

TIMBER RIDGE ESTATES

(Category: RESTRICTIONS)

Volume 208, Page 349, Deed Records of Kerr County, Texas; Volume 958, Page 707, Real Property Records of Kerr County, Texas, BUT OMITTING ANY COVENANT OR RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons.

TIMBER RIDGE ESTATES

(Category: Subdivisions)

- a. Easement to Texas Power & Light Company, dated August 3, 1936, recorded in Volume 59, Page 429, Deed Records of Kerr County, Texas.
- b. Easement to Texas Power & Light Company, dated May 7, 1937, recorded in Volume 61, Page 13, Deed Records of Kerr County, Texas.
- c. Easement to E.B. Carruth, Jr., dated April 25, 1940, recorded in Volume 66, Page 121, Deed Records of Kerr County, Texas.
- d. Easement to L.C.R.A., dated May 9, 1952, recorded in Volume 2, Page 521, Easement Records of Kerr County, Texas.
- e. *An undivided non-participating royalty interest reserved by Grantors, as described in instrument from V.P. Tippett and wife, Ergeal B. Tippett to Herman A. Swan, et al, dated March 6, 1962, recorded in Volume 112, Page 139, of the Deed Records of Kerr County, Texas; said deed being corrected by instrument dated May 9, 1962, recorded in Volume 124, Page 100, Deed Records of Kerr County, Texas, reference to which instrument is here made for all purposes, together with all rights, expressed or implied, in and to the property covered by this policy arising out of or connected with said interests and conveyance. TITLE to said interest not checked subsequent to date of aforesaid instrument.*
- f. Road and Utility Easements as per plat recorded in Volume 4, Page 117, Plat Records of Kerr County, Texas.
- g. Building Set Back Lines as per the Restrictions recorded in Volume 208, Page 349, Deed Records of Kerr County, Texas.
- h. Any visible and/or apparent roadways or easements over or across the subject property.
- i. Rights of Parties in Possession. (AS PER OWNER POLICY ONLY)

DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS

THE STATE OF TEXAS §
COUNTY OF KERR § KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Declarant is the owner of certain real property described in a Deed from Energy Land, Inc. to Reggie Tuck and David P. Braden, Jr. and appearing of record in Volume 206, Page 414, of the Kerr County Deed Records, which property has been subdivided into various parcels as shown by plat of Timber Ridge Estates dated April 28, 1978 and appearing of record in Volume 4 Page 117 of the Kerr County Plat Records, reference to which is hereby made for all purposes; and

WHEREAS, it is deemed to be to the best interest of Declarants and of the persons who may purchase lots described in and covered by said plat that there be established and maintained a uniform plan for the improvement and maintenance of lots in the subdivision;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that Declarants hereby declare that the property described in the Plat of Timber Ridge Estates, shall be held, transferred, sold, conveyed, improved, and occupied subject to the covenants, conditions, restrictions, and easements, as hereinafter set forth, which shall run with the property and be binding on all parties having any interest therein.

ARTICLE I

DEFINITIONS

Section 1. "Declarant" shall mean and refer to Reggie Tuck and David P. Braden, Jr., Individually and d/b/a Tuck-Braden Investments.

Section 2. "Declaration" shall mean and refer to this Declaration of Covenants, Conditions, and Restrictions.

Section 3. "Lot" shall mean and refer to those tracts of land shown on the Plat of Timber Ridge Estates.

Section 4. "Owner" shall mean (a) the person or persons holding a fee simple title interest in a lot; or (b) the purchasers under an installment sales contract from an owner.

ARTICLE II

RESTRICTIONS

In order to carry out a general plan of development of Timber Ridge Estates, a subdivision of Kerr County, Texas, and in order to promote the construction of desirable residences, insure harmony in the character of such buildings in connection therewith, maintain the suitability of said Timber Ridge Estates, for private residential purposes, to carry out a general plan for the protection, benefit, use, recreation and convenience of each and every owner or purchaser of a part of the land therein, and to enhance the value of the said land located in said Timber Ridge Estates, all sales of lots shall be subject to the restrictions and conditions upon the premises as follows, to-wit:

FIRST: That these covenants are to run with the land and shall be binding on the Purchaser(s) and all persons claiming under him until January 1, 1990, at which time said covenants shall be automatically extended for successive periods of ten years, unless by vote, of the then owners of the majority of the land in Timber Ridge Estates, a subdivision of Kerr County, Texas, it is agreed to change said covenants in whole or in part.

