

10580

RED BLUFF ESTATES

DEED RESTRICTIONS

WHEREAS, VJ CONSTRUCTION, INC., IS THE OWNER AND DEVELOPER OF THE FOLLOWING DESCRIBED LAND SITUATED IN TAYLOR COUNTY, TEXAS THE SAME BEING THE PORTION OF RED BLUFF ESTATES LOCATED IN ABILENE, TAYLOR COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING EAST 75.68 ACRES OF 151.36 ACRES OF SECTION 28, LUNATIC ASYLUM LANDS, TAYLOR COUNTY, TEXAS.

WHEREAS, VJ CONSTRUCTION, INC., AS DEVELOPER HAS CAUSED THE LAND DESCRIBED ABOVE TO BE SURVEYED, PLATTED, AND DIVIDED INTO LOTS AS SHOWN ON THE PLAT OF RED BLUFF ESTATES WHICH HAS BEEN FILED FOR RECORD IN THE PLAT RECORDS OF TAYLOR COUNTY, TEXAS, DEVELOPER HERE ADOPTS THE FOLLOWING RESTRICTIVE COVENANTS FOR THE PURPOSE OF PROTECTING THE VALUE DESIRABILITY, AND MARKETABILITY AS WELL AS INSURING THE UNIFORM DEVELOPMENT OF EACH AND EVERY LOT LOCATED WITHIN SAID SUBDIVISION, TO-WIT:

1. EACH LOT SHALL BE USED FOR SINGLE FAMILY RESIDENTIAL PURPOSES ONLY AND NOT MORE THAN ONE FAMILY WILL BE PERMITTED TO RESIDE ON EACH LOT. NO USE OTHER THAN RESIDENTIAL WILL BE PERMITTED WITHIN THE SUBDIVISION. NO LOT MAY BE USED FOR DUPLEX HOUSES, GARAGE APARTMENTS, OR APARTMENT HOUSES, NOR FOR ANY COMMERCIAL OR MANUFACTURING PURPOSES. NO BUILDING OF ANY KIND OR CHARACTER SHALL BE MOVED ONTO ANY LOT WITHIN SAID SUBDIVISION, WITHOUT THE PERMISSION OF THE DEVELOPER. NO MOBILE OR MODULAR HOMES, SHACK OR TENT WILL BE PERMITTED WITHIN THIS DEVELOPMENT.

2. AN EXISTING LOT MAY NOT BE SUBDIVIDED UNLESS EACH LOT AFTER SUCH SUBDIVISION IS MADE WILL CONTAIN AT LEAST FIVE ACRES OF LAND AND SHALL HAVE TO BE APPROVED BY DEVELOPER.

3. NO BUILDING INCLUDING OUT BUILDINGS SHALL BE CONSTRUCTED OR ALTERED ON ANY TRACT UNTIL BUILDING PLANS, SPECIFICATIONS AND A PLOT PLAN SHOWING THE LOCATION OF SAID STRUCTURE HAVE BEEN APPROVED BY DEVELOPER. ANY/ALL OUTBUILDINGS/BARNES ETC. MUST BE CONSTRUCTED OF ALL NEW MATERIALS WITH A GABLE ROOF.

4. NO BUILDING SHALL BE LOCATED NEARER THAN 30 FEET TO THE FRONT LOT LINE OF CROOKED CREEK ROAD.

5. NO BUILDING SHALL BE ERECTED, PLACED OR PERMITTED TO REMAIN ON ANY TRACT OTHER THAN A NEW ON-SITE BUILT SINGLE FAMILY RESIDENTIAL DWELLING AND A PRIVATE GARAGE WITH A MINIMUM OF A TWO CAR CAPACITY, EXCEPT THAT A SUITABLE GUEST HOUSE AND OTHER BUILDINGS INCIDENTAL TO TRACT USE MAY BE PERMITTED. NO HOUSE TRAILER, SHACK OR TENT SHALL BE PERMITTED AS A PERMANENT STRUCTURE. THE MINIMUM PERMITTED HEAT AND COOLED LIVING AREAS FOR ALL DWELLINGS, EXCLUSIVE OF GUEST HOUSES, OPEN PORCHES, GARAGES, BREEZEWAYS, AND SERVANTS QUARTERS SHALL NOT BE LESS THAN 1800 SQUARE FEET OF ENCLOSED HEATED AND COOLED LIVING AREAS EXCLUDING GARAGES.

