

BRAESWOOD PLACE HOMEOWNERS ASSOCIATION



4010 Blue Bonnet, Suite 115
P.O. Box 20486
Houston, Texas 77225-0486
Tel.: (713) 666-7248
Fax.: (713) 666-0677

Braes Heights 5

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

RENEWAL AND EXTENSION OF RESTRICTIONS

STATE OF TEXAS

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KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HARRIS

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On August 14, 1945, Braes Development Company executed that certain instrument (herein called the "Declaration"), filed for record in Volume 1400, Page 415 of the Deed Records of Harris County, Texas; and

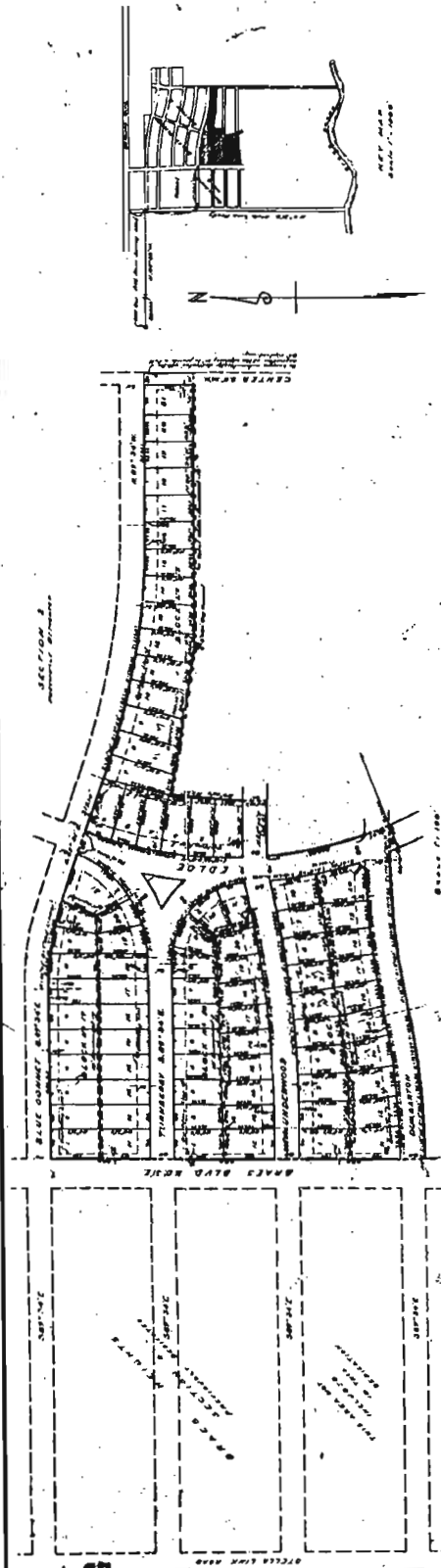
The Declaration was supplemented by instruments filed for record in Volume 2009, Page 468 of the Deed Records of Harris County, Texas, which imposes certain restrictions on the lots comprising BRAES HEIGHTS, SECTION FIVE (5), an addition to the City of Houston, Harris County, Texas, as per plat ("Plat") of said addition filed for record in the Office of the County Clerk of Harris County, Texas, under Volume 28, Page 55, in the Map Records of Harris County, Texas (the "Subdivision"); and

By the terms of the Declaration and its supplements, the covenants and restrictions set forth therein may be renewed and extended by written declaration, signed and acknowledged by the then owners of a majority of the square foot area of the lots in the Subdivision; and

The undersigned constitute Owners of a majority of square foot area of the lots in the Subdivision; and

The undersigned have agreed to renew and extend the covenants and restrictions set forth in the Declaration and in any supplements or amendments;

NOW, THEREFORE, the undersigned hereby ratify and confirm that they have the power to renew and extend the covenants and restrictions set forth in the Declaration and in its supplements and amendments, if any, and that they have agreed, as evidenced by their signatures below, and do hereby collectively declare their agreement to renew and extend said Declaration and supplements or amendments for a period of ten years from the date of the filing of this instrument and acknowledge such agreement and declaration by their signatures below.



GRAE'S WEIGHY'S ADDITION
SECTION 2
T. 36 N.
R. 110 E.
S. 2

STATE OF TEXAS,
COUNTY OF HARRIS.
I, the undersigned, Clerk of the County of Harris, Texas, do hereby certify that the within and foregoing plat of the GRAE'S WEIGHY'S ADDITION, SECTION 2, T. 36 N., R. 110 E., S. 2, is a true and correct copy of the original plat on file in the office of the County Clerk of Harris County, Texas, and that the same has been duly recorded in the public records of said County, Texas, in Book 11, Page 110.

WITNESSED my hand and seal of office, at Houston, Texas, this 11th day of April, 1938.
Clerk of the County of Harris, Texas.

STATE OF TEXAS,
COUNTY OF HARRIS.
I, the undersigned, Clerk of the County of Harris, Texas, do hereby certify that the within and foregoing plat of the GRAE'S WEIGHY'S ADDITION, SECTION 2, T. 36 N., R. 110 E., S. 2, is a true and correct copy of the original plat on file in the office of the County Clerk of Harris County, Texas, and that the same has been duly recorded in the public records of said County, Texas, in Book 11, Page 110.

WITNESSED my hand and seal of office, at Houston, Texas, this 11th day of April, 1938.
Clerk of the County of Harris, Texas.

STATE OF TEXAS,
COUNTY OF HARRIS.
I, the undersigned, Clerk of the County of Harris, Texas, do hereby certify that the within and foregoing plat of the GRAE'S WEIGHY'S ADDITION, SECTION 2, T. 36 N., R. 110 E., S. 2, is a true and correct copy of the original plat on file in the office of the County Clerk of Harris County, Texas, and that the same has been duly recorded in the public records of said County, Texas, in Book 11, Page 110.

WITNESSED my hand and seal of office, at Houston, Texas, this 11th day of April, 1938.
Clerk of the County of Harris, Texas.

OFFICE OF
HENRY J. JOHNSON
COUNTY CLERK
HARRIS COUNTY, TEXAS

504-27-0090

RENEWAL AND EXTENSION OF RESTRICTIONS

Rest-V
R450513

06/22/95 00386750 R450513 \$ 53.50

STATE OF TEXAS
COUNTY OF HARRIS

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KNOW ALL MEN BY THESE PRESENTS:

On August 14, 1945, Braes Development Company executed that certain instrument (herein called the "Declaration"), filed for record in Volume 1400, Page 415 of the Deed Records of Harris County, Texas; and

The Declaration was supplemented by instruments filed for record in Volume 2009, Page 468 of the Deed Records of Harris County, Texas, which imposes certain restrictions on the lots comprising BRAES HEIGHTS, SECTION FIVE (5), an addition to the City of Houston, Harris County, Texas, as per plat ("Plat") of said addition filed for record in the Office of the County Clerk of Harris County, Texas, under Volume 28, Page 55, in the Map Records of Harris County, Texas (the "Subdivision"); and

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N
By the terms of the Declaration and its supplements, the covenants and restrictions set forth therein may be renewed and extended by written declaration, signed and acknowledged by the then owners of a majority of the square foot area of the lots in the Subdivision; and

The undersigned constitute Owners of a majority of square foot area of the lots in the Subdivision; and

The undersigned have agreed to renew and extend the covenants and restrictions set forth in the Declaration as supplemented or amended;

NOW, THEREFORE, the undersigned hereby ratify and confirm that they have the power to renew and extend the covenants and restrictions set forth in the Declaration and its supplements, and that they have agreed, as evidenced by their signatures below, and do hereby collectively declare their agreement to renew and extend said Declaration for a period of ten years from the date of the filing of this instrument and acknowledge such agreement and declaration by their signatures below.

S136401

510-18-0429

09/26/96 300073964 S136401

\$25.25

Notice

Notice of Formation of Petition Committee
(Under Section 201 of the Texas Property Code)
Braes Heights Addition, Section 5

(7)
10
12
(1)

STATE OF TEXAS

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§ KNOW ALL MEN BY THESE PRESENTS, THAT:

COUNTY OF HARRIS

§

1. **Committee Membership.** A petition committee is hereby formed by, and comprised of, the following persons (collectively, the "*Petition Committee*"), each of whom hereby certifies that he or she is the owner of real property within Braes Heights Addition, Section 5, a subdivision in Harris County, Texas according to the map or plat thereof recorded in Volume 28, Page 55 of the Map Records of Harris County, Texas (the "*Subdivision*");

Mr. James Foreman
Ms. Michelle Foreman
3643 Dumbarton
Houston, Texas 77025-2402

Lot 5, Block 18, Braes Heights
Addition, Section 5

25.25
R
Mr. Glenn Graham
Ms. Elsa Graham
7202 Edloe
Houston, Texas 77025-2402

Lot 21, Block 17, Braes Heights
Addition, Section 5

Mr. Richard Kirsten
Ms. Elizabeth Fowler
3615 Bluebonnet
Houston, Texas 77025-2402

Lot 9, Block 19, Braes Heights
Addition, Section 5

Membership in the Petition Committee and the replacement of vacancies thereon shall be governed by the provisions of Section 201.005(e) of the Texas Property Code.

2. **Purpose of Petition Committee.** The Petition Committee has been formed under Section 201 of the Texas Property Code for the purpose of modifying and amending certain provisions of the following described restrictive covenants:

Restrictive covenants dated on or about September 20, 1948, and filed of record in Volume 2009, at Page 468 of the Deed Records of Harris County, Texas (the "*Restrictions*"). The Restrictions incorporated, by reference, a portion of the restrictions that cover Braes Heights Addition, Section One (1), dated August 14, 1945, that were filed in the Real Property Records of Harris County under Volume 1400, Page 415. The Restrictions were renewed and extended by an instrument entitled "Renewal and Extension of Restrictions" filed in the Real


510-18-0430

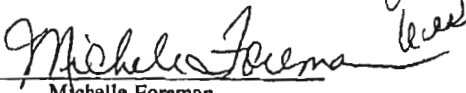
Property Records of Harris County, Texas on June 22, 1995 under County Clerk's File No. R450513.

3. **Restrictions to be Modified.** The Petition Committee proposes that those portions of the Restrictions establishing side property building set-back lines for all lots in the Subdivision be modified and amended in a uniform fashion. The proposed modifications and amendments would not apply to existing improvements that complied with the original restrictions but that were not in compliance with the modified Restrictions, which improvements would be "grandfathered" until destroyed or voluntarily removed, at which time compliance would be required.

