

700

RESTRICTIVE COVENANT

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7.00 RTEA
2 01/08/87

THE STATE OF TEXAS
COUNTY OF TRAVIS

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§

KNOW ALL MEN BY THESE PRESENTS:

This Restrictive Covenant is made this 31st day of December, 1986, by GUNN-OLSON-STORDAHL JOINT VENTURE, a Texas joint venture partnership composed of William T. Gunn III, Steven M. Olson and Robert D. Stordahl (hereinafter referred to as "Declarant").

R E C I T A L S:

A. Declarant is the owner of certain real property in Travis County, Texas, as hereinafter described.

B. Declarant has this date sold and conveyed to Lee V. Johnson, Lot 2, Tanglewood Forest Section Seven A, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Book 87, Page 39B-39C, Plat Records of Travis County, County, Texas.

C. Declarant desires to encumber the hereinafter described property with the covenant, condition and restriction as hereinafter set forth, which shall inure to the benefit of and shall be enforceable by Lee V. Johnson or the subsequent owner or owners of said Lot 2, Tanglewood Forest Section Seven A.

NOW, THEREFORE, Declarant hereby declares that the hereinafter described real property shall be held, transferred, sold and conveyed, subject to the following covenant, condition and restriction, which shall be and constitute a covenant running with said land, and shall be binding upon Declarant, its successors and assigns, and all subsequent owners of the hereinafter described property, or any portion thereof, to wit:

1. Seller agrees that the property described on Exhibit A attached hereto shall not be used as a carwash, except that the foregoing shall not prevent the use of a single bay carwash in connection with a service or gas station on any part of the property above described.

2. The foregoing restriction, covenant and condition shall be deemed to be a covenant running with the above-described

property, and shall be binding upon Declarant, its successors and assigns, and any and all persons claiming under it. Said covenant, condition and restriction shall inure to the benefit of, and be enforceable by Lee V. Johnson, and the owner or owners of all or any part of Lot 2, Tanglewood Forest Section Seven A described above. Enforcement of the foregoing covenant, condition and restriction may be by proceeding at law or in equity against any person or persons violating or attempting to violate said covenant, condition and restriction by injunction to restrain violation, to enforce specific performance, or other appropriate legal or equitable remedy, or any one or more of such remedies; it being intended such remedies shall be cumulative. Failure to enforce said covenant, condition, or restriction shall in no event be deemed to be a waiver of the right to do so thereafter.

3. The foregoing condition shall expire and terminate, and be of no further force and effect, on December 31, 1996.

EXECUTED this 31st day of December, 1986.

GUNN-OLSON-STORDAHL JOINT VENTURE,
a Texas joint venture partnership

By: William T. Gunn III
William T. Gunn III, Venture
Managing Venturer

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 31st day of December, 1986, by William T. Gunn, Venturer of GUNN-OLSON-STORDAHL JOINT VENTURE, a Texas joint venture partnership, on behalf of said joint venture partnership.

My Commission
Expires:

Karan Knippa
Notary Public, State of Texas

KARAN KNIPPA
My Commission expires 7/2/89

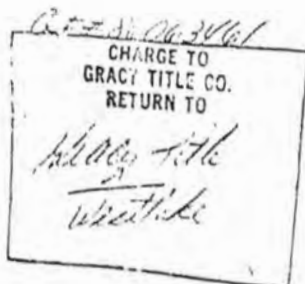
NOTARY SEAL

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EXHIBIT A

1. All lots in Tanglewood Forest Section Seven A, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 83, Pages 39B -39C, Plat Records of Travis County, Texas, SAVE AND EXCEPT Lot 2 thereof.
2. Lots 45 through 56, inclusive, Block K; Lots 1 through 32, inclusive, Block L; and Lots 17 through 29, inclusive, Block M; Tanglewood Forest Section Two, Phase E, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 83, Pages 223A-223B, Plat Records of Travis County, Texas.
3. Lots 1, 2 and 3, Block A; Lot 2, Block B; and Lots 1 through 9, inclusive, Block C; Tanglewood Forest Section Seven, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 84, Pages 105C-105D, Plat Records of Travis County, Texas.
4. Lot A1, The Etta Chappel Estate Farm Tract, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 8, Page 66, Plat Records of Travis County, Texas.
5. 2.159 acres of land, more particularly described in Deed recorded in Volume 8528, Pages 953, Deed Records of Travis County, Texas.

E3/8



STATE OF TEXAS COUNTY OF TRAVIS
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 Travis County, Texas on

JAN 8 1987



COUNTY CLERK
TRAVIS COUNTY, TEXAS

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