

0715362

DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF EDELWEISS ESTATES, PHASE 7-B

0
3
8
0
5

0
0
2
0
0

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

WHEREAS, Begonia Corporation, Inc., a Texas Corporation, hereinafter sometime referred to as "Developer," is the owner of that certain tract or parcel of real property lying and being situated in the City of College Station, Brazos County, Texas, consisting of 13.352 acres of land, more or less, which is more fully described on Exhibit "A" attached hereto and made a part hereof and on the plat filed for record in Volume 3805, Page 40, Official Records of Brazos County, Texas, filed on the 9th day of MAY, 2000 (the "Property"); and

WHEREAS, said 13.352 acre tract is a part of the 292.15 acre tract described in the Declaration of Covenants, Conditions and Restrictions for Edelweiss Estates and Rock Prairie Estates dated the 17th day of June, 1993, and recorded in Volume 1827, Page 315, Official Records of Brazos County, Texas, amended in Volume 2789, Page 303, Official Records of Brazos County, Texas, to which record reference is here made for all purposes, and the provisions of which are hereby adopted as if fully incorporated herein; and

WHEREAS, Developer desires to set forth more detailed protective covenants, conditions, restrictions and charges for Edelweiss Estates, Phase 7-B, in addition to and supplemental to those imposed by said general covenants, conditions, restrictions and charges and also running with the land;

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that said Edelweiss Estates, Phase 7-B shall also be subject to the following:

ARTICLE I
RESIDENTIAL RESTRICTIONS

1.01 Residential Use. All Lots shall be improved and used solely for single family residential purposes and shall include a garage, and other such Improvements as are necessary or customarily incident to residential use. No owner shall occupy or use a Lot or any Improvements constructed thereon, or permit the same part thereof to be occupied or used for any purpose, including but not limited to religious and/or daycare facilities, other than as a private residence for the Owner, his/or her family, guests and tenant. All Lots within the Property shall be used and improved solely for single family residential dwelling purposes, with no more than one (1) attached residential dwelling unit per Lot unless designated otherwise by Developer. Anything herein to the contrary notwithstanding, any Lot may be used or improved for greenbelt, open space and/or drainfield purposes.

1.02 Building Materials: Dwelling Size. All single family dwellings shall be constructed of (as a minimum) materials of recognized standard construction quality, and all exteriors (exclusive of doors, windows and similar openings) shall be constructed of at least seventy-five (75%) masonry or other material specifically approved in writing by the Architectural Committee. Masonry includes ceramic tile, brick, rock, and all other materials commonly referred to in the College Station, Texas, area as

0715362

03805
00201

masonry. Unless an exception is granted by the Architectural Committee, all single family dwellings shall contain not less than eighteen hundred (1800) square feet of enclosed living space, exclusive of porches (open or covered), decks, garages, and carports. Each residence shall include an enclosed, attached or detached garage or other structure sufficient to meet the requirements of Section 3.22 of the Declaration recorded in Volume 1827, Page 315, Official Records of Brazos County, Texas.

ARTICLE II
AMENDED RESTRICTIONS

1.01 Fences. The provisions set forth in Article III, 3.24 (B) of the Declaration recorded in Volume 1827, Page 315 of the Official Records of Brazos County, Texas, are hereby amended for this Phase 7-B, whereby Owners are not required to build fences. If fences are built, they will comply with the provisions of said Article III, 3.24, except they need not be built within one (1) year of completion of the home.

In all other respects, this Declaration ratifies, confirms and incorporates by reference, all of the provisions of the Declaration recorded in Volume 1827, Page 315 of the Official Records of Brazos County, Texas.

IN WITNESS WHEREOF, Developer has executed this Declaration as of this 9th day of MAY, 2000.

BEGONIA CORPORATION, INC.

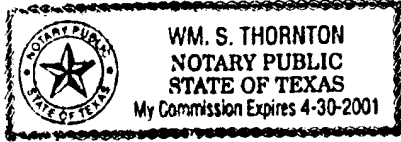
By: James O. Crowell
Name: James O. Crowell
Title: President

STATE OF TEXAS

§
§
§

COUNTY OF HARRIS

This instrument was acknowledged before me on this the 9th day of MAY, 2000, by James O. Crowell, President, of Begonia Corporation Inc., a Texas corporation, on behalf of said corporation.



W.S. Thornton
Notary Public, State of Texas

0715362

03805
00200

Filed for Record in:
BRAZOS COUNTY,

On: May 10, 2000 at 08:30AM

As a
Recordings

Document Numbers: 0715362

Amount 10.00

Receipt Number - 151365

By,
Flo Workman

STATE OF TEXAS COUNTY OF
I hereby certify that this instrument was
filed on the date and time stamped hereon by me
and was duly recorded in the volume and page
of the named records of:
BRAZOS COUNTY,
as stamped hereon by me.

