

BRAESWOOD PLACE HOMEOWNERS ASSOCIATION



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Southern Oaks 2

Attached is a copy of the restrictions you requested. Braeswood Place Homeowners Association, its agents and officers make no guarantee as to their accuracy and application. Therefore, you should consult your attorney to review the restrictions and their application to the property in question. Furthermore, there are City of Houston and other regulatory ordinances that do affect the use of your property. Consult with your attorney and/or the City of Houston/Harris County as to what additional rules and regulations govern the use and enjoyment of your property.

Braeswood Place Homeowners Association

Transcribed and Edited Deed Restrictions for

Southern Oaks Two

(sthrnok.2)

#648,117

Restrictions

DATED: JULY 20, 1949

RECORDED DEED RECORDS VOL 1952 P724

FILED: July 22, 1949 at 3:00 P.M.

FROM: Southern Oaks, Inc.,
By President

TO: -----

STATE OF TEXAS:
COUNTY OF HARRIS:

WHEREAS, Southern Oaks, Inc., is the sole owner of the lots and properties situated in Southern Oaks, Section Two (2), an Addition to the City of Houston, Harris County, Texas, as per plat of said addition, filed for record in the Office of the County Clerk of Harris County, Texas under File No. 638507, in the map records of Harris County, Texas; and which subdivision consists of Lots One (1) through Eight (8), inclusive in Block Twelve (12), Lots One (1) through Eight (8) inclusive in Block Thirteen (13), Lots One through Twelve (12) inclusive in Block Fourteen (14), Lots One (1) through Sixteen inclusive (16) in Block Fifteen (15), Lots One (1) through Sixteen (16) inclusive in Block Sixteen (16), Lots One (1) through Fifteen inclusive (15) in Block Seventeen (17), Lots One (1) through Nine inclusive (9) in Block Eighteen (18), Lots One (1) through Three (3) inclusive in Block Nineteen (19).

WHEREAS, the lots so owned by the undersigned are about to be placed on the market for sale, and it is desired that a uniform plan of restrictions be adopted and placed of record with respect to said lots;

NOW THEREFORE, Southern Oaks, Inc., does hereby declare that from henceforth the following restrictions shall apply with respect to said lots in said addition and said lots shall from henceforth be subject to said restrictions as more fully set out, two-wit;

(1) These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until January, 1974 at which time said covenants shall be automatically extended for successive periods of ten years unless by vote of a majority of the then owner of the lots, it is agreed to change said covenants in whole or in part.

(2) If the parties, hereto, or any of them or their heirs, or assigns, shall violate or attempt to violate any of the covenants herein it shall be lawful for any other person or persons owning real property situated in said addition 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 other dues for such violation.

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

(3) All lots in this addition shall be known and described as residential lots and no part of said lots shall be used for any type of business or stores.

(4) No residential structure shall be erected or placed on any building plot which has a width of less than seventy-five feet along the front line and an area of less than 9000 square feet, except that a residence may be erected on the south front lots of Block Seventeen (17) and Eighteen (18) with width a minimum of 62 as shown in the recorded plat, and also on Lot Five (5), in Block Fifteen (15) which has a width of 70.71 feet.

(5) All residences shall be constructed of at least fifty-one per cent brick, brick veneer, stone, stone veneer, concrete or other masonry type of construction, it being understood that this does not include asbestos shingles or other similar fire proof boarding.

(6) No Trade or business and no noxious or offensive activities shall be carried on upon any lot or tract nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood, nor shall anyone owning property in this addition keep any livestock or fowl of any kind thereon.

(7) Void by federal statute.

(8) No trailer, basement, tent, shack, garage, barn or other building erected in this tract shall be at any time used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence, nor shall any residence be moved onto a building plot in the addition without the written consent of a planning committee hereinafter referred to.

(9) No structures shall be erected, altered, placed, or permitted to remain on any lot, other than a single family dwelling and a private garage and/or servants quarters, the ground floor area of the main dwelling, exclusive of porches and garages and/or servants quarters to contain not less than 1250 square feet in the case of a one story dwelling, nor less than 2000 square feet in the case of a two story dwelling.

