

DFC, INC. TO THE PUBLIC - RESTRICTIVE COVENANTS OF HILL 'N DALE SUBDIVISION

01969

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RESTRICTIVE COVENANTS HILL 'N DALE SUBDIVISION

THE STATE OF TEXAS, X
COUNTY OF WALKER. X

KNOW ALL MEN BY THESE PRESENTS:

That DFC, INC., a corporation, of Walker County, Texas, being the owner of a 24.63 acre tract of land out of the T. P. McMillian Survey, Abstract No. 388 within said County, hereby adopt the Restrictive Covenants affecting HILL 'N DALE SUBDIVISION, an addition to Walker County, Texas, as approved by the Commissioners Court of said County, and by the Planning Commission of the City of Huntsville, Texas, as provided by law, which Addition is reflected by a Map and Plat thereof, presented herewith, together with dedication of said proposed rural subdivision, all as is reflected by the foregoing dedication of said Subdivision to which the Restrictive Covenants herein contained is attached, such restrictions and covenants being as follows, to-wit:

All persons acquiring title to any lot or lots in said Addition accept the same subject to the following Restrictions, Limitations, Easements, Burdens, which are covenants running with the land and shall be binding upon the owners of said lots in said Subdivision until January 1, 1955, at which time such covenants, limitations and restrictions shall terminate, but all easements and burdens shall continue in full force and effect.

I.

All of said lots shall be devoted exclusively to residential purposes, and shall only be used for such purpose.

No building shall be erected, placed or permitted to remain on any lot other than one detached single-family dwelling.

All residences shall be brick or brick veneer construction.

II.

The floor area of the main structure, that is, any dwelling placed or built thereof, exclusive of open porches and garages, shall not be less than 1,000 square feet.

III.

No building shall be located, erected, or altered on any lot nearer than 20 feet to the front line or nearer than 6 feet from the side lot line, except on corner lots the side lot line shall not be nearer than 15 feet.

No residence may be built on less than one platted lot.

IV.

No trailer, tent, shack, barn, or other outbuildings shall be placed or erected on said lot or either of them, nor shall either of the same at any time be used as a residence, temporary or permanent, whether the same be erected or placed on lot or lots or parked upon a street or streets within said subdivision, nor shall any residence of a temporary character be constructed, built or placed on either said lot within said subdivision.

V.

No structure shall be moved onto any lot, but all buildings erected on said lots shall be of new construction.

VI.

All septic tanks installed on any lot or lots shall meet the approval of the County Health Officer at the time of installation and at all times during operation and maintenance thereof. Field lines shall be laid and maintained under like conditions; however, in addition to such acquirement as herein provided, no septic tank shall be laid or used with less than a minimum of

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300 gallon capacity, and the connection of field line thereof must be of a minimum distance of 130 feet, and buried at a minimum depth so as to allow 2' 8" of course gravel covering the top, side and bottom thereof, thereby insuring maximum sanitation in the use of field lines and septic tanks serving dwellings to be constructed on the respective lots in said subdivision.

VII.

No animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats or other household pets may be kept, provided that they are not kept for breeding purposes, bred, or maintained for any commercial purposes.

VIII.

No fences except chain length fences or redwood fences may be constructed upon any of the lots in this Addition unless the same are approved by DFC, INC.

IX.

If the owner or owners of any lot in said subdivision shall violate or attempt to violate any of the covenants or restrictions herein contained, it shall be lawful for any other person or persons owning any other lot or lots, or interest therein, in said subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants or restrictions, and either to prevent him or them from doing so or to recover damage for such violation.

X.

Invalidation of any one of these covenants or restrictions by judgment or court order shall in no wise affect any of the other

provisions hereof, which shall remain in full force and effect.

XI.

No signs, advertisements, billboard or advertising structure of any kind except standard size realtors signs may be erected or maintained on any lot.

WITNESS MY HAND this the 5th day of May, 1972.

