

RESTATED AND AMENDED DECLARATION OF RESTRICTIVE COVENANTS

STATE OF TEXAS §

COUNTY OF RAINS §

This Declaration or Restrictive Covenants shall be restated and amended to include the additional Restrictive Covenants whether recorded or not, covering the below described real property located in Rains County, Texas. The existing Restrictive Covenants being restated and amended being previously set forth and created in a Warranty Deed with Vendor's Lien dated December 30, 2013 from Cromo Developments, LLC to Dale R. Martin, filed of record in Volume 569, Page 187, Official Public Records of Rains County, Texas.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, WHEREAS DALE R. MARTIN and wife, RACEE MARTIN, hereinafter called Grantor, is the sole owner of the surface of all that certain real property situated in Rains County, Texas, and more particularly described as follows, to-wit:

ALL THAT CERTAIN LOT, TRACT OF PARCEL OF LAND SITUATED IN RAINS COUNTY, TEXAS. BEING 89.207 ACRES IN THE JAMES FORSYTHE SURVEY, ABSTRACT NO. 80 AND BEING PART OF THE SAME LAND DESCRIBED AS TRACT II (54.7 ACRES), TRACT III (50 ACRES) IN A EXECUTOR'S CORRECTION DEED TO THE R.O. AND BERNICE WOODSON FAMILY TRUST, FROM THE ESTATE OF R.O. WOODSON, DECEASED, DATED OCTOBER 31, 2000 AND RECORDED IN VOLUME 387, PAGE 130, REAL PROPERTY RECORDS OF RAINS COUNTY, TEXAS; AND A CALLED 0.544 ACRE TRACT DESCRIBED IN A DEED TO R. O. WOODSON, ET UX BERNICE WOODSON FROM CARL B. TAYLOR, ET UX CAROLYN TAYLOR, DATED MAY 3, 1995 AND RECORDED IN VOLUME 328, PAGE 530, REAL PROPERTY RECORDS OF RAINS COUNTY, TEXAS. SAID 89.207 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FOR CORNER IN RAINS COUNTY ROAD NO. 2370. SAID POINT BEING THE SOUTHWEST CORNER OF A CALLED 4.180 ACRE TRACT DESCRIBED AS TRACT I IN A DEED TO CARL B. TAYLOR, ET UX CAROLYN TAYLOR, FROM R. O. WOODSON, ET UX BERNICE WOODSON, DATED MAY 31, 1995 AND RECORDED IN VOLUME 328, PAGE 528, REAL PROPERTY RECORDS OF RAINS COUNTY, TEXAS, AND BEING NORTH 88 DEG. 48 MIN. 11 SEC. E., 1245.75 FEET FROM THE SOUTHWEST CORNER OF SAID TRACT II;

THENCE N. 04 DEG. 14 MIN. 58 SEC. E. WITH THE WEST LINE OF SAID 4.180 ACRE TRACT, PASSING A 1/2" IRON PIPE FOUND FOR REFERENCE AT FENCE CORNER AT 25.95 FEET, CONTINUING GENERALLY WITH FENCE, A TOTAL DISTANCE OF 340.42 FEET TO A 1/2" IRON ROD FOUND IN FENCE AT THE SOUTH CORNER OF SAID 0.544 ACRE TRACT;

THENCE N. 04 DEG. 44 MIN. 55 SEC. E. WITH THE EAST LINE OF SAID 0.544 ACRE TRACT, GENERALLY WITH FENCE, CONTINUING WITH FENCE AND THE WEST LINE OF A CALLED 0.139 ACRE TRACT, DESCRIBED AS TRACT II IN A DEED TO CARL B. TAYLOR, ET UX CAROLYN TAYLOR, RECORDED IN VOLUME 328, PAGE 528, REAL PROPERTY RECORDS OF RAINS COUNTY, TEXAS, A TOTAL DISTANCE OF 479.42 FEET TO A 1/2" IRON ROD FOUND IN THE SOUTHWEST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 69 FOR THE NORTHWEST CORNER OF SAID 0.139 ACRE TRACT.