SECOND: That the above described property herein conveyed shall be used for residential purposes only; said property shall not be used for business purposes of any character nor have any commercial or manufacturing purpose

THIRD: Prior to the construction or erection of any residential building and all out-buildings in connection therewith, including sewer, the plans of construction shall be approved by the Timber Ridge Estates Building Board. Said Board is composed of Reggie Tuck and David Braden, Jr., their heirs, executors, successors and assigns, or designees in writing.

FOURTH: Not more than one primary residence shall be constructed on the land hereinabove described and herein conveyed, and no such residence shall be constructed thereon which contains less than 1,200 square feet of living area nor which the exterior of the vertical walls is less than fifty per cent (50%) masonry construction unless it first has been approved by said Building Board. The minimum depth of building setback lines from Timber Ridge Estates, a subdivision of Kerr County, Texas, shall be not less than twenty-five (25') feet and not less than six (6') feet from side tract lines. There can be no variations from this Fourth paragraph unless permission is granted in writing by the said Timber Ridge Estates Building Board prior to any such construction. Nothing herein shall prohibit said Building Board from subdividing and resubdividing any platted lot, or tract, or part, or parcel, of land located in Timber Ridge Estates, a subdivision of Kerr County, Texas, and from permitting the construction of a residence on any such resubdivided tract, or part or parts of a tract of land.

FIFTH: No tent or shack shall be placed, erected or permitted to remain on the above described property, nor shall any trailer or any structure of a temporary character be used as a residence thereon.

SIXTH: No structure shall be moved onto the above described property unless it shall conform to and be in harmony with the existing structures on other tracts or parcels of land in said Timber Ridge Estates, and unless it first has been approved by said Building Board.

ARTICLE III

GENERAL PROVISIONS

Section 1. Enforcement. Declarants, their heirs or assigns, or any owner shall have the right to enforce this Declaration by any proceeding at law or in equity.

IN WITNESS WHEREOF, this Declaration has been executed on this 11th day of May, 1978.



Reggie Tuck
REGGIE TUCK

David P. Braden, Jr.
DAVID P. BRADEN, JR.

THE STATE OF TEXAS §
 §
COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared REGGIE TUCK and DAVID P. BRADEN, JR. known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this _____ day of May, 1978.

Spencer Brady Tuck
NOTARY PUBLIC in and for
Kerr County, Texas.

My Commission Expires:
5-25-79

R

#783097

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Declaration of
Covenants, Conditions
and Restrictions

Timber Ridge Estates

40

The Public

Filed 11 Day of May A. D. 1978
EMMIE M. MUENKER 3:40 P.M.
Clerk County Court, Kerr County, Texas
By James W. [Signature] Deputy

Returned to:

Reggie Such
1806 Sedney Baker
Kerrville Texas 78058

Such-Bradley Investment Co

AMENDMENT AND MODIFICATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS

THE STATE OF TEXAS)
COUNTY OF KERR)

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, on the 11th day of May, 1978, a Declaration of Covenants, Conditions, and Restrictions was filed for record in Volume 208, Page 349, Deed Records of Kerr County, Texas, covering the following described property in Kerr County, Texas, to-wit:

Timber Ridge Estates, a subdivision comprised of 14.89 acres out of original Survey No. 145, Thomas L. Waddell, Abstract No. 354, Kerr County, Texas,

the plat of which subdivision appears of record at Volume 4, Page 117, Plat Records of Kerr County, Texas; and

WHEREAS, a designation of Timber Ridge Estates Building Board, as contemplated by said Declaration of Covenants, Conditions, and Restrictions as set forth above, was filed for record in Volume 816, Page 406, Real Property Records of Kerr County, Texas; and