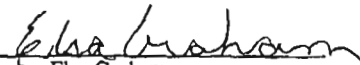
4. **Copy of Petition.** A copy of the proposed Petition that contains the original restrictions and that indicates the changes by appropriate insertion and deletion is set forth in full on Exhibit "A" attached hereto.

EXECUTED on this 20th day of September, 1996.


James Foreman


Michelle Foreman


Glenn Graham


Elsa Graham


Richard Kirsten

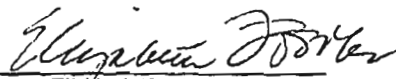

Elizabeth Fowler

EXHIBIT A

PETITION FOR
MODIFICATION AND AMENDMENT OF RESTRICTIONS
(under Section 201 of the Texas Property Code)
Braes Heights Addition, Section 5

510-18-0432

STATE OF TEXAS

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§ KNOW ALL MEN BY THESE PRESENTS, THAT:

COUNTY OF HARRIS

§

1. **Petition Committee.** On September __, 1996, six (6) owners (collectively, the "*Petition Committee*") of real property located in Braes Heights Addition, Section 5, a subdivision in Harris County, Texas according to the map or plat thereof recorded in Volume 28, at Page 55, of the Map Records of Harris County (the "*Subdivision*") filed a Notice of Formation of Petition Committee in the Real Property Records of Harris County, Texas under County Clerk's File No. _____.

2. **Reference to Restrictions.** The Petition Committee was formed under Section 201 of the Texas Property Code for the purpose of adopting a petition to modify and amend certain provisions of the following described restrictive covenants:

Restrictive covenants dated on or about September 20, 1948, and filed of record in Volume 2009, at Page 468 of the Deed Records of Harris County, Texas (the "*Restrictions*"). The Restrictions incorporated, by reference, a portion of the restrictions that cover Braes Heights Addition, Section One (1), dated August 14, 1945, that were filed in the Real Property Records of Harris County under Volume 1400, Page 415. The Restrictions were renewed and extended by an instrument entitled "*Renewal and Extension of Restrictions*" filed in the Real Property Records of Harris County, Texas on June 22, 1995 under County Clerk's File No. R450513.

3. **Authority.** This Petition is being filed in accordance with the requirements of Section 201 of the Texas Property Code, for the purpose of modifying and amending the Restrictions. The Subdivision is located within the City of Houston, a city having a population of more than 1,600,000. 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 part or all of one or more platted lots or combination of lots, or 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.

4. **Original Restrictions being Affected.** The Restrictions contain the following restrictions establishing side property building set-back lines that are binding upon and cover the lots and blocks indicated below:

(a) All lots in Block 17:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line and ten (10) feet from any West inside property line and no garage, garage apartment or other outbuilding may be erected or maintained nearer than three (3) feet to any inside property line.

510-18-0433

(b) All lots in Block 18:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line and ten (10) feet from any West inside property line and no garage, garage apartment or other outbuilding may be erected or maintained nearer than three (3) feet to any inside property line.

(c) All lots in Block 21:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line and ten (10) feet from any West inside property line and no garage, garage apartment or other outbuilding may be erected or maintained nearer than three (3) feet to any inside property line.

(d) Lots 7 to 21, inclusive, Block 19:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line and nearer than ten (10) feet to any West inside property line and no garage, garage apartment or other outbuilding may be erected or maintained nearer than three (3) feet to any inside property line.

(e) Lots 1 to 6, inclusive, Block 19:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any South inside property line and nearer than ten (10) feet to any North inside property line and no garage, garage apartment or other outbuilding may be erected or maintained nearer than three (3) feet to any inside property line.

5. Changes to Side Property Building Set-Back Line Restrictions. Those portions of the Restrictions dealing with side property building set-back lines are being modified by this Amendment in accordance with the following deletions (shown by strike-out) and insertions (shown by underlining in brackets):

(a) All lots in Block 17:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line~~]~~ and ~~[No part of any residence may be erected or maintained nearer than]~~ ten (10) feet from any West inside property line~~[unless such residence has an attached garage located on the West side, in which event the garage and those portions of the residence located above and behind the garage may be located no nearer than five (5) feet from any West inside property line.]~~ and ~~no [A] garage [attached or detached],~~ garage apartment or other outbuilding ~~[that is located wholly within thirty-five (35) feet from the rear property line of any lot]~~ may be erected or maintained ~~[no]~~ nearer than three (3) feet to any inside property line.

(b) All lots in Block 18:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line~~]~~ and ~~[No part of any residence may be erected or maintained nearer than]~~ ten (10) feet from any West inside property line~~[unless such residence has an attached garage located on the West side, in which event the garage and those portions of the residence located above and~~

510-18-0434

behind the garage may be located no nearer than five (5) feet from any West inside property line.] and no [A] garage [attached or detached], garage apartment or other outbuilding [that is located wholly within thirty-five (35) feet from the rear property line of any lot] may be erected or maintained [no] nearer than three (3) feet to any inside property line.

(c) All lots in Block 21:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line[.] and [No part of any residence may be erected or maintained nearer than] ten (10) feet from any West inside property line[unless such residence has an attached garage located on the West side, in which event the garage and those portions of the residence located above and behind the garage may be located no nearer than five (5) feet from any West inside property line.] and no [A] garage [attached or detached], garage apartment or other outbuilding [that is located wholly within thirty-five (35) feet from the rear property line of any lot] may be erected or maintained [no] nearer than three (3) feet to any inside property line.

(d) Lots 7 to 12 inclusive, Block 19:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line[.] and [No part of any residence may be erected or maintained nearer than] ten (10) feet from any West inside property line[unless such residence has an attached garage located on the West side, in which event the garage and those portions of the residence located above and behind the garage may be located no nearer than five (5) feet from any West inside property line.] and no [A] garage [attached or detached], garage apartment or other outbuilding [that is located wholly within thirty-five (35) feet from the rear property line of any lot] may be erected or maintained [no] nearer than three (3) feet to any inside property line.

(e) Lots 1 to 6, inclusive, Block 19:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any South inside property line[.] and [No part of any residence may be erected or maintained nearer than] ten (10) feet from any North inside property line[unless such residence has an attached garage located on the North side, in which event the garage and those portions of the residence located above and behind the garage may be located no nearer than five (5) feet from any North inside property line.] and no [A] garage [attached or detached], garage apartment or other outbuilding [that is located wholly within thirty-five (35) feet from the rear property line of any lot] may be erected or maintained [no] nearer than three (3) feet to any inside property line.

The proposed modifications and amendments outlined above would not apply to any existing improvements that complied with the original restrictions but that were not in compliance, which improvements would be "grandfathered" until destroyed or voluntarily removed, at which time compliance would be required.

6. **Final Side Property Building Set-Back Line Restrictions.** The original side property building set-back line restrictions from the Restrictions (as described in Section 4 above) are hereby modified, amended, and restated in their entirety to read as follows:

510-18-0435

(a) All lots in Block 17:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line. No part of any residence may be erected or maintained nearer than ten (10) feet from any west inside property line unless such residence has an attached garage located on the West side, in which event the garage and those portions of the residence located above and behind the garage may be located no nearer than five (5) feet from any West inside property line. A garage (attached or detached), garage apartment, or other outbuilding that is located wholly within thirty-five (35) feet from the rear property line of any lot may be erected or maintained no nearer than three (3) feet from any inside property line.

(b) All lots in Block 18:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line. No part of any residence may be erected or maintained nearer than ten (10) feet from any west inside property line unless such residence has an attached garage located on the West side, in which event the garage and those portions of the residence located above and behind the garage may be located no nearer than five (5) feet from any West inside property line. A garage (attached or detached), garage apartment, or other outbuilding that is located wholly within thirty-five (35) feet from the rear property line of any lot may be erected or maintained no nearer than three (3) feet from any inside property line.

(c) All lots in Block 21:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line. No part of any residence may be erected or maintained nearer than ten (10) feet from any west inside property line unless such residence has an attached garage located on the West side, in which event the garage and those portions of the residence located above and behind the garage may be located no nearer than five (5) feet from any West inside property line. A garage (attached or detached), garage apartment, or other outbuilding that is located wholly within thirty-five (35) feet from the rear property line of any lot may be erected or maintained no nearer than three (3) feet from any inside property line.

(d) Lots 7 to 12 inclusive, Block 19:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line. No part of any residence may be erected or maintained nearer than ten (10) feet from any West inside property line unless such residence has an attached garage located on the West side, in which event the garage and those portions of the residence located above and behind the garage may be located no nearer than five (5) feet from any West inside property line. A garage (attached or detached), garage apartment, or other outbuilding that is located wholly within thirty-five (35) feet from the rear property line of any lot may be erected or maintained no nearer than three (3) feet from any inside property line.

510-18-0436

(c) Lots 1 to 6, inclusive, Block 19:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any South inside property line. No part of any residence may be erected or maintained nearer than ten (10) feet from any North inside property line unless such residence has an attached garage located on the North side, in which event the garage and those portions of the residence located above and behind the garage may be located no nearer than five (5) feet from any North inside property line. A garage (attached or detached), garage apartment, or other outbuilding that is located wholly within thirty-five (35) feet from the rear property line of any lot may be erected or maintained no nearer than three (3) feet from any inside property line.

The amended and modified restrictions set forth above do not apply to any improvements existing on the date of filing of this Amendment that complied with the original restrictions but that are not in compliance with the provisions hereof, which improvements are hereby "grandfathered" until destroyed or voluntarily removed, at which time compliance with the modified restrictions is required.

6. **Binding Restrictions; No Waiver.** The foregoing amended and modified restrictions on side property building set-back lines are imposed on and made applicable to the Lots and Blocks of the Subdivision indicated and shall run with title to the land and be binding upon and inure to the benefit of and be enforceable by each Owner of property in the Subdivision and their respective heirs, successors and assigns. Except as expressly set forth in this Amendment, the Restrictions shall remain unchanged and shall continue in full force and effect.

7. **Statutory Notice.** If they desire to do so, Owners of property in the Subdivision who do not sign this Petition must file suit under Section 201.010 Texas Property Code 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, Texas 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.

EXECUTED as of the dates of the acknowledgments set forth below.

