties.).

9. The erection of signs is expressly prohibited. Nothing in this restriction shall be construed to prevent small, neatly painted, directional, information, or "for sale" signs, and same shall apply to the developer during the time of the original sale of said property.
10. (a) In order to assure uniformity and stabilization of construction of the development of the 47.503 acre tract of which this property is a part and to carry out a general plan for the protection, use, and convenience of all property owners said property owners shall form an Architectural Control Committee. Said committee shall be comprised of Edna Gardner Whyte, Michael J. O'Brien, John Richard Everett and four members to be elected from the property owners by a majority vote of the property owners every two years, and the members shall serve without compensation. In the event of death or resignation of any member, a replacement may be appointed by a majority of the remaining members.
 - (b) A monthly fee, in an amount set by majority vote of said committee, shall be paid by each property owner to provide for proper maintenance of common areas, including, but not limited to, buildings and taxiways. Said funds shall be deposited into an interest-bearing account at an approved and insured institution and may be withdrawn by majority vote of the committee.
 - (c) Improvements in, and upgrading of, the property is encouraged, but no improvement or alteration shall be commenced until the plans and specifications have been submitted to, and have been approved in writing by, a majority of the committee for control of quality of workmanship and materials, harmony of external design with existing structures, and compliance with the restrictions and covenants herein contained.

These covenants and restrictions are to run with the land and shall be binding upon all parties and all persons claiming under them for a period of thirty (30) years from date hereof, after which said time said covenants shall be automatically extended for successive periods of ten (10) years, unless an instrument signed by a majority of the then record owners of the lots has been recorded, agreeing to change the covenants in whole or in part. However, if the parties hereto, or any of them, or their heirs, grantees, successors, or assigns, shall violate or attempt to violate the covenants herein, it shall be lawful for any person, or persons, comprising at least ten percent (10%) of all the owners of the property, to prosecute any proceedings at law [or] in equity against the person or persons violating or attempting to violate any such covenant, and either to prevent him or them from so doing or to recover damages, or to enforce such other rights and duties, either at law or in equity for such violation as he shall possess.

Invalidation of any of these covenants by a judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and defect.

Nothing contained in this declaration shall impair or defeat the lien of any mortgage or deed of trust, made in good faith and for value, but title to any property subject to this declaration

² Amended Aug. 13, 1991 by Edna Gardner Whyte. Original text stated: "8. At no time shall fuel, oil, paint, or other highly flammable liquid be stored within the property."

obtained through sale, or otherwise, in satisfaction of any mortgage or deed of trust shall thereafter be held subject to all of the protective restrictions and covenants herein.

IN TESTIMONY WHEREOF, we affix our signature this 11th day of December, 1977.

EDNA GARDNER WHYTE

MICHAEL J. O'BRIEN

JOHN RICHARD EVERETT

NOTE: The signed and notarized originals can be found in Volume 1002, Page 364 of the Deed Records of Denton County, Texas. This document has been copied and reformatted into 8.5" x 11" size for convenience only.