WHEREAS, pursuant to and in accordance with said Declaration of Covenants, Conditions, and Restrictions, the owners of the majority of the land in the Timber Ridge Estates subdivision are desirous of amending and modifying said Declaration of Covenants, Conditions, and Restrictions recorded in Volume 208, Page 349, Deed Records of Kerr County, Texas, and the Designation of Timber Ridge Estates Building Board recorded in Volume 816, Page 406, Real Property Records of Kerr County, Texas;

NOW, THEREFORE, the undersigned, being the owners of the majority of the land in said Timber Ridge Estates subdivision, do hereby adopt and impose upon the property in said subdivision the

following amendments and modifications to such Declaration of Covenants, Conditions, and Restrictions, to-wit:

1) No primary residence shall be constructed on any lot in the subdivision which contains less than 1600 square feet of living area, exclusive of porches, patios, driveways and garages. In addition, each lot upon which there is constructed a primary residence shall have an attached or detached garage capable of housing not less than two (2) automobiles.

2) The exterior walls of any primary residence constructed on any lot shall consist of not less than seventy (70%) percent rock or brick and not more than thirty (30%) percent wood or siding.

3) No building, fence, wall, or other structure shall be commenced, erected, or maintained upon any lot in the subdivision, nor shall any exterior addition to, modification, change or alteration thereof or therein, be made, until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to, and approved in writing by, the Timber Ridge Estates Building Board.

4) Any motor home, mobile home, trailer, travel trailer, boat, recreation or similar vehicle which is stored or maintained on any lot in the subdivision shall not be stored or maintained on such lot at a location which is nearer to the street than the front vertical wall of the primary residence on such lot.

5) Any owner of any lot in the subdivision, or the Timber Ridge Estates Homeowners' Association, shall have the right to enforce, by any proceeding at law or in equity, all restrictions,

conditions, and reservations heretofore or hereby imposed upon the lots within the subdivision.

All of the terms, conditions and provisions of the Declaration of Covenants, Conditions, and Restrictions recorded in Volume 208, Page 349, Deed Records of Kerr County, Texas, and Designation of Timber Ridge Estates Building Board recorded in Volume 816, Page 406, Real Property Records of Kerr County, Texas, shall remain in full force and effect and be applicable to all lots in the subdivision. In the event of a conflict between the terms and provisions of this document and the Declaration of Covenants, Conditions, and Restrictions and Designation of Timber Ridge Estates Building Board referred to herein, the terms and provisions of this document shall take precedence and control.

EXECUTED by the undersigned owners this 9th day of June, 1998.

OWNERS:

Lot 1:

RUTH THORNE

Lot 2:

BEVERLY ROBINSON

Lot 3:

[Signature]

JAMES VILLCHECK
[Signature]

KAREN VILLCHECK

Lot 4: VOL 0958 PAGE 710

Jean Hedrick
JEAN HEDRICK

Lot 5:

Walt Daniel
WALT DANIEL

Betty Daniel
BETTY DANIEL

Lot 6:

Robert R. Harbison
ROBERT HARBISON

Candace M. Harbison
CANDACE HARBISON

Lot 7:

Uel Clanton
UEL CLANTON

Lillie Clanton
LILLIE CLANTON

Lot 8:

Penny Mitchell
PENNY MITCHELL

Lot 9:

Kendall J. Davison
KENDALL J. DAVISON

Rhonda Davison
RHONDA DAVISON

Lot 10:

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GAYLE NICASTRO

Lot 11:

Kelby Rule

KELBY RULE

Katrina Rule

KATRINA RULE

Lot 12:

DEEMOR WHITMAN

MILDRED WHITMAN

Lot 13:

Phillip Nitzberg

PHILLIP NITZBERG

Mary Nitzberg

MARY NITZBERG

Lot 14:

ARMAND DOBSON

DEANE DOBSON


Lot 15:

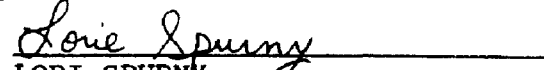
Ted Scanlon

TED SCANLON


JUDY SCANLON

Lots 16 & 17:


JAMES SPURNY


LORI SPURNY

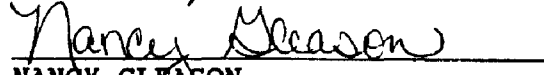
Lot 18:


GEORGE THIGPEN

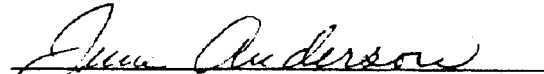

TOMMIE THIGPEN

Lot 19:

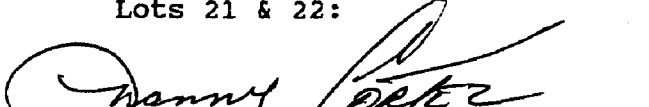

LARRY GLEASON

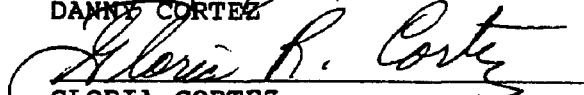

NANCY GLEASON

Lot 20:



JUNE ANDERSON


Lots 21 & 22:


DANNY CORTEZ


GLORIA CORTEZ

Lots 23 & 24:


MORRIS WILLIAMS


CAROL WILLIAMS

Lot 25:

VOL 0958 PAGE 713

BERYL BLANTON

STATE OF TEXAS)

COUNTY OF KERR)

This instrument was acknowledged before me on the ____ day of _____, 1998, by RUTH THORNE.

Notary Public, State of Texas

STATE OF TEXAS)

COUNTY OF KERR)

This instrument was acknowledged before me on the ____ day of _____, 1998, by BEVERLY ROBINSON.

Notary Public, State of Texas

STATE OF TEXAS)

COUNTY OF KERR)

June This instrument was acknowledged before me on the *13th* day of *June*, 1998, by JAMES VILLCHECK and KAREN VILLCHECK.



Shirley James
Notary Public, State of Texas

STATE OF TEXAS)

COUNTY OF KERR)

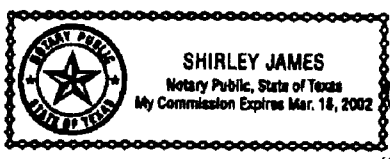
June This instrument was acknowledged before me on the *13th* day of *June*, 1998, by JEAN HEDRICK.



Shirley James
Notary Public, State of Texas

STATE OF TEXAS)
COUNTY OF KERR)

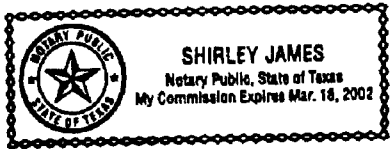
This instrument was acknowledged before me on the 13th day of June, 1998, by WALT DANIEL and BETTY DANIEL.



Shirley James
NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS)
COUNTY OF KERR)

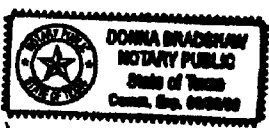
This instrument was acknowledged before me on the 13th day of June, 1998, by ROBERT HARBISON and CANDACE HARBISON.



Shirley James
NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS)
COUNTY OF KERR)

This instrument was acknowledged before me on the 10th day of June, 1998, by UEL CLANTON and LILLIE CLANTON.



Donna Bradshaw
Notary Public, State of Texas

STATE OF TEXAS)
COUNTY OF KERR)

This instrument was acknowledged before me on the _____ day of _____, 1998, by PENNY MITCHELL.

Notary Public, State of Texas

STATE OF TEXAS)

COUNTY OF KERR)

This instrument was acknowledged before me on the 13th day of June, 1998, by KENDALL DAVISON and RHONDA DAVISON



Shirley James
Notary Public, State of Texas

STATE OF TEXAS)

COUNTY OF KERR)

This instrument was acknowledged before me on the _____ day of _____, 1998, by GAYLE NICASTRO.

NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS)

COUNTY OF KERR)

This instrument was acknowledged before me on the 13th day of June, 1998, by KELBY RULE and KATRINA RULE.



Shirley James
NOTARY PUBLIC STATE OF TEXAS

STATE OF TEXAS)

COUNTY OF KERR)

This instrument was acknowledged before me on the _____ day of _____, 1998, by DEEMOR WHITMAN and MILDRED WHITMAN.