We certify that we are the sole record owners of
Lot(s) _____, Block _____ of Braes Heights Addition, Section 5,
and elect as follows with regard to our property:

Address: _____
Houston, Texas 77025

Printed Name: _____

Printed Name: _____

Check one:

☐ INCLUDE our property in
the area burdened by these modified
restrictions.

☐ DO NOT INCLUDE our
property in the area burdened by these
modified restrictions.

510-18-0437

FILED

95 SEP 26 PM 3:38

Beverly A. Hoffman
COUNTY CLERK
HARRIS COUNTY, TEXAS

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, MORTGAGE, OR USE OF THE DESCRIBED REAL
PROPERTY BECAUSE OF COLOR OR RACE IS INVALID 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 on

SEP 26 1996



Beverly A. Hoffman
COUNTY CLERK
HARRIS COUNTY TEXAS

2017-09-26

512-20-0710

STATE OF TEXAS § 03/13/97 200370636 S360372 \$91.50
COUNTY OF HARRIS § KNOW ALL MEN BY THESE PRESENTS, THAT:
 §

1. **Petition Committee.** On September 26, 1996, six (6) owners (collectively, the "**Petition Committee**") of real property located in Braes Heights Addition, Section 5, a subdivision in Harris County, Texas according to the map or plat thereof recorded in Volume 28, at Page 55, of the Map Records of Harris County (the "**Subdivision**") filed a Notice of Formation of Petition Committee in the Real Property Records of Harris County, Texas under County Clerk's File No. 5136401.

2. **Reference to Restrictions.** The Petition Committee was formed under Section 201 of the Texas Property Code for the purpose of adopting a petition to modify and amend certain provisions of the following described restrictive covenants:

Restrictive covenants dated on or about September 20, 1948, and filed of record in Volume 2009, at Page 468 of the Deed Records of Harris County, Texas (the "*Restrictions*"). The Restrictions Incorporated, by reference, a portion of the restrictions that cover Braes Heights Addition, Section One (1), dated August 14, 1945, that were filed in the Real Property Records of Harris County under Volume 1400, Page 415. The Restrictions were renewed and extended by an instrument entitled "Renewal and Extension of Restrictions" filed in the Real Property Records of Harris County, Texas on June 22, 1995 under County Clerk's File No. R450513.

3. **Authority.** This Petition is being filed in accordance with the requirements of Section 201 of the Texas Property Code, for the purpose of modifying and amending the Restrictions. The Subdivision is located within the City of Houston, a city having a population of more than 1,600,000. 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 part or all of one or more platted lots or combination of lots, or 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.

4. **Original Restrictions being Affected.** The Restrictions contain the following restrictions establishing side property building set-back lines that are binding upon and cover the lots and blocks indicated below:

(a) All lots in Block 17:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line and ten (10) feet from any West inside property line and no garage, garage apartment or other outbuilding may be erected or maintained nearer than three (3) feet to any inside property line.

BROWN McCARROLL & OAKS HARTLINE
1300 Wortham Tower
2727 Allen Parkway
Houston, Texas 77019
Attn: Mr. Peter G. Nemeth

- (b) All lots in Block 18:

512-20-0711

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line and ten (10) feet from any West inside property line and no garage, garage apartment or other outbuilding may be erected or maintained nearer than three (3) feet to any inside property line.

- (c) All lots in Block 21:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line and ten (10) feet from any West inside property line and no garage, garage apartment or other outbuilding may be erected or maintained nearer than three (3) feet to any inside property line.

- (d) Lots 7 to 21, inclusive, Block 19:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line and nearer than ten (10) feet to any West inside property line and no garage, garage apartment or other outbuilding may be erected or maintained nearer than three (3) feet to any inside property line.

- (e) Lots 1 to 6, inclusive, Block 19:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any South inside property line and nearer than ten (10) feet to any North inside property line and no garage, garage apartment or other outbuilding may be erected or maintained nearer than three (3) feet to any inside property line.

5. **Changes to Side Property Building Set-Back Line Restrictions.** Those portions of the Restrictions dealing with side property building set-back lines are being modified by this Amendment in accordance with the following deletions (shown by strike-out) and insertions (shown by underlining in brackets):

- (a) All lots in Block 17:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line[,] and ~~[No part of any residence may be erected or maintained nearer than]~~ ten (10) feet from any West inside property line~~[unless such residence has an attached garage located on the West side, in which event the garage and those portions of the residence located above and behind the garage may be located no nearer than five (5) feet from any West inside property line.]~~ and ~~no~~ [A] garage ~~[(attached or detached)]~~, garage apartment or other outbuilding ~~[that is located wholly within thirty-five (35) feet from the rear property line of any lot]~~ may be erected or maintained ~~[no]~~ nearer than three (3) feet to any inside property line.

- (b) All lots in Block 18:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line[,] and ~~[No part of any residence may be erected or maintained nearer than]~~ ten (10) feet from any West inside property line~~[unless such residence has an attached garage located on the West side, in which event the garage and those portions of the residence located above and~~

512-20-0712

behind the garage may be located no nearer than five (5) feet from any West inside property line.] and no [A] garage [(attached or detached)], garage apartment or other outbuilding [that is located wholly within thirty-five (35) feet from the rear property line of any lot] may be erected or maintained [no] nearer than three (3) feet to any inside property line.

(c) All lots in Block 21:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line[.] and [No part of any residence may be erected or maintained nearer than] ten (10) feet from any West inside property line[unless such residence has an attached garage located on the West side, in which event the garage and those portions of the residence located above and behind the garage may be located no nearer than five (5) feet from any West inside property line.] and no [A] garage [(attached or detached)], garage apartment or other outbuilding [that is located wholly within thirty-five (35) feet from the rear property line of any lot] may be erected or maintained [no] nearer than three (3) feet to any inside property line.

(d) Lots 7 to 12 inclusive, Block 19:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line[.] and [No part of any residence may be erected or maintained nearer than] ten (10) feet from any West inside property line[unless such residence has an attached garage located on the West side, in which event the garage and those portions of the residence located above and behind the garage may be located no nearer than five (5) feet from any West inside property line.] and no [A] garage [(attached or detached)], garage apartment or other outbuilding [that is located wholly within thirty-five (35) feet from the rear property line of any lot] may be erected or maintained [no] nearer than three (3) feet to any inside property line.

(e) Lots 1 to 6, Inclusive, Block 19:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any South inside property line[.] and [No part of any residence may be erected or maintained nearer than] ten (10) feet from any North inside property line[unless such residence has an attached garage located on the North side, in which event the garage and those portions of the residence located above and behind the garage may be located no nearer than five (5) feet from any North inside property line.] and no [A] garage [(attached or detached)], garage apartment or other outbuilding [that is located wholly within thirty-five (35) feet from the rear property line of any lot] may be erected or maintained [no] nearer than three (3) feet to any inside property line.

The proposed modifications and amendments outlined above would not apply to any existing improvements that complied with the original restrictions but that were not in compliance, which improvements would be "grandfathered" until destroyed or voluntarily removed, at which time compliance would be required.

6. **Final Side Property Building Set-Back Line Restrictions.** The original side property building set-back line restrictions from the Restrictions (as described in Section 4 above) are hereby modified, amended, and restated in their entirety to read as follows:

512-20-0713

(a) All lots in Block 17:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line. No part of any residence may be erected or maintained nearer than ten (10) feet from any west inside property line unless such residence has an attached garage located on the West side, in which event the garage and those portions of the residence located above and behind the garage may be located no nearer than five (5) feet from any West inside property line. A garage (attached or detached), garage apartment, or other outbuilding that is located wholly within thirty-five (35) feet from the rear property line of any lot may be erected or maintained no nearer than three (3) feet from any inside property line.

(b) All lots in Block 18:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line. No part of any residence may be erected or maintained nearer than ten (10) feet from any west inside property line unless such residence has an attached garage located on the West side, in which event the garage and those portions of the residence located above and behind the garage may be located no nearer than five (5) feet from any West inside property line. A garage (attached or detached), garage apartment, or other outbuilding that is located wholly within thirty-five (35) feet from the rear property line of any lot may be erected or maintained no nearer than three (3) feet from any inside property line.

(c) All lots in Block 21:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line. No part of any residence may be erected or maintained nearer than ten (10) feet from any west inside property line unless such residence has an attached garage located on the West side, in which event the garage and those portions of the residence located above and behind the garage may be located no nearer than five (5) feet from any West inside property line. A garage (attached or detached), garage apartment, or other outbuilding that is located wholly within thirty-five (35) feet from the rear property line of any lot may be erected or maintained no nearer than three (3) feet from any inside property line.

(d) Lots 7 to 12 inclusive, Block 19:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line. No part of any residence may be erected or maintained nearer than ten (10) feet from any West inside property line unless such residence has an attached garage located on the West side, in which event the garage and those portions of the residence located above and behind the garage may be located no nearer than five (5) feet from any West inside property line. A garage (attached or detached), garage apartment, or other outbuilding that is located wholly within thirty-five (35) feet from the rear property line of any lot may be erected or maintained no nearer than three (3) feet from any inside property line.

(e) Lots 1 to 6, inclusive, Block 19:

Also, no part of any residence may be erected or maintained nearer than five (5) feet to any South inside property line. No part of any residence may be erected or maintained nearer than ten (10) feet from any North inside property line unless such residence has an attached garage located on the North side, in which event the garage and those portions of the residence located above and behind the garage may be located no nearer than five (5) feet from any North inside property line. A garage (attached or detached), garage apartment, or other outbuilding that is located wholly within thirty-five (35) feet from the rear property line of any lot may be erected or maintained no nearer than three (3) feet from any inside property line.

512-20-0714

The amended and modified restrictions set forth above do not apply to any improvements existing on the date of filing of this Amendment that complied with the original restrictions but that are not in compliance with the provisions hereof, which improvements are hereby "grandfathered" until destroyed or voluntarily removed, at which time compliance with the modified restrictions is required.

6. **Binding Restrictions; No Waiver.** The foregoing amended and modified restrictions on side property building set-back lines are imposed on and made applicable to the Lots and Blocks of the Subdivision indicated and shall run with title to the land and be binding upon and inure to the benefit of and be enforceable by each Owner of property in the Subdivision and their respective heirs, successors and assigns. Except as expressly set forth in this Amendment, the Restrictions shall remain unchanged and shall continue in full force and effect.

