

DECLARATION

BILL & RETURN TO: OF COVENANTS, CONDITIONS AND RESTRICTIONS
LAWYERS TITLE CO.
OF EDELWEISS ESTATES, PHASE 14

3F# cmw

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 16.634 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 4024, Page 97, Official Records of Brazos County, Texas, filed on the 8th day of January, 2001 (the "Property"); and

WHEREAS, said 16.634 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 14, in addition to and supplemental to those imposed by said general covenants, conditions, restrictions and charges and also running with the land;

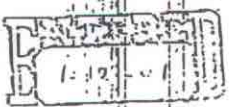
NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that said Edelweiss Estates, Phase 14 shall also be subject to the following:

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

DO NOT REMOVE



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masonry. Unless an exception is granted by the Architectural Committee, all single family dwellings shall contain not less than the square footage of enclosed living space, exclusive of porches (open or covered), decks, garages, and carports, as follows:

- (a) Block 11 - 1400 square feet
- (b) Blocks 8, 10 and Lots 14-19, Block 9 - 1800 square feet
- (c) Lots 1-13, Block 9 - 2200 square feet

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 14, 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.

1.02 Roofing Materials. The roofing materials utilized in Block 11 are not required to comply with the provisions of the first sentence of Article III, 3.12 of the Declaration.

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 January, 2000.

BEGONIA CORPORATION, INC.

By: James O. Crowell

Name: James O. Crowell

Title: President

STATE OF TEXAS

COUNTY OF HARRIS

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

Jo Karen Miller Broach
Notary Public, State of Texas



EXHIBIT "A"

FIELD NOTES
16.634 ACRES.

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

BEGINNING: at a 1/2-inch iron rod found marking the most westerly corner of the said 132.508 acre tract, the south corner of the Fraternity Row Subdivision as recorded in Volume 971, Page 583 and being in the northeast right-of-way line of F.M. 2154 (Wellborn Road, based on a 100-foot width);

THENCE: N 41° 40' 27" E (called N 41° 39' 20" E) for a distance of 400.09 feet to a found 1/2-inch iron rod, N 42° 09' 32" E (called N 42° 08' 25" E) for a distance of 366.37 feet to a found 1/2-inch iron rod, N 43° 36' 23" E (called N 43° 35' 16" E) for a distance of 397.04 feet and N 41° 51' 07" E (called N 41° 50' 00" E) for a distance of 21.06 feet along the common line of the said 132.508 acre tract, the southeast line of said Fraternity Row Subdivision and the southeast line of Southwood Valley Section 24C as described in Volume 1097 Page 329 to a found 1/2-inch iron rod marking the northwest corner of Lot 8, Block 7 of EDELWEISS ESTATES, PHASE 15-B.

THENCE: along the westerly lines of said EDELWEISS ESTATES, PHASE 15-B for the following three (3) calls:

- (1) S 47° 31' 15" E for a distance of 189.97 feet to a found 1/2-inch iron rod for corner,
- (2) S 42° 28' 45" W for a distance of 285.76 feet to a found 1/2-inch iron rod for corner,
- (3) S 47° 03' 58" E for a distance of 667.53 feet to a found 1/2-inch iron rod for corner, said iron rod also being in the northwest line of EDELWEISS ESTATES, PHASE TWELVE as recorded in Volume 3176, Page 303 (O.R.B.C.);

THENCE: S 50° 59' 29" W along said Phase Twelve line for a distance of 302.99 feet to a found 1/2-inch iron rod for corner;

THENCE: through the interior of said 132.508 acre tract for the following five (5) calls:

- (1) N 47° 03' 58" W for a distance of 103.80 feet to a set 1/2-inch iron rod for corner,
- (2) S 42° 56' 02" W for a distance of 120.00 feet to a set 1/2-inch iron rod for corner,
- (3) S 37° 33' 40" W for a distance of 74.98 feet to a set 1/2-inch iron rod for corner,
- (4) S 42° 08' 33" W for a distance of 400.04 to a set 1/2-inch iron rod for the Point of Curvature of a curve to the right and
- (5) 39.62 feet along the arc of said curve having a central angle of 90° 47' 29", a radius of 25.00 feet, a tangent of 25.35 feet and a long chord bearing N 87° 32' 17" E at a distance of 35.60 feet to the Point of Tangency, said point being in the before-said F.M. 2154 right-of-way line;

THENCE: N 47° 03' 58" W along said F.M. 2154 right-of-way line for a distance of 871.80 feet to the POINT OF BEGINNING and containing 16.634 acres of land, more or less.

EXHIBIT "A"

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Filed for Record in:
BRAZOS COUNTY,

On: Jan 11, 2001 at 01:32PM

As a
Recordings

Document Number: 0734079

Amount 12.00

Receipt Number - 164986

By,
Jaime Kelley

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 aaxed records of:
BRAZOS COUNTY,
as stamped hereon by me.

Jan 11, 2001

HONORABLE MARY ANN WOOD, COUNTY CLERK
BRAZOS COUNTY,