Notary Public, State of Texas

STATE OF TEXAS)

COUNTY OF KERR)

This instrument was acknowledged before me on the 13th day of June, 1998, by PHILLIP NITZBERG and MARY NITZBERG.

Recorder's Note:

Missing Notary Seal, filmed as filed.

Shirley James
Notary Public, State of Texas

STATE OF TEXAS)

COUNTY OF KERR)

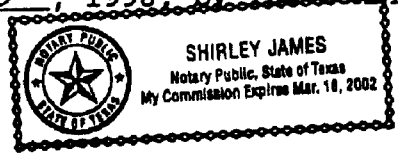
This instrument was acknowledged before me on the _____ day of _____, 1998, by ARMAND DOBSON and DEANE DOBSON.

Notary Public, State of Texas

STATE OF TEXAS)

COUNTY OF KERR)

This instrument was acknowledged before me on the 13th day of June, 1998, by TED SCANLON ~~and LORRY SCANLON~~.

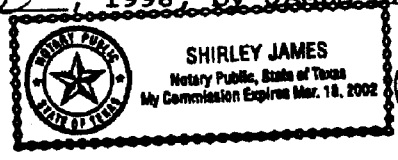


Shirley James
Notary Public, State of Texas

STATE OF TEXAS)

COUNTY OF KERR)

This instrument was acknowledged before me on the 13th day of June, 1998, by JAMES SPURNY and LORI SPURNY.



Shirley James
Notary Public, State of Texas

STATE OF TEXAS)

COUNTY OF KERR)

This instrument was acknowledged before me on the 13th day of June, 1998, by GEORGE THIGPEN and TOMMIE THIGPEN.



Shirley James
Notary Public, State of Texas

STATE OF TEXAS)

COUNTY OF KERR)

This instrument was acknowledged before me on the 13th day of June, 1998, by LARRY GLEASON and NANCY GLEASON.



Shirley James
Notary Public, State of Texas

STATE OF TEXAS)

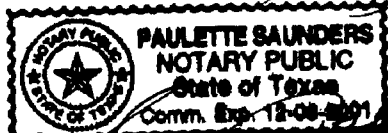
COUNTY OF KERR)

This instrument was acknowledged before me on the 9th day of June, 1998, by JUNE ANDERSON.

Paulette Saunders
Notary Public, State of Texas

STATE OF TEXAS)

COUNTY OF KERR)



This instrument was acknowledged before me on the 7th day of June, 1998, by DANNY CORTEZ and GLORIA CORTEZ.

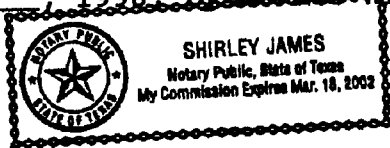


Shirley James
Notary Public, State of Texas

STATE OF TEXAS)

COUNTY OF KERR)

This instrument was acknowledged before me on the 13th day of June, 1998, by MORRIS WILLIAMS and CAROL WILLIAMS.



Shirley James
Notary Public, State of Texas

STATE OF TEXAS)

COUNTY OF KERR)

This instrument was acknowledged before me on the _____ day of _____, 1998, by BERYL BLANTON.

Notary Public, State of Texas

RECORD Real Property
VOL 958 PG 707
RECORDING DATE

JUL 01 1998



Billie G. Meeker
COUNTY CLERK, KERR COUNTY, TEXAS

Provisions herein which restrict the sale, rental or use of the described property because of color or race is invalid and unenforceable under Federal Law. THE STATE OF TEXAS } COUNTY OF KERR }
I hereby certify that this instrument was FILED in the File Number Sequence on the date and at the time stamped hereon by me and was duly RECORDED in the Official Public Records of Real Property of Kerr County, Texas on

JUL 01 1998



Billie G. Meeker
COUNTY CLERK, KERR COUNTY, TEXAS

FILED FOR RECORD

at 2:52 o'clock P M

JUN 30 1998

BILLIE G. MEEKER
Clerk County Court, Kerr County, Texas
Mary Ann Medina Deputy

Filed by & return to:
Pat Linley
611 Sedway Baker
Kerrville Tx 78028

RECORDER'S NOTE
AT TIME OF RECORDATION INSTRUMENT FOUND
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