7. **Statutory Notice.** If they desire to do so, Owners of property in the Subdivision who do not sign this Petition must file suit under Section 201.010 Texas Property Code 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, Texas 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.

EXECUTED as of the dates of the acknowledgments set forth below.

We certify that we are the sole record owners of
Lot(s) 21, Block 17 of Braes Heights Addition, Section 5,
and elect as follows with regard to our property:

Address: 7202 Eshoe
Houston, Texas 77025

Glen R. Graham
Printed Name: Glen R. Graham

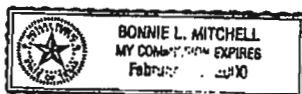
M. Elise Graham
Printed Name: M. Elise Graham

Check one:

☒ INCLUDE our property in
the area burdened by these modified
restrictions.

☐ DO NOT INCLUDE our
property in the area burdened by these
modified restrictions.

(87)
201



512-20-0742

FILED

97 MAR 13 PM 3:59

Beverly A. Hoffman
COUNTY CLERK
HARRIS COUNTY, TEXAS

ANY INSTRUMENT 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 on

MAR 13 1997



Beverly A. Hoffman
COUNTY CLERK
HARRIS COUNTY TEXAS

Notice
26.25

V245450

08/16/01 300598053 V245450

\$26.25

**Notice of Formation of Petition Committee
for Braes Heights Addition, Section No. 5
(Under Chapter 201 of the Texas Property Code)** (6) Lee (6) 10R

STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF HARRIS §

1. **Statement of Formation; Name of Subdivision.** A petition committee (the "Petition Committee") has been formed under Chapter 201 of the Texas Property Code for the extension of the term of, creation of, addition to, or modification of one or more restrictions set forth in the restrictive covenants covering or affecting Braes Heights Addition, Section No. 5 (the "Subdivision"), a subdivision in Harris County, Texas, set out on the map or plat thereof recorded in Volume 28, Page 55 of the Map Records of Harris County, Texas.

2. **Committee Membership.** The names and residential addresses of the members of the Petition Committee are as follows, each of whom hereby certifies that he or she is the owner of the real property located within the Subdivision and more particularly described opposite their respective names:

Mr. William T. Dom	Lot 13, Block 17,
Ms. J.L. Whitworth	Braes Heights Addition, Section No. 5
3734 Turnberry Circle	
Houston, Texas 77025	

Mr. William B. Wilkerson, Jr.	Lot 11, Block 17,
Ms. Margaret Wilkerson	Braes Heights Addition, Section No. 5
3742 Turnberry Circle	
Houston, TX 77025	

Mr. Don Hooper	Lot 3 and Tract 4A, Block 17,
3737 Blue Bonnet Boulevard	Braes Heights Addition, Section No. 5
Houston, Texas 77025	

Membership in the Petition Committee, and the replacement of vacancies, shall be governed by the provisions of Section 201.005(e) of the Texas Property Code.

3. **Recording References and Location of Restrictions.** The Petition Committee was formed under Chapter 201 of the Texas Property Code for the purpose of causing the Subdivision to adopt a petition ("Petition") to modify and amend certain provisions of the restrictive covenants set forth in the following described instruments:

That certain instrument dated September 20, 1948, filed of record in Volume 2009, Page 468 of the Deed Records of Harris County, Texas (the "Restrictions"). The Restrictions incorporated, by reference, (1) the map or plat of Braes Heights Addition, Section No. 5, thereafter filed of record in Volume 28, Page 55, of the

Map Records of Harris County, Texas, and (2) to the extent consistent with the Restrictions, that certain instrument dated August 14, 1945, regarding Braes Heights Addition, Section No. 1, filed of record in Volume 1400, Page 415 of the Deed Records of Harris County, Texas ("1945 Instrument"). The 1945 Instrument and the Restrictions were renewed and extended by an instrument entitled "Renewal and Extension of Restrictions" filed in the Real Property Records of Harris County, Texas on June 22, 1995 under County Clerk's File No. R450513. The Restrictions were later modified and amended by an instrument entitled "Petition for Modification and Amendment of Restrictions (under Section 201 of the Texas Property Code) Braes Heights Addition, Section 5", on March 13, 1997, under County Clerk's File No. S360372 and certified by instrument entitled "Certificate of Compliance (Braes Heights Addition, Section 5)", filed in the Real Property Records of Harris County, Texas on May 13, 1997, under County Clerk's File No. S447775.

4. Statement of Matters Included in Petition. The matters to be included in the Petition are the modification and amendment of the provisions set forth in the Restrictions with respect to side setback building lines for Lots located in Block 17 of the Subdivision and the locations of driveways and garages. More specifically, the purpose of the Petition is to (i) permit a residence erected or maintained on Lot 13, Block 17, Braes Heights Addition, Section No. 5 to be located nearer than ten (10) feet, but no nearer than five (5) feet, from the West inside property line of said Lot 13, whether or not such residence has an attached garage located on the West side, (ii) permit a garage erected or maintained on said Lot 13 to be located farther than thirty-five feet from the rear property line of said Lot 13 and the front line of such garage to extend beyond the front line of such residence, whether or not such garage is attached to such residence, and (iii) permit a driveway to such garage to extend along the South side of such residence.

5. Copy of Petition. A copy of the Petition that (i) constitutes the proposed instrument creating the modification and amendment of the Restrictions, (ii) contains the original provisions of the Restrictions affected by such modification and amendment, and (iii) indicates by appropriate deletion and insertion the changes to such provisions caused by such modification and amendment, is attached hereto as Exhibit "A" and included herein for all purposes as though fully set forth.

EXECUTED this 14 day of August, 2001.

William T. Dom

William T. Dom

William B. Wilkerson, Jr.

William B. Wilkerson, Jr.

Don Hooper

Don Hooper

J.L. Whitworth

J.L. Whitworth

Margaret Ann Wilkerson

Margaret Wilkerson

502
502

Exhibit "A"
To
Notice of Formation of Petition Committee
For Braes Heights Addition, Section No. 5
(Under Chapter 201 of the Texas Property Code)

Petition for Modification and Amendment of Restrictions
of Braes Heights Addition, Section No. 5
(Under Chapter 201 of the Texas Property Code)

STATE OF TEXAS §
 § **KNOW ALL PERSONS BY THESE PRESENTS:**
COUNTY OF HARRIS §

1. **Petition Committee; Name of Subdivision.** Pursuant to Chapter 201 of the Texas Property Code, on August __, 2001, three (3) or more owners (collectively called the "**Petition Committee**"), filed a Notice of Formation of Petition Committee in the Real Property Records of Harris County, Texas under County Clerk's File No. _____, for the purpose of modifying and amending the restrictive covenants covering or affecting Braes Heights Addition, Section No. 5 (the "**Subdivision**"), a subdivision in Harris County, Texas, set out on the map or plat thereof recorded in Volume 28, Page 55 of the Map Records of Harris County, Texas.

2. **Reference to Location of Restrictions.** The Petition Committee was formed under Chapter 201 of the Texas Property Code for the purpose of adopting this petition ("**Petition**") to modify and amend certain provisions of the restrictive covenants set forth in the following described instruments:

That certain instrument dated September 20, 1948, filed of record in Volume 2009, Page 468 of the Deed Records of Harris County, Texas (the "**Restrictions**"). The Restrictions incorporated, by reference, (1) the map or plat of Braes Heights Addition, Section No. 5, thereafter filed of record in Volume 28, Page 55, of the Map Records of Harris County, Texas, and (2) to the extent consistent with the Restrictions, that certain instrument dated August 14, 1945, regarding Braes Heights Addition, Section No. 1, filed of record in Volume 1400, Page 415 of the Deed Records of Harris County, Texas ("**1945 Instrument**"). The 1945 Instrument and the Restrictions were renewed and extended by an instrument entitled "Renewal and Extension of Restrictions" filed in the Real Property Records of Harris County, Texas on June 22, 1995 under County Clerk's File No. R450513. The Restrictions were later modified and amended by an instrument entitled "Petition for Modification and Amendment of Restrictions (under Section 201 of the Texas Property Code) Braes Heights Addition, Section 5", filed in the Real Property Records of Harris County, Texas on March 13, 1997, under County Clerk's File No. S360372 and certified by instrument entitled "Certificate of Compliance (Braes Heights Addition, Section 5)", filed in the Real Property

Records of Harris County, Texas on May 13, 1997, under County Clerk's File No. S447775.

3. **Original Restrictions Being Affected; Proposed Insertion.** The 1945 Instrument includes the following restrictions regarding outbuildings and garages:

"(24) no outbuilding, or part or parts thereof, may be erected or maintained on any of the lots, or parts or parts thereof, herein restricted, which is not wholly within thirty-five (35) feet of the rear line of said lot, or part or parts thereof, upon which it is erected, and in addition to the above, if erected on any corner lot, no part or parts of said outbuilding may be erected or maintained thereon nearer to any side street line of said property than twenty-five (25) feet except when built as an integral part of the main residence. The front line of a garage or outbuilding attached to a residence shall not extend beyond the front line of the main residence."

The Restrictions, as previously amended, contain the following quoted restrictions for all Lots in Block 17 of the Subdivision, regarding side setback building lines and driveways. This Petition, if adopted pursuant to the requirements of Chapter 201 of the Texas Property Code, modifies and amends the Restrictions by inserting a new sentence which affects only Lot 13, Block 17 of the Subdivision. The new sentence immediately follows the existing provisions and is shown by double-underlining, within separate quotes:

"Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line. No part of any residence may be erected or maintained nearer than ten (10) feet from any west inside property line unless such residence has an attached garage located on the West side, in which event the garage and those portions of the residence located above and behind the garage may be located no nearer than five (5) feet from any West inside property line. A garage (attached or detached), garage apartment, or other outbuilding that is located wholly within thirty-five (35) feet from the rear property line of any lot may be erected or maintained no nearer than three (3) feet from any inside property line. All driveways shall be on the West side of main building, except on corner lots driveways shall be on West side of main building or along the rear of the lot from the side street, three (3) feet from the easements." "Notwithstanding any provision herein or in the resolution of 1945 to the contrary, (i) a residence erected or maintained on Lot 13, Block 17, Braes Heights Addition, Section No. 5 may be located nearer than ten (10) feet, but no nearer than five (5) feet, from the West inside property line of said Lot 13, whether or not such residence has an attached garage located on the West side, (ii) a garage erected or maintained on said Lot 13 is not required to be located within thirty-five feet from the rear property line of said Lot 13, and the front line of such garage may extend beyond the front line of such residence, whether or not such garage is attached to such residence, and (iii) a driveway to such garage may extend along the South side of such residence."

