

DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF EDELWEISS ESTATES, PHASE 4-B

THE STATE OF TEXAS

THE COUNTY OF BRAZOS

WHEREAS, Begonia Corporation, Inc., a Texas Corporation, hereinafter sometimes 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 11.960 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 3160, Page 251, Official Records of Brazos County, Texas, filed on the 19th day of June, 1998 (the "Property"); and

WHEREAS, said 11.960 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, to which record reference is here made for all purposes, and the provisions 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 4-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 4-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 such other 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 percent (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 masonry. Unless an exception is granted by the Architectural Committee, all single family dwellings shall contain not less than fourteen hundred (1400) 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.

1.03 Assessments. The provisions set forth in Article VII, 7.01 of the Declaration recorded in Volume 1827, Page 315 of the official Records of Brazos County, Texas, are hereby amended for this phase 4-B to include a new paragraph (D) to read as follows:

“The assessment fees required on each Lot in this Article will be suspended for a period of time beginning the date of the Deed from the Developer and either (1) twelve (12) months, or (2) the date of a deed (or a release or transfer of mechanic’s lien) out of the Grantee in the Developer’s deed, whichever is the shorter time period.”

ARTICLE II AMENDED RESTRICTIONS

1.01 Fences. The provisions set forth in Article III, 3.24(B) of the Declaration recoded in Volume 1827, Page 315, of the Official Records of Brazos County, Texas, are hereby amended for this Phase 4-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 (1) year of completion of the home.

1.02 Roofing Materials. The provisions set forth in Article III, 3.24(B) of the Declaration recoded in Volume 1827, Page 315, of the Official Records of Brazos County, Texas, are hereby amended for this Phase 4-A to read as follows:

“The surface of all roofs of principal and secondary structures shall be wood shingle, tile shakes, or laminated shingles. The Architectural Committee shall have authority to approve other roof treatments and materials when in it’s determination such treatments and materials in the form utilized will not be a detriment to the quality of the neighborhood.”

In all other respects, this Declaration ratifies, confirms and incorporates by reference, all of the provision 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 12th day of June, 1998.

BEGONIA CORPORATION, INC.

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

STATE OF TEXAS

COUNTY OF BRAZOS

This instrument was acknowledged before me on this the 12th day of June, 1998 by James O. Crowell, President of Begonia Corporation Inc., a Texas corporation on, on behalf of said corporation.

Jacqueline Moore
Notary Public, State of Texas