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6. THE TOTAL EXTERIOR SURFACES OF ALL RESIDENTIAL DWELLINGS SHALL BE OF FIRE RESISTANT CONSTRUCTIONS HAVING AT LEAST 75% OF THE TOTAL WALLS, EXCLUDING DOORS AND WINDOWS, CONSTRUCTED OF BRICK, STONE, ROCK OR STUCCO UNLESS APPROVED IN WRITING BY DEVELOPER. ALL EXTERIOR SURFACES ON ALL BUILDINGS AND STRUCTURES MUST BE MAINTAINED AND IN GOOD CONDITION. NO STRUCTURE SHALL HAVE TARPAPER OR ROLL-BRICK SIDING OR ANY SIMILAR MATERIAL ON OUTSIDE WALLS.

7. ALL FENCES CONSTRUCTED ON THE INDIVIDUAL LOTS WITHIN THE DEVELOPMENT WILL BE REGULARLY MAINTAINED AND NOT ALLOWED TO DETERIORATE TO AN UNSIGHTLY STATE OF REPAIR.

8. NO TEMPORARY MOBILE HOME, HOUSE OR TRAILER SHACK, TENT OR OTHER BUILDINGS SHALL BE PLACED, ERECTED OR PERMITTED ON ANY TRACT. THE DEVELOPER MAY GRANT PERMISSION FOR SUCH TEMPORARY BUILDINGS FOR THE STORAGE OF MATERIALS DURING CONSTRUCTION .

9. SEWAGE: NO CESSPOOL OR OTHER INDIVIDUAL SEWAGE SYSTEM SHALL BE INSTALLED OR USED ON A LOT OTHER THAN A SEPTIC TANK SYSTEM DESIGNED TO MEET THE REQUIREMENTS OF THE TNRCC.

11. DWELLINGS SHALL BE COMPLETED WITHIN REASONABLE DILIGENCE WITHIN 8 MONTHS FROM COMMENCEMENT OF CONSTRUCTION .

12. DRAINAGE - DRAINAGE STRUCTURES UNDER PRIVATE DRIVEWAYS SHALL HAVE A NET DRAINAGE OPENING AREA OF SUFFICIENT SIZE TO PERMIT THE FREE FLOW OF WATER WITHOUT BACKWATER. ALL OWNERS ARE REQUIRED AT THEIR OWN EXPENSE, TO PROVIDE A CULVERT ADEQUATE FOR THE NORMAL FLOW OF DRAINAGE TO THE ENTRANCE TO THEIR PROPERTY. SUCH CULVERTS MAY BE APPROVED BY DEVELOPER. THERE WILL BE NO ALTERATION OF THE NATURAL FLOW OF WATER BY CREATING TANKS RESERVOIRS ETC WITHOUT EXPRESS WRITTEN CONSENT OF DEVELOPER.

13. ALL PERPETUAL EASEMENTS ARE RESERVED BY DEVELOPER ON AND OVER AND THROUGH TRACTS IN THIS SUBDIVISION FOR THE PURPOSE OF INSTALLING MAINTAINING UTILITY FACILITIES AND SERVICES. ALL EASEMENTS SHOWN ON RECORDED PLATS OF THE SUBDIVISION ARE ADOPTED AS PART OF RESTRICTIONS. FENCES MAY BE ERECTED OVER EASEMENTS PROVIDED ACKNOWLEDGEMENT OF EASEMENTS IN THE EVENT THAT SERVICE WILL BE REQUIRED IN THESE SPACES. WATER EASEMENTS LIE WITHIN A 16 FT. SPACE ALONG CROOKED CREEK ROAD AND DOWN PROPERTY LINES.

14. IT IS INTENTIONS OF THE DEVELOPER TO PRECLUDE ANY PRODUCTION OF OIL, GAS OR OTHER MINERALS WITHIN THE CONFINES OF THIS SUBDIVISION. DRILLING AND EXPLORATION FOR ANY TYPE OF COMMERCIAL MINERAL WILL BE PROHIBITED.

15. OUTBUILDINGS - ALL OUTBUILDINGS MUST BE OF NEW MATERIALS WITH A GABEL PITCH ROOF AND MUST BE MAINTAINED IN GOOD CONDITION. NO SALVAGED ITEMS MAY BE USED AS MATERIALS.

16. NO EXCAVATIONS EXCEPT THOSE NECESSARY FOR CONSTRUCTION OF IMPROVEMENTS SHALL BE PERMITTED WITHIN THIS SUBDIVISION INCLUDING DAMS.

