

VOL 564 PAGE 314

1493

ROBERT J. WEARDEN, ET UX
TO
THE PUBLIC

DEDICATION, MAP AND PLAT OF
"SPRING CREEK ACRES"

3-8-62
FILED FOR RECORD

Mar. 28 1962
at 8:30 o'clock A.M.

VAL D. HUVAR

County Clerk, Victoria County, Texas

By Elva C. Schwan-Denney

Filed by R. H. Cory

Return to

Charge to

Fees \$ 5.00 Paid 5.00

R. H. CORY
ATTORNEY AT LAW
VICTORIA, TEXAS

FILED FOR RECORD THIS 28 DAY OF Mar A.D. 1962 AT 8:30 O'CLOCK A.M.
AND RECORDED ON THIS 28 DAY OF Mar A.D. 1962 AT 1:10 O'CLOCK P.M.

Val D. Huvar
COUNTY CLERK

THE STATE OF TEXAS X
COUNTY OF VICTORIA X

WHEREAS, we, Robert J. Wearden and wife, Elva Jean Wearden, are the owners of all of the Lots and Blocks contained in Spring Creek Acres, a Subdivision of 178.81 acres out of the Jose Louis Carbajal Grant, Abstract 12, Victoria County, Texas, as shown by the map and plat of said Spring Creek Acres of record in Volume 564, Page 309, of the Deed Records of Victoria County, Texas, and reference is here now made to such map and plat and the record thereof for a complete description of such property and all other pertinent purposes; and

WHEREAS, in order to provide for a uniform building program upon the property in said subdivision, and in order to assure the present and future owners of the property in such subdivision that said Subdivision will be improved and maintained as a desirable residential section with certain commercial locations, we, Robert J. Wearden and wife, Elva Jean Wearden, do hereby adopt the following covenants which shall run with the land and shall be binding upon the purchaser of any lot or lots in said subdivision, his or their heirs, executors, administrators and assigns, for the period of time hereinafter provided (the term "purchaser of any lot" as used herein, shall include original purchasers and their heirs, executors, administrators, assigns and successors in title), and we do hereby make, publish and impose the restrictions, limitations, provisions and covenants hereinafter stated which are to apply to and become a part of all contracts of sale, deeds and other legal instruments whereby title is divested out of the present owner and invested in any other person, persons, corporation or other business associations, to any and all lots and blocks contained in said Spring Creek Acres, a Subdivision of 178.81 acres out of the Jose Louis Carbajal Grant, Abstract 12, Victoria County, Texas, the map of which said Spring Creek Acres is recorded in Volume 564, Page 309, of the Deed Records of Victoria County, Texas, and to which map and the record thereof reference is here

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made for a complete description of all of the lots and blocks and for all other pertinent purposes and we do hereby impose upon all of the said Lots and Blocks in said Spring Creek Acres the following restrictions, limitations, provisions and covenants, to say:

1. No lot or any part of a lot within this said Spring Creek Acres shall be used for any purpose except private residential purposes, and no building other than a private, one family residence building shall be constructed or be permitted to remain on any part thereof. Buildings such as one story family garages, servants rooms, wash rooms and other small buildings ordinarily used in connection with a private residence may be constructed and allowed to remain, but must be in general architectural conformity with the main residential building.
2. No main residential building which has less than 1,100 sq. feet of floor space, exclusive of porches, carports or attached garages, shall be erected or placed on the herein conveyed property, nor shall any secondhand house or barracks of any form be moved onto the herein conveyed property, the intention being that all structures shall be of new construction, other than #105 wood siding and showing a front face of at least 70% brick, stone or other masonry construction.
3. No structure of a temporary character, tent, shack, garage or other out building shall be used on the herein conveyed property at any time as a residence.
4. Every residential building must be connected to approved cesspool, septic tank or City sewer and not more than one residence shall be connected to each approved cesspool, or septic tank.
5. No animals or poultry of any kind shall be raised, bred or kept for commercial purposes and no hogs shall be permitted at any time, provided however, that this restriction shall not apply to legitimate F.F.A. or 4-H projects.
6. No building shall be located on the herein conveyed property nearer than Fifty (50) feet from the front property line or Fifty (50) feet from any side street property line, or nearer than Ten (10) feet from any rear or side property line; and an easement is reserved over the rear Ten (10) feet for utility installation and maintenance together with the right of ingress and egress thereto and over.
7. No noxious or offensive activities shall be carried on upon the property nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
8. The property shall never be used as a dumping ground for rubbish, used lumber, building materials, etc.