(10) No building shall be located nearer to the front line or nearer to the side street line than the building set back lines as shown on the recorded plat. No building shall be located nearer than five (5) feet to any inside lot line except that the side line restriction shall not apply to a detached garage or other out building located on the rear one-quarter of the lot. Detached garages shall be located at least ~~five~~ (3') feet from the side line. No main dwelling shall be located on any interior lot nearer than 25 feet to the rear lot line.

(11) Easements affecting all lots in this tract are reserved as shown on the recorded plan for utility installation and maintenance and in addition to the easements

designated on said plat these is hereby designated and dedicated for the use of all public utilities companies an unobstructed aerial easements five (5) feet wide from a plane twenty (20') feet above the ground upward located adjacent to said easements as dedicated on said plat.

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

(13) OIL AND MINING OPERATIONS. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted on any lot.

(14) GARBAGE AND REFUSE DISPOSAL. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

(15) SIGHT DISTANCE AT INTERSECTIONS. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two and six feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points twenty five (25) feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sight line limitations shall apply on any lot within ten (10) feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines. No fence, wall hedge, or mass planting shall be permitted to extend nearer to any street than the minimum building set-back line.

No building shall be erected, placed or altered on any lot in this subdivision until the building plans, specifications, and plot plans showing the location of such building has been approved in writing as to conformity and harmony of external design with the existing structures in the subdivision, and as to the location of the building with respect to topography and finished ground elevation by a committee composed of C. T. Grubbs, M. F. Satterwhite, and T. H. Stancliff, said plans to be approved in writing by the signature of one of the members of said committee. In the event of death or resignation of any of the members of said committee, the remaining member, or members shall have full authority to approve or disapprove such design and location, or to designate a representative with like authority.

In the event that said committee or its designated representatives, fails to approve

or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, or in the event, if no suit to enjoin the erection of such building, or the making of such alterations has been commenced prior to the completion thereof, such approval will not be required and this covariant will be deemed to have been fully complied with. Neither of the members of such committee, nor its designated representatives shall be entitled to an compensation for services performed pursuant to the covenant. The powers and duties of such committee and of its designated representatives shall cease on and after January 1 1954. Thereafter the approval described in this covenant shall not be required unless prior to said date thereon, a written instrument shall be executed by the then record owners of a majority of the lots in the subdivision and duly recorded appointing a representative or representatives who shall thereafter exercise the same powers previously executed by said committee.

#673891
AMENDMENT TO
RESTRICTIONS

RECORDED DEED BOOKS. VOL. 1989 pg 62

DATED: Sept. 14, 1959 FILED: Oct, 19, 1949 at 9-45 A. M.
FROM: Southern Oaks, Inc. BY: E. H. Stancliff, President, et al
TO: - - - -

THIS STATE OF TEXAS;
COUNTY OF HARRIS :

Section 2

WHEREAS, Southern Oaks Inc., is the sole owner of lots and properties situated in Southern Oaks, Section Two, an addition to the City of Houston, Harris County, Texas, as per plat of said addition filed for record in the office of the County Clerk of Harris County, Texas, under file No. 638507 in the Map Records of Harris County, Texas, except for certain specific lots which have been sold to (1)

Other lots and blocks- - - -

WHEREAS, all of the lots in Southern Oaks, Section Two, were restricted by instrument dated August 1, 1949 and recorded in Vol. 1952 page 724 of the Deed Records of Harris County, Texas, such original restriction instrument having been executed by Southern Oaks, Inc., and it is desired by Southern Oaks, Inc. and by the other parties above named having interest in certain lots in said subdivision to amend such restrictions as hereafter provided.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned being all of the owners of Lots and properties in Southern Oaks, Section Two, for and in consideration of the mutual agreement of each of us to abide by the original restrictions as herein amended and in further consideration of one dollar (\$1.00) to us in hand paid, the receipt of which is hereby acknowledged, do hereby amend Sections 4 and 9 of said original restrictions as follows:

Section 4 of said original restrictions shall be and the same is hereby declared to be amended by adding to such Section 4 the following language.

"and except that on Lot C block 15, a residence may be erected although such lot only had a width of 71 feet."

Section 9 of said original restrictions shall be and the same is hereby declared to be amended by eliminating therefrom the word "ground" which appears as the fourth word in the third line.

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531-51-1304 .