DFC, INC.

BY:

Jack Felder
JACK FELDER, Vice-President

ATTEST:

Ann Felder
Secretary

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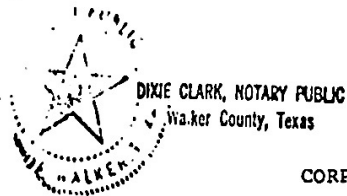
CORPORATION ACKNOWLEDGMENT

THE STATE OF TEXAS, }
COUNTY OF WALKER. }

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BEFORE ME, the undersigned authority, on this day personally appeared JACK FELDER,
President of DFS, INC.,
a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act and deed of said Corporation and for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 5th day of May, A. D. 19 72.



Dixie Clark
Notary Public in and for
WALKER County, TEXAS
My Commission Expires June 1, 1973.

CORPORATION ACKNOWLEDGEMENT
FOR BANK

THE STATE OF
COUNTY OF

BEFORE ME, the undersigned, authority, on this day personally appeared _____,
_____ of _____,
a _____ banking corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act and deed of said Corporation and for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, A. D. 19 _____.

Notary Public in and for

County, _____
My Commission Expires _____

THE STATE OF TEXAS, }
COUNTY OF WALKER } I, J. L. FERGUSON, CLERK OF THE COUNTY COURT, CERTIFY
THAT THE FOREGOING INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE THE
2 DAY OF May 1972 AT 2:05 O'CLOCK P M., RECORDED
ON THE 5 DAY OF June, 1972 AT 11-20 O'CLOCK A M.

BY Eva Cance DEPUTY

J. L. Ferguson
COUNTY COURT, WALKER COUNTY, TEXAS

Robinson, a widow; the Estate of T. C. Gibbs, deceased, acting herein by and through J. P. Gibbs, and J. V. Butler, independent Executors; the Estate of Sanford Gibbs Norworthy, deceased, acting herein by and through J. P. Gibbs and W. T. Robinson, Independent Executors; J. P. Gibbs and Luteola Gibbs Hawley, a widow, acting herein by and through its Agent & Attorney-in-fact, J. P. Gibbs, of Walker County, Texas, for and in consideration of the sum of Five and No/100 (\$5.00) Dollars to it in hand paid by W. J. Falls, receipt of which is hereby acknowledged, and the exchange of other land as evidenced by deed of even date herewith, from said W. J. Falls to Gibbs Brothers & Company, has granted, sold and conveyed, and, by these presents, does grant, sell and convey, unto the said W. J. Falls, of Walker County, Texas, all of 41-13/100 acres of land, more or less, out of the Wm. Roark League, Abstract No. 41, Walker County, Texas, and being described by metes and bounds as follows, to-wit:

Beginning in the north line of the said Roark League, at the Northwest corner of the Mrs. Catherine Falls 105 acre tract; a concrete monument from which a pine 12" dia bears S 15 W 4-5/10 varas, a red oak 8" dia. bears N 33 E 4-7/10 varas, a red oak 7" dia. bears S 15 E 8-1/10 varas and a post oak 10" dia. bears S 48 30' W 13-2/10 varas;

Thence S 1 E with the west line of the said 105 acre tract, 736-8/10 varas to a corner 18 varas N 1 W from the northeast corner of the P. B. Falls 52-8/10 acre tract, a stake from which a sweet gum 14" dia. bears N 79 W 12-3/10 varas, a sweet gum 18" dia. bears N 49 W 5-8/10 varas, a hackberry 10" dia. bears N 30 E 9-1/10 varas and a hackberry 10" dia. bears N 79 E 3-3/10 varas;

Thence S 88 38' W parallel with and 18 varas from the north line of the said P. B. Falls 52-8/10 acre tract 313-8/10 varas to a stake for corner from which a post oak 7" dia. bears N 6 W 8-8/10 varas, a post oak 7" dia. bears N 48 30' W 6 varas, a pine 10" dia. bears S 39 W 9-2/10 varas, and a pine 9" dia. bears S 32 E 12 varas;

Thence N 1 W 744 varas to a stake for corner in the said Roark North line from which a post oak 10" dia. bears N 64 W 5-9/10 varas, a post oak 8" dia. bears S 85 W 11-8/10 varas, a post oak 12" dia. bears S 10 30' E 9-9/10 varas and a post oak 10" dia. bears S 53 E 20-2/10 varas;

Thence East with the said Roark north line 313-8/10 varas to the place of beginning.