May 10, 2000

HONORABLE MARY ANN WARD, COUNTY CLERK
BRAZOS COUNTY,

Wm Thornton, Sr

FIELD NOTES
EDELWEISS ESTATES, PHASE 7-B
13.352 ACRES

Being all that certain tract or parcel of land lying and being situated in the CRAWFORD BURNETT LEAGUE, Abstract No. 7 and the ROBERT STEPHENSON SURVEY, Abstract No. 54 in College Station, Brazos County, Texas and being a portion of the 132.508 acre tract conveyed to Lieven J. Van Riet, Trustee by Lieven J. Van Riet, et al by deed recorded in Volume 964, Page 818 of the Official Records of Brazos County, Texas (O.R.B.C.) and being more particularly described by metes and bounds as follows:

BEGINNING: at a found 1/2-inch iron rod marking the most southerly corner of EDELWEISS ESTATES, PHASE EIGHT subdivision as described in Volume 2900, Page 119 (O.R.B.C.), the most westerly corner of EDELWEISS ESTATES, PHASE 7-C as recorded in Volume 3395, Page 210 (O.R.B.C.) and being in the southwest right-of-way line of Edelweiss Avenue (based on a 60-foot width);
THENCE: along the said southwest right-of-way line of Edelweiss Avenue and the southwest line of said EDELWEISS ESTATES, PHASE 7-C subdivision for the following nine (9) calls:

- 1) S 49° 41' 36" E for a distance of 133.41 feet to a 1/2-inch iron pipe set for the Point of Curvature of a curve to the right;
- 2) 39.73 feet along the arc of said curve having a central angle of 91° 02' 54", a radius of 25.00 feet, a tangent of 25.46 feet and a long chord bearing S 04° 10' 09" E for a distance of 35.68 feet to 1/2-inch iron pipe set for corner;
- 3) S 50° 44' 27" E for a distance of 50.03 feet to a 1/2-inch iron pipe set for corner;
- 4) 38.81 feet in a clockwise direction along the arc of a curve having a central angle of 88° 57' 06", a radius 25.00 feet, a tangent of 24.55 feet and a long chord bearing N 85° 49' 51" E for a distance of 35.03 feet to a 1/2-inch iron set for the Point of Tangency;
- 5) S 49° 41' 36" E for a distance of 200.03 feet to a 1/2-inch iron pipe set for the Point of Curvature of a curve to the right;
- 6) 39.73 feet along the arc of said curve having a central angle of 91° 02' 54", a radius of 25.00 feet, a tangent of 25.46 feet and a long chord bearing S 04° 10' 09" E for a distance of 35.68 feet to 1/2-inch iron pipe set for corner;
- 7) S 54° 06' 42" E for a distance of 50.23 feet to a 1/2-inch iron pipe set for corner,
- 8) 37.01 feet in a clockwise direction along the arc of a curve having a central angle of 84° 48' 59", a radius 25.00 feet, a tangent of 22.83 feet and a long chord bearing N 83° 45' 48" E for a distance of 33.72 feet to a 1/2-inch iron set for the Point of Reverse Curvature;
- 9) 103.18 feet along the arc of said reverse curve having a central angle of 5° 19' 33", a radius of 1110.00 feet, a tangent of 51.63 feet and a long chord bearing S 56° 29' 29" E for a distance of 103.14 feet to 1/2-inch iron rod set for corner;

THENCE: S 41° 21' 19" W for a distance of 606.09 feet to a 1/2-inch iron rod set for corner;

THENCE: N 48° 11' 59" W for a distance of 411.84 feet to a 1/2-inch iron rod set for corner;

THENCE: N 54° 23' 33" W for a distance of 403.16 feet to a 1/2-inch iron rod set for corner;

THENCE: N 42° 55' 36" W for a distance of 197.41 feet to a 1/2-inch iron rod set for corner;

THENCE: N 46° 37' 01" E for a distance of 609.62 feet to a 1/2-inch iron rod set for corner, said iron rod being in the beforementioned southwest line of Edelweiss Avenue;

THENCE: 181.77 feet in a counter-clockwise direction along arc of a curve having a central angle of 10° 06' 41", a radius 1030.00 feet, a tangent of 91.12 feet and a long chord bearing S 44° 38' 15" E for a distance of 181.54 feet to a 1/2-inch iron set for the Point of Tangency;

THENCE: S 49° 41' 36" E for a distance of 138.64 feet to the POINT OF BEGINNING and containing 13.352 acres of land, more or less.

EXHIBIT A

030050021A