

3343/338 DR

STATE OF TEXAS
COUNTY OF HARRIS

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KNOW ALL MEN BY THESE PRESENTS:

THAT I, E. A. KELLY, TRUSTEE, owner of that certain Subdivision known and described as Northwood Park in Harris County, Texas, as shown by the plat of said Subdivision recorded under County Clerk's File No. 1755096 in the Map Records of Harris County, Texas, do hereby create and establish the following restrictions, restrictive covenants and easements affecting the use and occupancy of the lots and tracts in said Subdivision:

SECTION ONE

- (1) These restrictions and restrictive covenants constitute a general plan for the improvement of all of the property in the Subdivision and for the maintenance and preservation of its uniform desirable character and are to run with the land and shall be binding on all parties until June 1, 1977; at which time all such restrictions shall be automatically extended for consecutive periods of five (5) years each, unless, by vote of the then owners of a majority of the lots in such Subdivision, it is agreed to alter, amend or rescind the same in whole or in part.
- (2) These restrictions shall be binding upon the owners of all lots in said Subdivision and on all persons holding or claiming any right of possession or other interest therein, each of whom shall be obligated and bound to observe such restrictions and restrictive covenants; and in the event of violation of any of such restrictions with respect to any of such lots, it shall be the legal right of any other person owning any interest in any property in the Subdivision to institute and maintain any proceeding at law or in equity against the person or persons violating or attempting to violate any of such restrictions, provided that no person or persons shall be liable in damages for any violation or breach of such restrictions, except in respect to violations or breaches committed during his or her ownership and control of said property. Failure to enforce any restriction herein contained shall not be deemed to be a waiver of the right to enforce such restriction at any time thereafter as to the same violation or breach or as to a violation or breach occurring either prior or subsequent thereto.

SECTION TWO

- (3) All of the lots in said Subdivision are designated as residential lots and shall be used for residential purposes only as hereinafter more particularly provided, except Lots One (1) to Eighteen (18) in Block One (1) and Lots One (1) and Two (2) in Block Two (2), which are designated as business and commercial lots and Lots Nineteen (19) to Thirty Six (36) in Block One (1) and Lots Three (3) and Four (4) in Block Two (2) which are designated as semi-commercial lots.
- (4) Commercial and business lots, being Lots One (1) to Eighteen (18) in Block One (1) and Lots One (1) and Two (2) in Block Two (2) may be used for any commercial or business purpose, including the maintenance and operation of offices, retail stores or local retail shop purposes, but shall not be used for heavy industry or for the conduct of any business which may be noxious or harmful by reason of the emission of odors, dust, smoke, gas fumes or unreasonable noise and vibration. Any such commercial and business lot may further be used for any purpose permitted on a residential lot in said Subdivision. Any building or structure created on any commercial and business lot shall conform to the requirements as to size and type of construction set out in the restrictions on residential lots.
- (5) Semi-commercial lots, being lots Nineteen (19) to Thirty Six (36) in Block One (1) and Lots Three (3) and Four (4) in Block Two (2) may be used for the construction and operation of duplexes and apartment houses and may further be used for business and commercial purposes, provided, that use of any such lots for business or commercial purposes shall be restricted to such use in connection with the business or commercial lot, adjoining such lot on the North and any such business shall front on Spring-Stuebner Road and shall not front or have its main entrance on Ramsgate Street. Any building or structure erected on any semi-commercial lot shall conform to the requirements as to size and type of construction set out in the restrictions on residential lots.
- (6) Only one single family private dwelling unit or residence designed for the occupancy of one family and one appurtenant garage shall be erected on any residential lot in said Subdivision, except that one single family dwelling unit and a single family garage apartment unit may be constructed upon one lot, provided the main single family dwelling unit is completed and occupied prior to the use of the garage apartment unit for living purposes.
- (7) Each residence or dwelling unit located on any lot in Blocks Five (5), Eight (8), Eleven (11) and Fourteen (14) shall contain not less than 960 square feet of floor space in the enclosed living area, exclusive of an open or screened porch, breeze ways or garages and any residence or

dwelling unit located on any other residential lot shall contain not less than 850 square feet of floor space in the enclosed living area, exclusive of open or screened porches, breeze ways or garages.