WITNESS trees marked X. Mag. Var. 8 15' E.

RESERVING, however, especially to the said Gibbs Brothers & Company, and its assigns, from the said 41-13/100 acres of land conveyed herein, all of the gas, oil, lignite, coal, and other minerals, in and under the said above described 41-13/100 acres of land; and reserving further to the said Gibbs Brothers & Company and its assigns, the right of egress and ingress upon and over said 41-13/100 acre tract of land, and the use of such parts thereof, and the waters thereon and thereunder, as may be necessary, or convenient, in the prospecting for, in the mining or extracting, the said gas, oil, lignite, coal and other minerals, and in the transporting the same from said land, or any other land; but in case any damage should be done in the future to any growing crops, or improvements, upon the above described land in such prospecting, mining, or extracting, or transporting, the said gas, and other minerals, by the said Gibbs Brothers & Company, or its assigns, the reasonable and actual damage done to such growing crops, or improvements, shall be paid for by the party doing the same.

TO HAVE AND TO HOLD the above described premises, less said reservations, unto the said W. J. Falls, his heirs and assigns, forever; and the said Gibbs Brothers & Company does hereby bind itself to warrant and forever defend, all and singular, the said premises less said reservations, unto the said W. J. Falls, his heirs and assigns, against every person whomsoever lawfully claiming, or to claim, the same, or any part thereof.

IN WITNESS WHEREOF, the said Gibbs Brothers & Company has hereunto set its name, this the 13th day of April a. d. 1938.

GIBBS BROTHERS & COMPANY

BY J. P. Gibbs, Its Agent & Attorney-in-Fact.

ALLA GIBBS ROBINSON, a widow
LUTEOLA GIBBS HAWLEY, a widow
By J. P. Gibbs, Their Agent & attorney-in-fact.

ESTATE OF W. S. GIBBS, DECEASED

BY J. P. Gibbs

Wilbourn S. Gibbs, Independent Executors

ESTATE OF T. C. GIBBS, DECEASED

BY J. P. Gibbs

J. V. Butler, Independent Executors

ESTATE OF SANDFORD GIBBS NORSWORTHY, DECEASED

BY J. P. Gibbs

W. T. Robinson, Independent Executors

J. P. Gibbs, For Himself.

THE STATE OF TEXAS I

COUNTY OF WALKER I BEFORE Me, the undersigned authority, on this day personally appeared J. P. Gibbs, Wilbourn S. Gibbs, J. V. Butler and W. T. Robinson, 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, and in the capacities therein stated and as the act and deed of the said Gibbs Brothers & Company.

Given under my hand and seal of office, this the 18th day of April, A. D. 1938.

W. Y. Allen

Notary Public, Walker County, Texas.

(Seal)

Filed for record April 21, 1938, at 9:30 o'clock A M

Recorded April 28, 1938, at 2 o'clock P M

H. G. Roberts Clerk,
County Court, Walker County, Texas.

--NO. 6781--Sun Oil Company to D. F. Hall et ux--

---RELEASE---

Lease No. 17208

THE STATE OF TEXAS I

COUNTY OF DALLAS I

WHEREAS, On the 11th day of April, A. D. 1929 D. F. Hall and wife, Ola Hall, as lessors granted to R. T. Burns as lessee, a lease for oil and other minerals upon that certain tract of land situated in the County of Walker State of Texas, covering 100 acres, more or less, being out of the F. M. Jackson Survey, fully described in said lease, which is recorded in Book 64, page 391 of the Deed Records of said County and State, reference to which is hereby made; and

