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THE STATE OF TEXAS §
COUNTY OF BELL §

KNOW ALL MEN BY THESE PRESENTS:

That we, O. T. TILLEY and wife, MARTHA B. TILLEY; and, G. L. WILBANKS and wife, GLADYS WILBANKS; being the owners of the real estate hereinafter described, to-wit:

BEING out of and a part of the George Givens Survey, Abstract No. 345 in Bell County, Texas, and the land herein described being a part of that tract of land described as 25 acres more or less in a Deed to T. J. Sawyer from S. H. Rumfield and wife, Leta Rumfield, said Deed being dated 16 February, 1948, and of record in Volume 580, Page 105, of the Bell County Deed Records and this tract is more particularly described as follows;

BEGINNING at an iron stake and fence corner in the west margin of Hickory Road and in the north line of said Tract described as 25 acres more or less in above mentioned Deed and N 71° W 10 feet from the original northeast corner of said 25 acres for the northeast corner of this;

THENCE S 19° W 1160 feet with the west margin of said Hickory Road as fenced to an iron stake therein for the southeast corner of this;

THENCE with a fence N 30° 32' W 170.7 feet, N 82° 55' W 221 feet, N 77° 12' W 146 feet and N 71° W 554 feet to a fence corner and an iron stake at the southwest corner of said 25 acres for the southwest corner of this;

THENCE N 19° E 266 feet with the west line of said 25 acres as fenced to a fence corner on an Elm Tree in the east margin of the Temple and Shallowford Road;

THENCE with the east margin of said Shallowford Road N 39° 32' E 57 feet, N 19° E 762 feet and N 56° 45' E 37 feet to a fence corner on an Elm Tree in the north line of said 25 acres for the northwest corner of this;

THENCE S 71° E 1002.6 feet with the north line of said 25 acres as fenced to the place of beginning, containing 26.03 acres of land.

do hereby adopt the map and plat of HICKORY HEIGHTS, an Addition to the City of Temple, Bell County, Texas, as shown on the annexed map prepared by C. H. Uran, Registered Public Surveyor No. 44, Texas, and do hereby dedicate to the use of the public, the streets, alleys, and other public thoroughfares as shown thereon.

*Restrictions
& building
set-back
lines*

The said O. T. TILLEY and wife, MARTHA B. TILLEY; and G. L. WILBANKS and wife, GLADYS WILBANKS, do hereby further make and impose the following restrictions, covenants, conditions and limitations, which shall be covenants running with the title to said property:

(1) All of said HICKORY HEIGHTS, an Addition to the City of Temple, Bell County, Texas, is restricted to use for residential purposes only and shall never be used as a site for any business purposes.

(2) The utility easements as are shown on said attached map and plat are also made and imposed.

(3) That no residence or dwelling unit shall be erected on said lots or any permitted subdivision or re-subdivision of same which shall contain less than the square footage of area as set out below. The computation of area square footage shall be exclusive of the basement area, the area in any outbuilding permitted pursuant hereto, the area of any garage, either attached or detached or included within the structure and enclosed breezeways. This restriction shall not prevent the construction of attached or detached garage or other outbuilding where the main building conforms to the square footage of area as herein required.

A minimum of one thousand (1,000) square feet of main building area is required as to all of the lots in said addition.

(4) Construction is limited to structures of not less than fifty (50) per cent masonry construction.

(5) That no building or any part thereof, such as a porch, landing, etc., shall be erected nearer than twenty-five (25) feet to the property line of said lot or tract adjacent to the street or roadway of which said lot faces, or nearer than ten (10) feet to a side line of said tract or of a building plot formed by a subdivision of said tract, except that this paragraph does not apply to a garage or other outbuilding built upon the rear one-fourth (1/4) of said tract or building plot as it faces the street or roadway.

(6) No trailer, basement, tent, shack, garage, barn or other outbuilding

erected on said above described tract, or any re-subdivision thereof, shall be used as a residence either temporarily or permanently, except that a bona fide servant building or part of building located upon the rear one-fourth (1/4) of said tract or re-subdivision thereof may be occupied by bona fide servants, as above provided.