5. **Modification and Amendment of Restrictions.** This Petition constitutes the proposed instrument creating the modification and amendment of the Restrictions. Upon adoption and filing of this Petition in accordance with the requirements of Chapter 201 of the Texas Property Code, the provisions set forth in the Restrictions with respect to side setback building lines for Lots located in Block 17 of the Subdivision are hereby modified and amended to read as follows:

“Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line. No part of any residence may be erected or maintained nearer than ten (10) feet from any west inside property line unless such residence has an attached garage located on the West side, in which event the garage and those portions of the residence located above and behind the garage may be located no nearer than five (5) feet from any West inside property line. A garage (attached or detached), garage apartment, or other outbuilding that is located wholly within thirty-five (35) feet from the rear property line of any lot may be erected or maintained no nearer than three (3) feet from any inside property line. All driveways shall be on the West side of main building, except on corner lots driveways shall be on West side of main building or along the rear of the lot from the side street, three (3) feet from the easements. Notwithstanding any provision herein or in the resolution of 1945 to the contrary, (i) a residence erected or maintained on Lot 13, Block 17, Braes Heights Addition, Section No. 5 may be located nearer than ten (10) feet, but no nearer than five (5) feet, from the West inside property line of said Lot 13, whether or not such residence has an attached garage located on the West side, (ii) a garage erected or maintained on said Lot 13 is not required to be located within thirty-five feet from the rear property line of said Lot 13 and the front line of such garage may extend beyond the front line of such residence, whether or not such garage is attached to such residence, and (iii) a driveway to such garage may extend along the South side of such residence.”

Except as expressly modified and amended above, the Restrictions shall remain unchanged and shall continue in full force and effect. The Restrictions, as modified and amended, shall continue to run with title to the land, and shall continue to inure to the benefit of, be binding upon and be enforceable by the owners of property within the Subdivision, and their respective heirs, successors and assigns.

5. **Required Statutory Notices.** If they desire to do so, owners who do not sign this Petition must file suit under Section 201.010 of the Texas Property Code 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. If they desire to do so, owners who do not sign this Petition may delete their property from the operation of the extended, created, added to, or modified restriction by filing a statement described in the fourth listed category in Section 201.009(b) of the Texas Property Code before one (1) year after the date on which the owner receives actual notice of the filing of this Petition.

6. **Authority.** This Petition is being filed in accordance with the requirements of Chapter 201 of the Texas Property Code, for the purpose of modifying and amending the Restrictions. The Subdivision is located within the City of Houston, Texas, a city having more than 100,000 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 part or all 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 of the acknowledgments set forth below.

The undersigned certify they are the sole record owner(s) of
Lot(s) 13, Block 17 of Braes Heights Addition, Section No. 5,
located at the following address:
3734 Turnberry Circle, Houston, Texas 77025,
and hereby elect as follows with respect to such property:

Printed Name: William T. Dom

☐ INCLUDE such property as being burdened
by this modification and amendment of the
Restrictions.

Printed Name: J.L. Whitworth

☐ EXCLUDE such property from being burdened
by this modification and amendment of the
Restrictions.

THE STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the _____ of August, 2001, by William T. Dom and J.L. Whitworth.

Stamp Name and Date of
Expiration of Commission:

NOTARY PUBLIC, STATE OF TEXAS

The undersigned certify they are the sole record owner(s) of
Lot(s) 11, Block 17 of Braes Heights Addition, Section No. 5,
located at the following address:
3742 Turnberry Circle, Houston, Texas 77025,
and hereby elect as follows with respect to such property:

Printed Name: William B. Wilkerson, Jr.

☐ INCLUDE such property as being burdened
by this modification and amendment of the
Restrictions.

Printed Name: Margaret Wilkerson

☐ EXCLUDE such property from being burdened
by this modification and amendment of the
Restrictions.

THE STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the _____ of August, 2001, by William
B. Wilkerson, Jr. and Margaret Wilkerson.

Stamp Name and Date of
Expiration of Commission:

NOTARY PUBLIC, STATE OF TEXAS

The undersigned certify they are the sole record owner(s) of
Lot(s) 3 and Tract 4A, Block 17 of Braes Heights Addition, Section No. 5,
located at the following address:
3737 Blue Bonnet Boulevard, Houston, Texas 77025,
and hereby elect as follows with respect to such property:

Printed Name: Don Cooper

☐ INCLUDE such property as being burdened
by this modification and amendment of the
Restrictions.

Printed Name: _____

☐ EXCLUDE such property from being burdened
by this modification and amendment of the
Restrictions.

THE STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the _____ of August, 2001, by Don
Cooper.

Stamp Name and Date of
Expiration of Commission:

NOTARY PUBLIC, STATE OF TEXAS

Continuation Signature Sheet - Petition for Modification and Amendment of Restrictions of
Braes Heights Addition, Section No. 5

The undersigned certify they are the sole record owners of
Lot(s) _____, Block _____ of Braes Heights Addition, Section No. 5,
located at the following address:

_____, Houston, Texas 77025,
and hereby elect as follows with respect to such property:

Printed Name: _____

☐ INCLUDE such property as being burdened
by this modification and amendment of the
Restrictions.

Printed Name: _____

☐ EXCLUDE such property from being burdened
by this modification and amendment of the
Restrictions.

THE STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the _____ of _____,
2001, by _____ and _____.

Stamp Name and Date of
Expiration of Commission:

NOTARY PUBLIC, STATE OF TEXAS

The undersigned certify they are the sole record owners of
Lot(s) _____, Block _____ of Braes Heights Addition, Section No. 5,
located at the following address:

_____, Houston, Texas 77025,
and hereby elect as follows with respect to such property:

Printed Name: _____

☐ INCLUDE such property as being burdened
by this modification and amendment of the
Restrictions.

Printed Name: _____

☐ EXCLUDE such property from being burdened
by this modification and amendment of the
Restrictions.

THE STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the _____ of _____,
2001, by _____ and _____.

Stamp Name and Date of
Expiration of Commission:

NOTARY PUBLIC, STATE OF TEXAS

543-15-1839

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL
PROPERTY BECAUSE OF COLOR OR RACE IS INVALID 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 herein by me; and was duly RECORDED in the Official Public Records of Real Property of Harris
County, Texas on

AUG 16 2001



Dorothy B. Kaufman
COUNTY CLERK
HARRIS COUNTY, TEXAS

**Petition for Modification and Amendment of Restrictions
of Braes Heights Addition, Section No. 5
(Under Chapter 201 of the Texas Property Code)**

STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF HARRIS §

1. **Petition Committee; Name of Subdivision.** Pursuant to Chapter 201 of the Texas Property Code, on August 16, 2001, five (5) owners (collectively called the "**Petition Committee**"), filed a Notice of Formation of Petition Committee in the Real Property Records of Harris County, Texas under County Clerk's File No. V245450, for the purpose of modifying and amending the restrictive covenants covering or affecting Braes Heights Addition, Section No. 5 (the "**Subdivision**"), a subdivision in Harris County, Texas, set out on the map or plat thereof recorded in Volume 28, Page 55 of the Map Records of Harris County, Texas.

2. **Reference to Location of Restrictions.** The Petition Committee was formed under Chapter 201 of the Texas Property Code for the purpose of adopting this petition ("**Petition**") to modify and amend certain provisions of the restrictive covenants set forth in the following described instruments:

That certain instrument dated September 20, 1948, filed of record in Volume 2009, Page 468 of the Deed Records of Harris County, Texas (the "**Restrictions**"). The Restrictions incorporated, by reference, (1) the map or plat of Braes Heights Addition, Section No. 5, thereafter filed of record in Volume 28, Page 55, of the Map Records of Harris County, Texas, and (2) to the extent consistent with the Restrictions, that certain instrument dated August 14, 1945, regarding Braes Heights Addition, Section No. 1, filed of record in Volume 1400, Page 415 of the Deed Records of Harris County, Texas ("**1945 Instrument**"). The 1945 Instrument and the Restrictions were renewed and extended by an instrument entitled "Renewal and Extension of Restrictions" filed in the Real Property Records of Harris County, Texas on June 22, 1995 under County Clerk's File No. R450513. The Restrictions were later modified and amended by an instrument entitled "Petition for Modification and Amendment of Restrictions (under Section 201 of the Texas Property Code) Braes Heights Addition, Section 5", filed in the Real Property Records of Harris County, Texas on March 13, 1997, under County Clerk's File No. S360372 and certified by instrument entitled "Certificate of Compliance (Braes Heights Addition, Section 5)", filed in the Real Property Records of Harris County, Texas on May 13, 1997, under County Clerk's File No. S447775.

3. **Original Restrictions Being Affected; Proposed Insertion.** The 1945 Instrument includes the following restrictions regarding outbuildings and garages:

"(24) no outbuilding, or part or parts thereof, may be erected or maintained on any of the lots, or parts or parts thereof, herein restricted, which is not wholly within thirty-five (35) feet of the rear line of said lot, or part or parts thereof, upon which it is erected, and in addition to the above, if erected on any corner lot, no part or parts of said outbuilding may be erected or maintained thereon nearer to any side street line of said property than twenty-five (25) feet except when built as an integral part of the main residence. The front line of a garage or outbuilding attached to a residence shall not extend beyond the front line of the main residence."

The Restrictions, as previously amended, contain the following quoted restrictions for all Lots in Block 17 of the Subdivision, regarding side setback building lines and driveways. This Petition, if adopted pursuant to the requirements of Chapter 201 of the Texas Property Code, modifies and amends the Restrictions by inserting a new sentence which affects only Lot 13, Block 17 of the Subdivision. The new sentence immediately follows the existing provisions and is shown by double-underlining, within separate quotes:

"Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line. No part of any residence may be erected or maintained nearer than ten (10) feet from any west inside property line unless such residence has an attached garage located on the West side, in which event the garage and those portions of the residence located above and behind the garage may be located no nearer than five (5) feet from any West inside property line. A garage (attached or detached), garage apartment, or other outbuilding that is located wholly within thirty-five (35) feet from the rear property line of any lot may be erected or maintained no nearer than three (3) feet from any inside property line. All driveways shall be on the West side of main building, except on corner lots driveways shall be on West side of main building or along the rear of the lot from the side street, three (3) feet from the easements." "Notwithstanding any provision herein or in the resolution of 1945 to the contrary, (i) a residence erected or maintained on Lot 13, Block 17, Braes Heights Addition, Section No. 5 may be located nearer than ten (10) feet, but no nearer than five (5) feet, from the West inside property line of said Lot 13, whether or not such residence has an attached garage located on the West side, (ii) a garage erected or maintained on said Lot 13 is not required to be located within thirty-five feet from the rear property line of said Lot 13, and the front line of such garage may extend beyond the front line of such residence, whether or not such garage is attached to such residence, and (iii) a driveway to such garage may extend along the South side of such residence."