17. NO UNSIGHTLY VEHICLES, TRUCKS OR BOATS MAY BE STORED OR KEPT FOR THE PURPOSE OF REPAIR EXCEPT IN ENCLOSED GARAGES OR STORAGE FACILITIES.

18. PETS DOGS, CATS AND OTHER HOUSEHOLD PETS WHICH DO NOT MAKE OBJECTIONABLE NOISE OR CONSTITUTE A NUISANCE MAY BE KEPT. NO

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MORE THAN TWO HEAD OF LIVESTOCK PER ACRE. LIVESTOCK INCLUDING CATTLE AND HORSES. NO SWINE OF ANY BREED, POULTRY, OR REPTILES WILL BE ALLOWED. NO TYPE OF FOWL SHALL BE KEPT INCLUDING OSTRICHES, EMUS, ETC.

19. ALL TRACTS OF LAND IN THIS SUBDIVISION SHALL BE KEPT IN SANITARY CONDITION. NO DUMPING OF GARBAGE OR REFUSE.

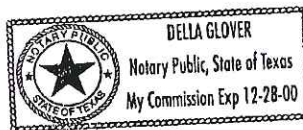
20. A LOT OWNER SHALL NOT LAY OR ALLOW ANYONE TO LAY A WATER LINE ON, OVER OR ACROSS SUCH LOTS USED TO PROVIDE WATER TO RED BLUFF ESTATES.

21. IF ANY PERSON OR OWNER OF A LOT SHALL VIOLATE OR ATTEMPT TO VIOLATE ANY OF THE RESTRICTIONS SET AURIFEROUS WILL BE SUBJECT TO PROSECUTION IN COURT OF LAW. SUCH PROSECUTION CAN BE SET FORTH IN ACTION BY OTHER LAND OWNERS IN THE RED BLUFF ESTATE OR BY DEVELOPER.

County of Taylor Before me, Vicky Dutton  
in and for said county and state, on this day personally appeared  
Vicky Dutton known to me to be the person  
whose name Vicky Dutton subscribed to the foregoing certificate,  
and acknowledged to me that She he executed the same for  
the purposes and consideration therein expressed.

Given under my hand and seal of office, this 8th day of July  
A.D. 1997

Della Glover  
Della Glover



Reference - File # 7108

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10580

FILED FOR RECORD  
AT 1:40 O'CLOCK P M  
ON THE 9 DAY OF July  
A.D. 19 27

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE,  
RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY,  
BECAUSE OF COLOR OR RACE IS INVALID AND UNENFOR-  
CIBLE UNDER FEDERAL LAW.



STATE OF TEXAS }  
COUNTY OF TAYLOR } OFFICIAL PUBLIC  
RECORD

Denise Dyne  
COUNTY CLERK, TAYLOR COUNTY, TEXAS

By Wm DEPUTY  
7  
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1

I hereby certify that this instrument was FILED  
on this date and at the time stamped herein by  
me and was duly RECORDED in the Volume  
and Page of the named RECORDS of Taylor  
County, Texas, as stamped herein by me.

Denise Dyne  
COUNTY CLERK  
TAYLOR COUNTY, TEXAS

Wesley Bluffton  
3134 FM 1750  
Abilene, TX 79602



7206

**WARRANTY DEED**  
**WITH VENDOR'S LIEN**

THE STATE OF TEXAS X

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TAYLOR X

THAT WILLIAM SAMUEL BEAM IV and wife, CATHY JO BEAM, of the County of Taylor and State of Texas, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to the undersigned paid by Grantees herein named, the receipt and sufficiency of which is hereby acknowledged, AND THE FURTHER CONSIDERATION of the execution and delivery by the Grantees herein of their certain promissory note, in the original principal sum of \$70,000.00, bearing interest and being due and payable as provided by the terms of said note; said note being payable to SECURITY STATE BANK by reason of said SECURITY STATE BANK having advanced to the Grantors herein a part of the purchase price at the request of the said Grantees; the payment of which is secured by the vendor's lien herein retained, and is additionally secured by a Deed of Trust of even date herewith to KENNETH L. BURGESS, Trustee; have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL and CONVEY unto JACK D. VINSON and VICKY DUTTON, 1026 Colony Hill Road, Abilene, Taylor County, Texas, the following described property located in Taylor County, Texas, and being:

BEING the East 75.68 acres of 151.36 acres out of Section 28, Lunatic Asylum Lands, Taylor County, Texas, and being more particularly described as follows:  
BEGINNING at a 3/8" iron pin on the WBL of a county road; whence the Southeast corner of said Section 28 bears S 89° 32' E 22' and S 0° 06' W 2633.4';  
THENCE S 0° 0' 30" W 2562.9' along the WBL of said county road to a concrete right-of-way marker;  
THENCE S 45° 54' W 68.8' to a concrete right-of-way marker on the NBL of F.M. Hwy. 1750;  
THENCE N 88° 05' W 1221.5' to a 3/8" iron pin set on the NBL of said F.M. Hwy. 1750;  
THENCE North 2580.3' to the NBL of said 151.36 acres;  
THENCE S 89° 32' E 1270.2' to the place of beginning and containing 75.68 acres.

This conveyance is made SUBJECT TO:

- 1.) an undivided 1/2 minerals outstanding as shown by instrument dated November 13, 1992, recorded in Volume 1908, Page 998, Official Public Records, Taylor County, Texas;
- 2.) all easements over or across such property; and
- 3.) the following restrictive covenant which shall be a covenant running with the land and binding upon the Grantees, their heirs and assigns: No Mobile Home shall be located or maintained on the property.


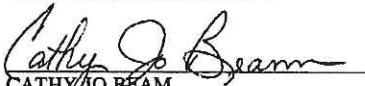
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TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging, unto the said Grantees, their heirs and assigns forever; and we do hereby bind ourselves, our heirs, executors and administrators, to WARRANT and FOREVER DEFEND, all and singular, the said premises unto the said Grantees, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

But it is expressly agreed that the Vendor's Lien, as well as the Superior Title in and to the above described premises, is retained against the above described property, premises and improvements until the above described note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute.

The said Vendor's Lien and Superior Title herein retained are hereby transferred, assigned, sold and conveyed to SECURITY STATE BANK, its successors and assigns, the payee named in said note.

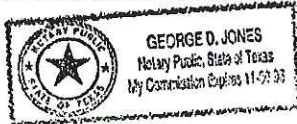
EXECUTED this 1st day of May, 1996.

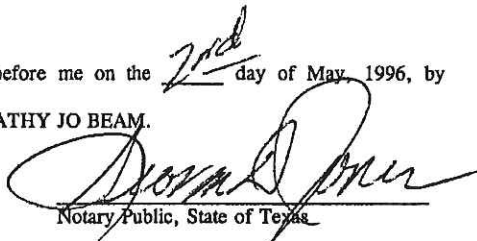
  
WILLIAM SAMUEL BEAM IV  
  
CATHY JO BEAM

THE STATE OF TEXAS X

COUNTY OF TAYLOR X

This instrument was acknowledged before me on the 2nd day of May, 1996, by  
WILLIAM SAMUEL BEAM IV and wife, CATHY JO BEAM.



  
Notary Public, State of Texas

AFTER RECORDING RETURN TO:  
JACK D. VINSON  
1026 Colony Hill Road  
Abilene, TX 79602

PREPARED IN THE LAW OFFICE OF:  
GEORGE D. JONES  
P. O. Box 762  
Abilene, TX 79604

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7206  
WARRANTY DEED

WILLIAM SAMUEL BEAM IV  
and CATHY JO BEAM

to

JACK D. VINSON  
and VICKY DUTTON

FILED FOR RECORD  
AT 1:40 O'CLOCK P. M.  
ON THE 2 DAY OF MAY  
A.D. 1986



ANY PROVISION HEREIN WHICH RESTRICTS THE SALE  
RENTAL OR USE OF THE DESCRIBED REAL PROPERTY  
BECAUSE OF RACE OR COLOR IS INVALID AND UNEN-  
FORCEABLE UNDER FEDERAL LAW.

STATE OF TEXAS } OFFICIAL PUBLIC  
COUNTY OF TAYLOR } RECORD

*Denise Lynne*  
COUNTY CLERK, TAYLOR COUNTY, TEXAS

BY *LS* 5/8/86  
DEPUTY

I hereby certify that this instrument was FILED  
on the date and at the time stamped hereon by  
me and was duly RECORDED in the Volume  
and Page of the named RECORDS of Taylor  
County, Texas, as stamped hereon by me.

*Denise Lynne*  
COUNTY CLERK  
TAYLOR COUNTY, TEXAS

Return to:  
JACK D. VINSON  
1026 Colony Hill Road  
Ableene, TX 79602