WHEREAS, on the 6th day of May, A. D. 1929, R. T. Burns executed an assignment of said lease to Sun Oil Company which assignment is recorded in Vol. 64, Page 414, Deed Records of said County, and State, reference to which is here made;

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS, that Sun Oil Company, for and in consideration of one dollar to it paid, the receipt of which is acknowledged, does hereby release all its rights under said lease, unto said lessors, their heirs, assigns, successors and legal representatives, and does hereby declare all its rights under said lease relinquished.

IN TESTIMONY WHEREOF, witness the signature of said Sun Oil Company, by Matthew B. Sweeney, its agent and attorney in fact, hereunto duly authorized, this the 6th day of April A. D. 1938.

SUN OIL COMPANY

By Matthew B. Sweeney, Agent and
Attorney in Fact.

THE STATE OF TEXAS I

COUNTY OF DALLAS I BEFORE ME, the undersigned, a Notary Public in and for said State and County, on this day personally appeared Matthew B. Sweeney, Agent and Attorney-in-fact for Sun Oil Company, known to me to be the person whose name is subscribed to the foregoing instrument of writing.

00361

WARRANTY DEED

THE STATE OF TEXAS *
COUNTY OF WALKER *

KNOW ALL MEN BY THESE PRESENTS:

THAT I, DANNY G. RICE, of P. O. Box 659, Huntsville, Walker County, Texas 77340, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto RANDY GARDNER, individually, whose mailing address is 216 Phelps Drive, Huntsville, Walker County, Texas 77340, all of the following real property in Walker County, Texas, to-wit:

Lot 3 of HILL N DALE, an addition to the City of Huntsville in Walker County, Texas, according to the Map or Plat thereof recorded in Volume 174, Page 618, of the Map Records of Walker County, Texas, which addition is situated within said County and State, with reference being here made to said map and plat and its said record, for descriptive purposes herein.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, his heirs and assigns forever; and I do hereby bind myself, my heirs and assigns, to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

This conveyance is made and accepted subject to any and all covenants, conditions, restrictions, reservations, easements and rights-of-way, if any, relating to the hereinabove described property, to the extent, and only to the extent, that the same may still be in force and effect shown of record in the office of the County Clerk of Walker County, Texas.

This conveyance is made and accepted subject to all mineral reservations, royalty reservations, and /or mineral leases, if any, in Grantor's chain of title, to the extent, and only to the extent, that the same may still be in force and effect, shown of record in the office of the County Clerk of Walker County, Texas.

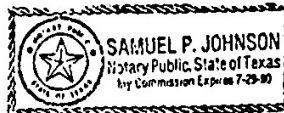
EXECUTED this 23 day of January, 1989.

Danny G. Rice
DANNY G. RICE

THE STATE OF TEXAS *
COUNTY OF WALKER *

This instrument was acknowledged before me on the 23 day
of January, 1989 by DANNY G. RICE.

Samuel P. Johnson
NOTARY PUBLIC, STATE OF TEXAS
Printed Name: _____
Commission Expires: _____



RECORDED

JAN 31 1989

JAMES D. PATTON - County Clerk

FILED FOR RECORD
JAMES D. PATTON
COUNTY CLERK

'89 JAN 24 10:27

WALKER COUNTY, TEXAS
James D. Patton
DEPUTY

THE STATE OF TEXAS
COUNTY OF WALKER
I, James D. Patton, County Clerk in and for Walker
County, Texas do hereby certify that this instrument
was filed for record in the volume and page of this
named record and at the time and date as stated
herein by me.



JAMES D. PATTON, CLERK
WALKER COUNTY, TEXAS

OFFICIAL PUBLIC RECORDS