5. **Modification and Amendment of Restrictions.** This Petition constitutes the proposed instrument creating the modification and amendment of the Restrictions. Upon adoption and filing of this Petition in accordance with the requirements of Chapter 201 of the Texas Property Code, the provisions set forth in the Restrictions with respect to side setback building lines for Lots located in Block 17 of the Subdivision are hereby modified and amended to read as follows:

545-46-0818

"Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line. No part of any residence may be erected or maintained nearer than ten (10) feet from any west inside property line unless such residence has an attached garage located on the West side, in which event the garage and those portions of the residence located above and behind the garage may be located no nearer than five (5) feet from any West inside property line. A garage (attached or detached), garage apartment, or other outbuilding that is located wholly within thirty-five (35) feet from the rear property line of any lot may be erected or maintained no nearer than three (3) feet from any inside property line. All driveways shall be on the West side of main building, except on corner lots driveways shall be on West side of main building or along the rear of the lot from the side street, three (3) feet from the easements. Notwithstanding any provision herein or in the resolution of 1945 to the contrary, (i) a residence erected or maintained on Lot 13, Block 17, Braes Heights Addition, Section No. 5 may be located nearer than ten (10) feet, but no nearer than five (5) feet, from the West inside property line of said Lot 13, whether or not such residence has an attached garage located on the West side, (ii) a garage erected or maintained on said Lot 13 is not required to be located within thirty-five feet from the rear property line of said Lot 13 and the front line of such garage may extend beyond the front line of such residence, whether or not such garage is attached to such residence, and (iii) a driveway to such garage may extend along the South side of such residence."

Except as expressly modified and amended above, the Restrictions shall remain unchanged and shall continue in full force and effect. The Restrictions, as modified and amended, shall continue to run with title to the land, and shall continue to inure to the benefit of, be binding upon and be enforceable by the owners of property within the Subdivision, and their respective heirs, successors and assigns.

5. **Required Statutory Notices.** If they desire to do so, owners who do not sign this Petition must file suit under Section 201.010 of the Texas Property Code 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. If they desire to do so, owners who do not sign this Petition may delete their property from the operation of the extended, created, added to, or modified restriction by filing a statement described in the fourth listed category in Section 201.009(b) of the Texas Property Code before one (1) year after the date on which the owner receives actual notice of the filing of this Petition.

6. **Authority.** This Petition is being filed in accordance with the requirements of Chapter 201 of the Texas Property Code, for the purpose of modifying and amending the Restrictions. The Subdivision is located within the City of Houston, Texas, a city having more than 100,000 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 part or all 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 of the acknowledgments set forth below.

The undersigned certify they are the sole record owner(s) of
Lot(s) 13, Block 17 of Braes Heights Addition, Section No. 5,
located at the following address:
3734 Turnberry Circle, Houston, Texas 77025,
and hereby elect as follows with respect to such property:

William T. Dom
Printed Name: William T. Dom

J.L. Whitworth
Printed Name: J.L. Whitworth

☒ INCLUDE such property as being burdened
by this modification and amendment of the
Restrictions.

☐ EXCLUDE such property from being burdened
by this modification and amendment of the
Restrictions.

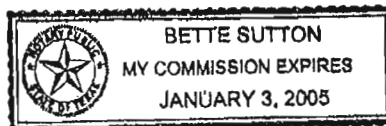
(94)
200

THE STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 30th of August, 2001, by William
T. Dom and J.L. Whitworth.

Stamp Name and Date of
Expiration of Commission:

Bette Sutton
NOTARY PUBLIC, STATE OF TEXAS



AFTER RECORDING, PLEASE RETURN TO:

Gregory A. Goodrich
Cordray & Goodrich Professional Corporation
3306 Sul Ross
Houston, Texas 77098

FILED
2001 NOV -1 PM 12:47
CLERK OF DISTRICT COURT
HARRIS COUNTY TEXAS

545-46-0611

1545-45-88544

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL
PROPERTY BECAUSE OF COLOR OR RACE IS INVALID 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 on

NOV - 1 2001



Dorely B. Kayman

COUNTY CLERK
HARRIS COUNTY, TEXAS

RENEWAL AND EXTENSION OF RESTRICTIONS

STATE OF TEXAS §
COUNTY OF HARRIS §

KNOW ALL MEN BY THESE PRESENTS:

On August 14, 1945, Braes Development Company executed that certain instrument (herein called the "Declaration"), filed for record in Volume 1400, Page 415 of the Deed Records of Harris County, Texas; and

The Declaration was supplemented by instruments filed for record in Volume 2009, Page 468 of the Deed Records of Harris County, Texas, which imposes certain restrictions on the lots comprising BRAES HEIGHTS, SECTION FIVE (5), an addition to the City of Houston, Harris County, Texas, as per plat ("Plat") of said addition filed for record in the Office of the County Clerk of Harris County, Texas, under Volume 28, Page 55, in the Map Records of Harris County, Texas (the "Subdivision"); and

By the terms of the Declaration and its supplements, the covenants and restrictions set forth therein may be renewed and extended by written declaration, signed and acknowledged by the then owners of a majority of the square foot area of the lots in the Subdivision; and

The undersigned constitute Owners of a majority of square foot area of the lots in the Subdivision; and

The undersigned have agreed to renew and extend the covenants and restrictions set forth in the Declaration and in any supplements or amendments;

NOW, THEREFORE, the undersigned hereby ratify and confirm that they have the power to renew and extend the covenants and restrictions set forth in the Declaration and in its supplements and amendments, if any, and that they have agreed, as evidenced by their signatures below, and do hereby collectively declare their agreement to renew and extend said Declaration and supplements or amendments for a period of ten years from the date of the filing of this instrument and acknowledge such agreement and declaration by their signatures below.

AFTER RECORDING, RETURN TO:

BRAESWOOD PLACE HOMEOWNER'S ASSOCIATION
4010 BLUE BONNET
SUITE 115
HOUSTON, TX 77025

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL
PROPERTY BECAUSE OF COLOR OR RACE IS INVALID 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 herein by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris
County, Texas on

JUN 17 2005



Beverly L. Kaufman
COUNTY CLERK
HARRIS COUNTY, TEXAS

RECORDER'S MEMORANDUM:

At the time of recordation, this instrument was
found to be inadequate for the best photographic
reproduction because of illegibility, carbon or
photo copy, discolored paper, etc. All blockouts,
additions and changes were present at the time
the instrument was filed and recorded

Beverly L. Kaufman
COUNTY CLERK
HARRIS COUNTY, TEXAS

05 JUN 17 PM 3:53

FILED

0205-14-14-2005

468
468

RESERVATIONS, RESTRICTIONS AND COVENANTS

in

BRAES HEIGHTS ADDITION

SECTION NO. 5

Supplementing Resolutions of August 14th, 1945.

At a meeting of the Board of Directors of Braes Development Company, held in the office of the corporation in Houston, Texas, on September 20th, 1948, all of the Directors being present, the following resolution was adopted by unanimous vote:

BE IT RESOLVED:

That Section No. 5 of Braes Heights Addition to the City of Houston, Harris County, Texas, consisting of Blocks 17, 18, 19, and 21, lying and being situated in the P. W. Reese Survey, Harris County, Texas, be and the same is hereby added to Section No. 1 Braes Heights Addition, and that the original resolution of August 14th, 1945, adopted by the Board of Directors of Braes Development Company including all stipulations, reservations, restrictions and covenants therein contained, be and the same are hereby adopted with reference to the lots and blocks in said Section No. 5, and made applicable thereto in so far as they consistently may be, the same as though set out word for word herein, and that as supplementing the contents of said original resolutions, the following additional reservations, restrictions and covenants are hereby adopted with special reference to the lots and blocks in said Section No. 5. Map of said Section No. 5, prepared by Braes Development Company, now on file in the office of Braes Development Company, and which shall be hereafter recorded in the Harris County Map Records has been duly authenticated by the President and Secretary of Braes Development Company with proper certificate showing dedication of streets, drives, lanes, walks, roads and park, to the use of the present and future owners of the lots and to the public, subject to the reservations, restrictions and covenants herein contained, to the same extent as though copied at length in said dedication certificate, and said map is subject to only such minor changes as, in the judgment of Braes Development Company are necessitated by the efficient installation of improvements. The resolution of August 14th, 1945, referred to above, was recorded in Vol. 1400, Page 415, Deed Records of Harris County, Texas.

RESERVATIONS

(1) Braes Development Company reserves the necessary easements and rights-of-way for the purpose of constructing, maintaining, and repairing a system or systems of light, electric power, telegraph and telephone line or lines, gas, sewers, or any other utility Braes Development Company sees fit to install across said lots, blocks, and homesite tracts in said Section No. 5 of Braes Heights Addition, as shown on aforesaid map to be hereafter recorded in the Harris County Map Records, to which map and record reference is here made.

(2) Braes Development Company reserves the right to make minor changes in and additions to the above easements for the purpose of most efficiently and economically installing the improvements.

Braes Heights *Sec 5*

VOL. 2009 PAGE 468 DEED RCDS.

DATED: SEPTEMBER 20th, 1948
FILED: DECEMBER 2nd, 1948

#687840

AT: 1:00 P.M.

RESTRICTIONS

FROM: BRAES DEVELOPMENT CO.