9. No sign of any kind shall be displayed to the public view on the herein conveyed property except one professional sign of not more than one square foot or one sign of not more than five sq. feet advertising the property for sale or rent, or signs used by the builder to advertise the property during the construction and sales period.

10. No residential building shall be constructed on any portion of the property which portion consists of less than two and one-half (2-1/2) acres, and only one main residential building shall be erected within any such two and one-half (2-1/2) acre tract. Re-subdivision into less than two and one-half (2-1/2) acre tracts shall not be allowed; except however, that in the case of Lot Eleven (11) no residential building shall be constructed on any portion of said Lot Eleven (11) which portion consists of less than 2.45 acres, and only one main residential building shall be erected within any such 2.45 acres on said Lot Eleven (11).

We, Robert J. Wearden and wife, Elva Jean Wearden, the owners of the fee simple title to all the Lots and Blocks hereinabove referred to and contained in this said Spring Creek Acres, hereby represent to the public and to each and every purchaser of any of said Lots, that each and every one of the above restrictions, limitations, provisions and covenants shall be binding upon us, the said Robert J. Wearden and wife, Elva Jean Wearden, and upon each and every subsequent owner of any of said Lots or part thereof, for a period of fifteen (15) years from the date this instrument is recorded, after which time said restrictions, limitations, provisions and covenants may be extended for successive periods of ten (10) years by an instrument signed by a majority of the then owners of the Lots being recorded, agreeing to change said restrictions, limitations, provisions and covenants in whole or in part.

We, Robert J. Wearden and wife, Elva Jean Wearden, further represent to the public, and to each and every resident owner of the fee simple title to any of the Lots above referred to and contained in said Spring Creek Acres, that each and every restriction, limitation, provision and covenant hereinabove and hereby imposed upon said Lots is imposed thereon by us, the said Robert J. Wearden and wife, Elva Jean Wearden, for the protection of each and every subsequent owner of any of said Lots, as well as ourselves, the said Robert J. Wearden and wife, Elva Jean Wearden,

and represent that the purchaser of any lot, or any part thereof, shall take title to the property so conveyed, to him subject in all respects to each and every restriction, limitation, provision and covenant be it embodied in the deed of conveyance to him or not. That each and every restriction, limitation, provision and covenant herein contained shall be binding not only upon the grantees in the deed from us, the said Robert J. Wearden and wife, Elva Jean Wearden, but shall be binding upon their heirs, devisees, executors, legal representatives, administrators and assigns.

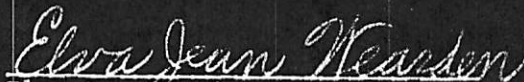
That we, Robert J. Wearden and wife, Elva Jean Wearden, further represent and here now provide, that each and all of the restrictions, limitations, provisions and covenants herein contained are hereby made covenants running with the land for the use and benefit of each and every subsequent owner of any of said Lots above described, or parts thereof.

Notwithstanding any of the restrictions, limitations, provisions and covenants herein contained, it is hereby specifically provided that the violation of any of such restrictions, limitations, provisions and covenants shall not in any way affect the right of any future lien holder having a valid lien on said property who is in no way responsible for such violation.

Invalidation of any one of these restrictions, limitations, provisions and covenants by judgment or court order shall in no wise affect any of the other restrictions, limitations, provisions and covenants which shall remain in full force and effect.

WITNESS OUR HANDS this the 24th day of MARCH, A. D. 1962.


Robert J. Wearden


Elva Jean Wearden

THE STATE OF TEXAS X
COUNTY OF VICTORIA X

BEFORE ME, the undersigned authority, on this day personally appeared Robert J. Wearden and wife, Elva Jean Wearden, both known to me to be the persons

whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said Elva Jean Wearden, wife of the said Robert J. Wearden, having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Elva Jean Wearden, acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 24th day of March, A. D. 1962.

Guerrita L. Newgent
Notary Public in and for
Victoria County, Texas

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1494

ROBERT J. WEARDEN, ET UX ✓

TO

THE PUBLIC

RESTRICTIONS, SPRING CREEK ACRES

3-24-62

FILED FOR RECORD

March 28 1962

at 8:30 o'clock A.M.

VAL D. HUVAR

County Clerk, Victoria County, Texas

John C. Delaney

Filed by *R. J. Cory*

Return to

Character

Fee \$ 3.50

Paid

Due

R. H. CORY

ATTORNEY AT LAW

VICTORIA, TEXAS

FILED FOR RECORD THIS 28 DAY OF Mar. A.D. 1962 AT 8:30 O'CLOCK A.M.
AND RECORDED ON THIS 28 DAY OF Mar. A.D. 1962 AT 1:15 O'CLOCK P.M.