(7) All improvements shall be of new construction and no existing building or other improvements shall be moved upon the above described property.

(8) No duplex or other multiple family unit shall be constructed upon the above described tract or any re-subdivision thereof, except that duplexes or other multiple family residences may be constructed upon Lots Numbers One (1) through Eighteen (18), both inclusive, in Block Number Three (3); Lots Numbers One (1) through Seventeen (17), both inclusive, in Block Number Four (4) and Lots Numbers One (1) and Two (2) in Block Number Five (5).

(9) No noxious or offensive activity shall be carried on upon the above described tract or any re-subdivision thereof, nor shall anything be done thereon, which shall be and become an annoyance or nuisance to the neighborhood.

(10) Livestock (intending to include in the definition of the term "Livestock", cattle, horses, hogs, sheep, goats, and other like animals) and Poultry (intending to include in the definition of the term "Poultry", chickens, turkeys, pigeons, guineas, and other like birds or fowls) shall not be raised, bred, or kept or permitted to be raised, bred or kept upon the above described tract or any re-subdivision thereof.

(11) No open or outdoor privies shall be placed or permitted to be placed upon the above described tract or any re-subdivision thereof.

(12) The covenants, restrictions, conditions and limitations set forth above, and each of them, shall be covenants running with the title of the above described tract and every part thereof, and every re-subdivision thereof, until twenty (20) years from the date of this conveyance, and after which time, said covenants, restrictions, conditions and limitations shall be automatically extended for successive periods of ten (10) years thereafter unless an instrument signed by a majority of the then owners of said tract or re-subdivision thereof, shall be duly executed and recorded, agreeing to change said covenants, restrictions, limitations and conditions in whole or in part.

(13) Invalidation of any one or more of these covenants, restrictions, conditions and limitations by judgment or court order shall in no wise affect any of the other provisions hereof, which shall remain and continue in full force and effect.

(14) Enforcement of these covenants, conditions, restrictions and limitations shall be by proceedings at law or in equity, against any person or persons violating or attempting to violate any covenant, condition, restriction or limitation, either to restrain violation or to recover damages.

(15) These restrictions, covenants, limitations and conditions are in all respects subject to any applicable zoning regulations lawfully in force or hereafter adopted.

(16) All of said lots shall hereafter be described and sold by lot and block number in HICKORY HEIGHTS, an Addition to the City of Temple, Bell County, Texas.

IN TESTIMONY WHEREOF, witness the execution of these presents at Temple, Texas, this the 7th day of July A. D. 1970.

O. T. Tilley
O. T. TILLEY

Martina B. Tilley
MARTHA B. TILLEY

G. L. Wilbanks
G. L. WILBANKS

Gladys Wilbanks
GLADYS WILBANKS

THE STATE OF TEXAS §
:
COUNTY OF BELL §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared O. T. TILLEY, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 7th day of July A. D. 1970.

Marilyn R. Miles
Notary Public in and for Bell County, Texas

THE STATE OF TEXAS :
:
COUNTY OF BELL :

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared MARTHA B. TILLEY, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 22nd day of July A.D. 1970.

Marilyn R. Miles
Notary Public in and for Bell County, Texas

THE STATE OF TEXAS :
:
COUNTY OF HOWARD :

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared G. L. WILBANKS, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 11th day of July A.D. 1970.

Dwight D. Clark
Notary Public in and for Howard County, Texas

THE STATE OF TEXAS :
:
COUNTY OF HOWARD :

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared GLADYS WILBANKS, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 11th day of July A.D. 1970.

Dwight D. Clark
Notary Public in and for Howard County, Texas

Plat in Book 2, Page 75-M

FOR RECORD THIS THE

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DAY OF

JUNE

, 1971 AT

440.1

MRS. RUBY McKEE, COUNTY CLERK
BELL COUNTY, TEXAS

BY: C. Shoen DEPUTY