TO: - - - - -

STATE OF TEXAS
COUNTY OF HARRIS

Supplementing Resolutions of August 14th, 1945

At a meeting of the Board of Directors of Braes Development Company, held in the office of the corporation in Houston, Texas, on September 20th, 1948, all of the Directors being present, the following resolution was adopted by unanimous vote;

BE IT RESOLVES:

That Section No. 5 of Braes Heights Addition to the City of Houston, Harris County, Texas, consisting of Blocks 17, 18, 19 and 21, lying and being situated in the P. W. Rose Survey Harris County, Texas, be and the same is hereby added to Section No. 1 Braes Heights Addition, and that the original resolution of August 1945, adopted by the Board of Directors of Braes Development Company including all stipulations, reservations, restrictions and covenants thereon contained, be and the same are hereby adopted with reference to the lots and blocks insaid section No. 5 and made applicable thereon in so far as they consistently may be, the same as though set out word for word herein, and that as supplementing the contents of said original resolutions, the following additional reservations, restriction and covenant are hereby adopted with special reference to the lots and blocks in said Section No. 5 Map of said Section No. 5 prepared by Braes Development Company, now on file in the office of Braes Development Company and which shall be hereafter recorded in the Harris County Map Records has been duly authenticated by the President and Secretary of Braes Development Company with proper certificate and showing dedication of streets, drives, lanes, walks and roads, and park, to the use of the present and future owners of the lots and to the public subject to the reservations, restrictions and covenants herein contained, to the same extent as though copied at length in said dedication certificate, and said map is subject to only such minor changes as, in the judgement of Braes Development Company are necessitated by the efficient installation of improvements. The resolution of August 14th, 1945, referred to above, was recorded in Vol. 1400, Page 415, Deed Records of Harris County, Texas.

RESERVATIONS

(1) Braes Development Company reserves the necessary easements and rights-of-way for the purpose of constructing, maintaining and repairing a system or systems of light, electric power, telegraph and telephone line or lines, gas, sewers, or any other utility Braes Development Company sees fit to install across said lots, blocks, and homesite tracts in said Section No. 5 of Braes Heights Addition, as shown on aforesaid map to be hereafter recorded in the Harris County Map Records to which map and record reference is here made.

(2) Braes Development Company reserves the right to make minor changes in and additions to the above easements for the purpose of most efficiently and economically installing the improvement

CONTINUED - - - - -

RESTRICTIONS AS TO PARTICULAR BLOCKS AND LOTS

All Lots in Block 17:

No dwelling of which the ground floor area of the main structure, exclusive of one-story open porches and garages, or garage apartments, shall be not less than 1200 square feet in the case of a one-story or one and one-half story structure not less than 850 square feet in the case of a two or two and one-half story structure shall be permitted. For front building lines see general restrictions and plat of Braes Heights Addition, Section 5, Also, no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line and ten (10) feet from any West inside property line and no garage, garage apartment or other outbuilding may be erected or maintained nearer than three (3) feet to any inside property line. All driveways shall be on West side of main building, except on corner lots driveways must be on West side of main building or along the rear of the lot from the side street three (3) feet from the easement.

All lots in Block 18:

No dwelling of which the ground floor area of the main structure exclusive of one-story open porches and garages, or garage apartments, shall be not less than 1200 square feet in the case of a one-story or one and one-half story structure nor less than 850 square feet in the case of a two or two and one-half story structure shall be permitted. For front building lines see general restrictions and plat of Braes Heights Addition, Section 5, Also no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line and ten (10) feet from any West inside property line and no garage, garage apartment or other outbuilding may be erected or maintained nearer than three (3) feet to any inside property line. All driveways shall be on West side of main building, except on corner lots driveways must be on West side of main building or along the rear of the lot from the side street, three (3) feet from the easement.

All Lots in Block 21:

No dwelling of which the ground floor area of the main structure exclusive of one-story open porches and garages, or garage apartments, shall be not less than 1200 square feet in the case of a one story or one and one-half story structure, nor less than 850 square feet in the case of a two or two and one-half story structure shall be permitted. For front building lines see general restrictions and Plat of Braes Heights, Addition, Section 5. Also no part of any residence may be erected or maintained nearer than five (5) feet to any east inside property line and ten (10) feet from any West inside property line and no garage, garage apartment or other outbuilding may be erected or maintained nearer than three (3) feet to any inside property line. All driveways shall be on West side of main building, except on corner lots driveways must be on West side of main building or along the rear of the lot from the side street, three (3) feet from the easement.

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CONTINUED PAGE #3

Lots 7 to 21 inclusive, Block 19:

No dwelling of which the ground floor area of the main structure, exclusive of one-story open porches and garages, or garages apartments, shall be not less than 1200 square feet in the case of a one-story or one and one-half story structure nor less than 850 square feet in the case of a two or two and one-half story structure shall be permitted. For front building lines see general restrictions and plat of Braes Heights Addition, Section 5. Also no part of any residence may be erected or maintained nearer than five (5) feet to any East inside property line and nearer than ten (10) feet to any West inside property line and no garage, garage apartment or other out-building may be erected or maintained nearer than three (3) feet to any inside property line. All driveways must be on West side of main building except on corner lots driveways must be on West side of main building or along the rear of the lot from the side street, three (3) feet from the easement.

Lots 1 to 6, inclusive Block 19:

No dwelling of which the ground floor area of the main structure exclusive of one-story open porches and garages or garage apartments shall be not less than 1200 square feet in the case of a one-story or one and one-half story structure nor less than 850 square feet in the case of a two or two and one-half story structure shall be permitted. For front building lines see general restrictions and Plat of Braes Heights Addition, Section 5. Also no part of any residence may be erected or maintained nearer than five (5) feet to any south inside property line and nearer than ten (10) feet to any North inside property line and no garage, garage apartment or other out building may be erected or maintained nearer than three (3) feet to any inside property line. All driveways shall be on North side of main building except on corner lots drive ways must be on North side of main building or along the rear of the lot from the side street, three (3) feet from the easement.

BRAES DEVELOPMENT COMPANY

BY H. R. Houck
President

ATTEST: R. D. Herbert
Secretary

(SEAL)

Braes Heights
General Restrictions
from Braes Heights 1
which apply to all
Braes Heights Sections

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CONT'D #4

of Braes Development Company, conveying said property, or any part thereof, by appropriate reference to these restrictions, making the same a part of such conveyance to all intents and purposes as though incorporated at length therein; and said restrictions shall be and are hereby imposed upon each lot or parcel of land in said Addition for the benefit of each and every other lot or parcel and shall constitute covenants running with the land, and shall inure to the benefits not only to Braes Development Company, its successors and assigns, but of each and every purchaser of lands in said Addition and their assigns; and each such contract and deed shall be conclusively held to have been so executed, delivered and accepted upon the expressed conditions herein stated. All of the restrictions, covenants, reservations, liens and charges appearing herein, as well as those appearing in contract, deed or other conveyance, to any part of this property shall be construed together, but if any one of the same shall be held to be invalid, or, for any reason is not enforced, none of the other shall be affected or impaired thereby, but shall remain in full force and effect.

GENERAL RESTRICTIONS:

(1) These restrictions shall be effective until August 14, 1995, but at any time within five years before August 14, 1995, the then owners of a majority of the square foot area of the lots in this Addition may, by written declaration, signed and acknowledged by them, and recorded in the deed records of Harris County, Texas, "extend these restrictions, conditions and covenants, (or any others hereafter adopted with reference to this property in accordance herewith) for a period of ten years additional and then similarly, for successive additional periods of ten years as often and as long as the owners of the majority of the square feet of the property may desire.

Such action, when taken, shall be binding upon all of the then owners of the property in said Section No. I in said Addition.

(2) This property shall be used for single-family residence purposes only.

(3) Only one single-family residence shall be constructed or permitted on each lot, homesite tract, or separate parcel of land as shown by said map.

CONT'D.

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CONT'D #5

(4) The term "residence purposes" as used herein shall be held and construed to exclude hospitals, duplex houses and apartment houses, and to exclude commercial and professional uses; and any such usage of this property is hereby expressly prohibited.

(5) The word "house" or "residence" as used herein with reference to building lines shall include galleries, porches, porte cocheres, steps, projections and every other permanent part of the improvements, except roofs.

(6) No temporary structure, no garage, or garage-apartment, or servant's quarters shall be built on any lot except in connection with or after the main residence has been completed.

(7) No garage or servants' house shall be erected on any lots in said Section No. I with roof or outside walls of material or colors different from those used in the house or residence erected on such lot.

VOID BY FEDERAL STATUTE

(9) No trash ashes, or other refuse may be thrown or dumped on any vacant lot in the Addition.

(10) No livestock of any kind shall be staked or pastured on any vacant lot in the Addition.

(11) No building material of any kind or character shall be placed or stored upon the property until the owner is ready to commence improvements and then such material shall be placed within the property lines of the lot or parcel of land upon which the improvements are to be erected, and shall not be placed in the streets or between the curb and property line.

(12) Grass, weeds, and vegetation on each lot sold shall be kept mowed at regular intervals so as to maintain the same in a neat and attractive manner. Trees, shrubs, vines, and plants which die shall be promptly removed from property.

Until a home or residence is built on a lot, Braes Development Company may at its option have the grass, weeds

CONT'D.

VOL. 1400 PAGE 415 DEED RCDS.
CONT'D #6

and vegetation cut when and as often as the same is necessary in its judgment, and have dead treest, shrubs and plants removed from the property, and the owner of such lot shall be obligated to reimburse Braes Development Company for the cost of such work.

(13) No fence, wall, or hedge shall be placed on any lot in the Addition nearer to any street than is permitted for the house on said lot; no fence, wall, or hedge shall be placed on any portion of the sites higher than four feet from the ground.

Should a hedge, shrub, tree, flower, or other planting be so placed, or afterwards grow, so as to encroach upon adjoining property, such encroachment shall be removed promptly upon request of the owner of the adjoining property. Should any encroachment be upon a right-of-way or easement, it shall be removed promptly upon request of Braes Development Company, and such encroachment is wholly at the risk of the owner.

(14) No signs, advertisements, billboards, or advertising structures may be erected or maintained on any of the land restricted.

(15) No cattle, hogs or other animals, rabbits, or poultry may be kept in any part of this property.

(16) No privy, cess pool, septic tank, or disposal plant shall be erected or maintained in any part of this property.

(17) No excavations, except such as are necessary for the construction of improvements, shall be permitted, nor shall any well or hole of any kind be dug on this property.

(18) Braes Development Company may make other restrictions applicable to each lot by appropriate provision in the contract or deed, without otherwise modifying the general plan above outlined, and such other restrictions shall inure to the benefit of and bond the respective parties in the same manner as though they had been expressed herein.