U310768

Petition

**Specific Variance: Lot 3 & Tract 4a, Block 15
Southern Oaks, Section 2 Subdivision
(Under Section 201 of the Texas Property Code)**

file

04/03/00 300387197 U310768

\$168.75

PETITION COMMITTEE: On January 5, 2000, three owners (collectively called the "Petition Committee"), filed a Notice of Formation of Petition Committee in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File No. U159621. The notice concerns granting of a specific variance with respect to the restrictive covenants covering or affecting Southern Oaks, Section 2, a subdivision in Harris County, Texas set out on the map or plat thereof recorded under File No. 638507 of the map records of Harris County, Texas (the "Subdivision").

RESTRICTIONS: The Petition Committee was formed under Section 201 of the Texas Property Code for the purpose of adopting a petition to grant a specific variance with respect to certain provisions of the following described restrictive covenants:

*6875
M*

Restrictive covenants dated July 20, 1949, and filed for record on July 22, 1949, under Volume 1952, P 724 of the Deed Records, in the Office of the County Clerk of Harris County, Texas, for Southern Oaks, Section 2 Subdivision (the "Restrictions").

BUILDING SETBACK LINES: A portion of the Restrictions read as follows:

"No building shall be located nearer then (5) five feet to any inside lot line except that the side line restriction shall not apply to a detached garage or other out building located on the rear one-quarter of the lot. Detached garages shall be located at least three (3') feet from the side line. No main dwelling shall be located on any interior lot nearer than 25 feet to the rear lot line."

SPECIFIC VARIANCE: The following specific variance to the Restrictions is granted with respect to Lot 3 & Tract 4a, Block 15, Southern Oaks, Section 2 Subdivision:

"A variance is hereby granted with respect to the side setback line and rear setback line of the property consisting of Lot 3 & Tract 4a, Block 15, Southern Oaks Subdivision, Section 2, effectively moving the western side setback line to 3' from the western property line, and the rear setback line to 5' from the rear property line, allowing the construction of an attached garage structure on the rear one-quarter of the lot. This variance shall terminate on the date that the improvements are removed. The Restrictions are not permanently modified or amended, and no waiver of

Petition
Specific Variance: Lot 3 & Tract 4a
Southern Oaks, Section 2 Subdivision

the Restrictions is intended nor shall any such waiver be inferred from the granting of this specific variance."

STATUTORY NOTICE: Owners who do not sign this petition must file suit under Section 201.010 Texas Property Code, if they desire to do so, before the 181st day after the date on which the certificate called for by Section 201.008(e) of the Texas Property Code is filed in the Real Property Records of Harris County, in order to challenge the procedures followed in extending, creating, adding to, or modifying a restriction. Owners who do not sign this petition may delete their property from the operation of the modified restrictions by filing before one (1) year after the date on which the owner receives actual notice of the filing of this Petition, an acknowledged statement describing the owner's property by reference to the recorded map or plat of the Subdivision and stating that the owner elects to have the property deleted and excluded from the operation of the modified restrictions in the manner provided in Section 201.009(b)(4) of the Texas Property Code.

AUTHORITY: This Petition is being filed in accordance with the requirements of Section 201 of the Texas Property Code, for the purpose of amending the Restrictions. The Subdivision is located within the City of Houston, a city having more than 1,600,000 population. The Restrictions do not provide for addition to or modification of the Restrictions by written and filed agreement. The undersigned owners represent at least 75 percent of the total number of lots in the Subdivision, at least 75 percent of the total number of separately owned parcels, tracts, or building sites in the Subdivision, whether or not the parcels, tracts, or building sites contain all or part of one or more platted lots or combination of lots, and at least 75 percent of the square footage within all of the lots in the Subdivision, excluding any area dedicated or used exclusively for roadways or public purposes or by utilities. The persons signing this Petition below certify that they each own record title to property within the subdivision and that all of the record owners of their tract have or will execute this Petition.

EXECUTED, as of the dates set out below.

WJ William Jansa
3215 Aberdeen Way
Houston, TX 77025

531-51-1372

FILED

2000 APR -3 PM 1:27

Beverly B. Kaufman

COUNTY CLERK
HARRIS COUNTY TEXAS

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS VOID AND UNENFORCEABLE UNDER FEDERAL LAW
THE STATE OF TEXAS }
COUNTY OF HARRIS }
I hereby certify that this instrument was FILED in 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
Harris County, Texas.

APR 3 2000



Beverly B. Kaufman
COUNTY CLERK
HARRIS COUNTY TEXAS