- (8) Exterior walls of all buildings and improvements shall be constructed of masonry, wood or asbestos shingles, or wood siding, but if constructed of wood siding, such siding shall be applied horizontally and all exposed wood surfaces shall be painted with at least two coats of good quality paint. The main dwelling shall have a hip or gable roof surfaced with tile, gravel or shingles and no corrugated iron or roll roofing or shed type roof shall be permitted. Garages shall be constructed of the same material as the main dwelling, provided that if the garage is detached from the house it may be constructed of horizontal wood siding covered with two coats of good quality paint.
- (9) No residence or dwelling unit shall be constructed or permitted on any residential lot containing less than 6,000 square feet of surface area or in violation of the terms of the written dedication of the plat of the Subdivision.
- (10) No old or existing house or structure shall be moved or placed on any lot in the Subdivision without the written approval of the owner and developer of the Subdivision.
- (11) All improvements placed on any lot in the Subdivision shall be erected and used so as to front upon the street that such lot faces, except that on any corner lot the garage or garage apartment, if permitted, may be erected and used facing on the side street. A corner lot shall be deemed to front on the street on which it has the narrower frontage. A business or commercial building on Lot One (1) in Block Two (2) may front on Spring-Stuebner Road.
- (12) Any garage apartment, if permitted, shall be located on the rear one-third (1/3) of the lot.
- (13) No residence or other building of any kind of what is commonly known as "boxed" or "sheet metal" construction nor any tent, shack or barn or house trailer shall be erected, placed or permitted to remain on any lot in said Subdivision.
- (14) All lavatories, toilets and bath facilities shall be built indoors and connected with adequate septic tanks constructed to comply with the specifications of State and local health authorities and no "outside" or surface toilets shall be permitted under any circumstances.
- (15) No bill boards, sign boards or unsightly objects of any kind shall be installed or maintained on any residential lot of such Subdivision, except that suitable signs for the sale of lots or residences may be placed upon the site that is for sale.
- (16) No residential lot shall be used for the purpose of raising hogs, goats, sheep, rabbits, or other animals for commercial purposes, or as a place

for keeping horses, mules, cattle or other animals, provided that the occupant of each residence may keep domestic animals for his own use and pleasure, including not more than one milk cow and one horse or mule. No commercial dog kennel shall be maintained in the Subdivision.

- (17) No public nuisance or offensive, noisy or illegal trade or calling or act shall be done, suffered or permitted in any portion of the Subdivision.
- (18) All buildings in the Subdivision shall conform to the building setback lines as shown on the recorded plat of the Subdivision and no residence or dwelling shall be constructed closer than five (5) feet to the side property line of any residential lot on which it is located.
- (19) No building, structure or any part thereof, shall be constructed or permitted to extend over or encroach upon any street or utility easement as shown by the plat of this Subdivision.
- (20) All grants, sales and conveyances of lots shall be subject to the street and utility easements as shown by the plat of said Subdivision and shall be further subject to these restrictions.

(21) No lot in said Subdivision nor any interest therein shall be sold, leased or rented to, or occupied by any person other than of the Caucasian race.

The purpose of the foregoing restrictions is to maintain a high standard of living conditions in the Subdivision and thereby make it a desirable residential section and in order to accomplish this purpose and objective, it shall be the right and privilege of any owner of property in the Subdivision to enforce such restrictions in any manner provided by law. In the event of a violation or attempted violation of any of such restrictions by any purchaser, the seller shall not be in any way responsible, either financially or otherwise, but will use reasonable efforts, personally or through sales representatives, to adjust any such violations.

EXECUTED at Houston, Texas, this _____ day of _____, 1957.

E. A. KELLY, TRUSTEE

STATE OF TEXAS I
COUNTY OF HARRIS I

BEFORE ME, the undersigned authority, on this day personally appeared E. A. KELLY, TRUSTEE, known to me to be the person whose name is subscribed to the above and foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 1957.

Notary Public in and for Harris County, TEXAS