(19) Violation of any restriction, condition or covenant herein shall give Braes Development Company the right to enter upon property where such violation exists and summarily abate or remove the same at the expense of the owner, and such entry and abatement or removal shall not be deemed a trespass.

CONT'D.

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CONT'D #7

(20) Each of the restrictions herein set forth shall run with the land and bind the present owner, its successors and assigns, and all parties claiming by, through, or under it, shall be taken to hold, agree and covenant with the owner of said land and its successors and assigns, and with each of them, to conform to and observe said restrictions as to the use of said land, and the construction of improvements thereon, but no restrictions herein set forth shall be personally binding upon any corporation, person, or persons, except in respect of breaches, committed during its, his or their seizing of or title to said land.

The owner or owners of any of the above described land and such other land as may hereafter be subjected to the terms hereof, shall have the right to sue for and obtain an injunction, prohibitive or mandatory, to prevent the breach of or to enforce the observance of the restrictions above set forth, in addition to ordinary legal action for damage, and the failure of the Braes Development Company, or the owner of any other lot or tract of land hereby restricted, or subsequently subjected hereto, to enforce any of the restrictions herein set forth, at the time of its violation shall in no event be deemed to be a waiver of the right to do so thereafter. The Braes Development Company, may by appropriate agreement, assign, or convey to any person or corporation, all of the rights, restrictions and privileges herein reserved by it, and upon such agreement, assignment or conveyance being made, its assigns, or grantees may, at their option, exercise, transfer or assign these rights or any one or more of them at any time, or times in the same way and manner, as though directly reserved by them or it in this instrument.

(21) All plans and specifications for improvement to be erected on lots in Braes Heights Addition, Section One, shall be approved by Braes Development Company, or their successors before any construction work is begun.

(22) The word "lot" may mean either any lot as platted, or any tract, or tracts, of land as conveyed, which may consist of one or more lots, or a part or parts of one or more lots as platted, upon which a residence may be erected in accordance with the restrictions hereinafter set forth, or as set forth in the individual deeds from the Braes Development Company or from its successors or assigns. A "corner lot" shall be deemed to be any such lot as platted or any tract of land as conveyed, having more than one street contiguous to it. The street upon which the lot, or part thereof fronts, as hereafter provided, shall be deemed to be a front street; and any other street contiguous to any such lot shall be deemed to be a side street. It shall be and is expressly

CONT'D.

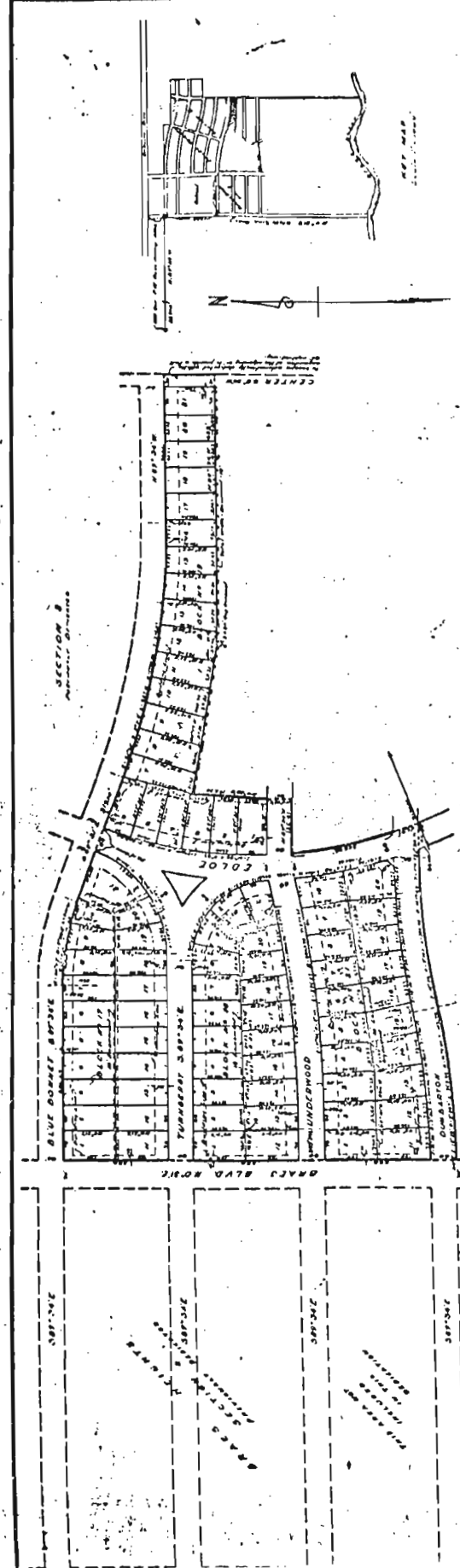
Lot B1K

Vol Page

117

28 55

55



Braes Heights 5

STATE OF TEXAS
COUNTY OF DALLAS
BRAES HEIGHTS ADDITION
BRAES SECTION NO. 5
BRAES DEVELOPMENT CO.
PRESIDENT
SUBDIVISION OF 1988 ACRES
AW ROSE SURVEY
HARRIS TEXAS
JULY 18, 1988.

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STATE OF TEXAS
COUNTY OF DALLAS
BRAES HEIGHTS ADDITION
BRAES SECTION NO. 5
BRAES DEVELOPMENT CO.
PRESIDENT
SUBDIVISION OF 1988 ACRES
AW ROSE SURVEY
HARRIS TEXAS
JULY 18, 1988.

STATE OF TEXAS
COUNTY OF DALLAS
BRAES HEIGHTS ADDITION
BRAES SECTION NO. 5
BRAES DEVELOPMENT CO.
PRESIDENT
SUBDIVISION OF 1988 ACRES
AW ROSE SURVEY
HARRIS TEXAS
JULY 18, 1988.

STATE OF TEXAS
COUNTY OF DALLAS
BRAES HEIGHTS ADDITION
BRAES SECTION NO. 5
BRAES DEVELOPMENT CO.
PRESIDENT
SUBDIVISION OF 1988 ACRES
AW ROSE SURVEY
HARRIS TEXAS
JULY 18, 1988.

VOL. 28 PAGE 55 MAP RCDS.

DATED: Aug. 2, 1948

FILED: Oct. 6, 1948

AT: 9:50 A.M.

#567175

MAP & DEDICATION

BRAES DEVELOPMENT CO.,

TO: - - - - -

STATE OF TEXAS
COUNTY OF HARRIS

WE, H. R. Houck and Robert Hebert, President and Secretary respectively of BRAES DEVELOPMENT CO., owner of the property subdivided in the above and foregoing map of BRAES HEIGHTS ADDITION, SECTION 5, do hereby make subdivision of said property for and on behalf of said BRAES DEVELOPMENT CO., according to the lines, lots, streets, alleys, parks and easements thereon shown and designate said subdivision as BRAES HEIGHTS ADDITION, SECTION 5, located in the P. W. ROSE Survey in Harris County, Texas, and on behalf of said BRAES DEVELOPMENT CO., dedicate to the public use, as such, all of the roads, streets, alleys, parks, playgrounds and easements shown thereon forever and do hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of the streets and alleys to conform to such grades and do hereby bind ourselves, our successors and assigns to warrant and forever defend the title to the land so dedicated.

There is also dedicated for utilities an unobstructed aerial easement five (5) feet wide from a plane twenty (20) feet above the ground upward located adjacent to all easements shown hereon.

FURTHER, We, or BRAES DEVELOPMENT CO. do hereby dedicate forever to the public a strip of land fifteen (15) feet wide on each side of the center line of any and all gullies, ravines, sloughs, or other natural drainage courses located in the said subdivision, as easements for drainage purposes, giving Harris County and/or any other public agency the right to enter upon said easements at any and all times for the purpose of constructing and/or maintaining drainage work and/or structures.

FURTHER, all of the property subdivided in the above and foregoing map shall be restricted in its use, which restrictions shall run with the title to the property and shall be enforceable, at option of Harris County, by Harris County or any citizen thereof by injunction, as follows:

1. The drainage of septic tanks into road, street, alley, or other public ditches, either directly or indirectly, is strictly prohibited.

2. Drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water, without backwater and shall be a minimum of one and three-quarters (1 3/4) square feet (18" diameter pipe culvert). Culverts, or bridges, must be used for driveways, and/or walks.

CONT'D.

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IN TESTIMONY WHEREOF, the BRAES DEVELOPMENT CO., has caused these presents to be signed by H. R. HOUCK, its President, thereunto authorized, attested by its Secretary, ROBERT HEBERT, and its common seal hereunto affixed this 2 day of AUGUST, A. D. 1948.

ATTEST:

Robert Hebert (SEAL)
Secretary

BRAES DEVELOPMENT CO.
BY: H. R. Houck,
President

(DULY ACKNOWLEDGED) * * * * *

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RENEWAL AND EXTENSION OF RESTRICTIONS

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STATE OF TEXAS

COUNTY OF HARRIS

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KNOW ALL MEN BY THESE PRESENTS:

On August 14, 1945, Braes Development Company executed that certain instrument (herein called the "Declaration"), filed for record in Volume 1400, Page 415 of the Deed Records of Harris County, Texas; and

The Declaration was supplemented by instruments filed for record in Volume 2009, Page 468 of the Deed Records of Harris County, Texas, which imposes certain restrictions on the lots comprising BRAES HEIGHTS, SECTION FIVE (5), an addition to the City of Houston, Harris County, Texas, as per plat ("Plat") of said addition filed for record in the Office of the County Clerk of Harris County, Texas, under Volume 28, Page 55, in the Map Records of Harris County, Texas (the "Subdivision"); and

By the terms of the Declaration and its supplements, the covenants and restrictions set forth therein may be renewed and extended by written declaration, signed and acknowledged by the then owners of a majority of the square foot area of the lots in the Subdivision; and

The undersigned constitute Owners of a majority of square foot area of the lots in the Subdivision; and

The undersigned have agreed to renew and extend the covenants and restrictions set forth in the Declaration as supplemented or amended;

NOW, THEREFORE, the undersigned hereby ratify and confirm that they have the power to renew and extend the covenants and restrictions set forth in the Declaration and its supplements, and that they have agreed, as evidenced by their signatures below, and do hereby collectively declare their agreement to renew and extend said Declaration for a period of ten years from the date of the filing of this instrument and acknowledge such agreement and declaration by their signatures below.