Val D. Huvar
COUNTY CLERK

FILE No. 9351
County Clerk, Victoria County, Texas

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THE STATE OF TEXAS }
COUNTY OF VICTORIA }

WHEREAS, heretofore Robert J. Wearden and wife, Elva Jean Wearden, dedicated to the public "Spring Creek Acres," a Subdivision of 178.81 acres out of the Jose Louis Carbajal Grant, Abstract 12, Victoria County, Texas, as shown by the Dedication of said Spring Creek Acres of record in Volume 564, Page 309, Deed Records of Victoria County, Texas, and by the map and plat of such Subdivision of record in Volume 3, Page 77, Plat Records of Victoria County, Texas, and reference is herenow made to such recorded documents for all purposes; and

WHEREAS, by instrument of record in Volume 564, Page 314, Deed Records of Victoria County, Texas, Robert J. Wearden and wife, Elva Jean Wearden, imposed certain restrictions and covenants upon the lots in said Spring Creek Acres; and

WHEREAS, such restrictions of Spring Creek Acres provided that such restrictions would be binding upon Robert J. Wearden, et ux, and on each and every subsequent owner of any lots (or a portion of a lot) in said Subdivision "for a period of fifteen (15) years from the date this instrument is recorded, after which time said restrictions, limitations, provisions and covenants may be extended for successive periods of ten (10) years by an instrument signed by a majority of the then owners of the Lots being recorded"; and

WHEREAS, there are 49 record owners of lots in Spring Creek Acres; and

WHEREAS, the undersigned record owners of lots (or a portion of a lot) in said Subdivision known as Spring Creek Acres desire to

extend such restrictions for a period of ten (10) years from March 28, 1977, such date being fifteen (15) years from the date of recordation of such restrictions, which recordation occurred on March 28, 1962.

NOW THEREFORE, we, the undersigned owners of lots (or a portion of a lot) in Spring Creek Acres, do hereby extend said restrictions of Spring Creek Acres for a period of ten (10) years from March 28, 1977, and we, the undersigned, do hereby ratify and confirm the validity of such restrictions as originally imposed by said instrument recorded in Volume 564, Page 314, Deed Records of Victoria County, Texas, and we further provide that all provisions of said document recorded in Volume 564, Page 314, Deed Records, Victoria County, Texas, are hereby extended and brought forward for said ten-year period, commencing March 28, 1977.

EXECUTED AND EFFECTIVE as of March 28, 1977.

<u>John D. Riester</u>	<u>Marilyn J. Riester</u>
X <u>Brian F. Stevens</u>	<u>Simon K. Ludwig</u>
X <u>Patricia A. Stevens</u>	<u>Eugene P. Ludwig</u>
<u>Gary E. Bay</u>	<u>Charlean J. Bay</u>

~~James Earle~~
 James Earle Earley
 Angelina Stage Earley
 Helen Liray
 William Linn
 Marilyn J. Jaster
 William J. Jaster
 Jerome H. Vogt
 William H. Vogt
 Laura A. Sanders
 William M. Sanders
 Marjorie Herman
 George A. Herman
 Dorothy L. Likens
 Donald Richard
 Patricia Ann Kessel
 Bernard J. Kessel
 Patricia A. Schenckel
 Alvin Schenckel
 Jay Walton
 Wm R. Walton
 Susan Allen
 Beverly B. Helotier
 Debra J. Helotier
 Diana M. Goodman
 William J. Goodman
 R. E. Duerberg
 Mary Margaret Duerberg
 William C. Stucke
 George J. Pozzi
 John E. Pozzi
 Al Manning
 Minnie K. Manning
 Virginia W.

Mary Judice Zeniga
 Edith E. Lath
 Dorota D. Keith
 Marion J. Robertson
 Robert M. Robertson
 Raymond R. Lutz
 Margaret Lutz
 Jimmy L. Hippeworth
 Katherine Hippeworth
 Sandra J. Crisp
 E. L. Crisp, Jr.
 Rita Ann Dabson
 W. D. Dabson
 Edith Selph
 Billy H. Selph
 Pauline Trevino
 Evelyn Dodds
 William D. Dodds
 Ralph H. Howard
 Virginia B. Howard
 Betty Jean Warren
 Christine Warren
 E. L. Crisp
 Mrs. E. L. Crisp
 (Erlene Crisp)
 Rudy P. Chumchal
 Patricia A. Chumchal
 J. C. Cupps
 Barbara Cupps
 Gary M. Pankop
 Orville Pankop