THENCE NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE AS FOLLOWS:

N. 51 DEG. 10 MIN. 05 SEC. W., 151.00 FEET TO A CONCRETE RIGHT OF WAY MARKER;

N. 46 DEG. 03 MIN. 36 SEC. W., 200.15 FEET TO A CONCRETE RIGHT OF WAY MARKER;

N. 51 DEG. 46 MIN. 55 SEC. W., 1199.53 FEET TO A 1/2" IRON ROD FOUND FOR CORNER IN SAME. SAID POINT BEING THE NORTHEAST CORNER OF A CALLED 0.337 ACRE TRACT DESCRIBED IN A DEED TO JAMES K. AND SANDRA J. LILES FROM R. O. AND BERNICE WOODSON FAMILY TRUST, DATED OCTOBER 31, 2000 AND RECORDED IN VOLUME 387, PAGE 127, REAL PROPERTY RECORDS OF RAINS COUNTY, TEXAS;

THENCE S. 31 DEG. 24 MIN. 53 SEC. W. WITH FENCE, 209.98 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT FENCE CORNER, AND BEING THE SOUTH CORNER OF SAID 0.377 ACRE TRACT, AND IN THE OCCUPIED WEST LINE OF SAID TRACT II;

THENCE S. 00 DEG. 06 MIN. 47 SEC. E. WITH SAID WEST LINE AND FENCE, 431.18 FEET TO A 60d NAIL SET IN THE TOP OF AN 8" FENCE CORNER POST FOR CORNER. SAID POINT BEING THE OCCUPIED NORTHEAST CORNER OF SAID TRACT III;

THENCE N. 89 DEG. 40 MIN. 27 SEC. W. WITH THE OCCUPIED NORTH LINE OF SAID TRACT, 1752.79 FEET TO A POINT FOR CORNER WITHIN THE RIGHT OF WAY OF RAINS COUNTY ROAD NO. 2360. A 1/2" IRON ROD SET FOR REFERENCE AT FENCE CORNER BEARS S. 89 DEG. 40 MIN. 27 SEC. E. 5.26 FEET;

THENCE S. 00 DEG. 00 MIN. 00 SEC. E. WITH THE WEST LINE OF SAID TRACT III, 1221.20 FEET TO A POINT FOR CORNER IN THE INTERSECTION OF RAINS COUNTY ROAD NO. 2360 AND NO. 2370, FOR THE OCCUPIED SOUTHWEST CORNER OF SAID TRACT. A 1/2" IRON ROD SET FOR REFERENCE AT FENCE CORNER BEARS N. 36 DEG. 56 MIN. 43 SEC. E. 21.57 FEET;

THENCE N. 89 DEG. 46 MIN. 16 SEC. E. WITH THE CENTER OF RAINS COUNTY ROAD NO. 2370, 1281.60 FEET TO A POINT FOR CORNER IN SAME FOR ANGLE POINT. A 1/2" IRON ROD SET FOR REFERENCE BEARS N. 00 DEG. 00 MIN. 12 SEC. W., 20.00 FEET;

THENCE S. 89 DEG. 46 MIN. 32 SEC. E., CONTINUING WITH SAID CENTER OF ROAD, 627.31 FEET TO A POINT FOR ANGLE POINT. A 1/2" IRON ROD SET FOR REFERENCE BEARS NORTH 20.00 FEET;

THENCE N. 88 DEG. 38 MIN. 04 SEC. E. CONTINUING WITH SAME, 1092.04 FEET TO THE POINT OF BEGINNING AND CONTAINING 89.207 ACRES OF LAND.

BEING THE SAME TRACT OF LAND DESCRIBED IN WARRANTY DEED DATED FEBRUARY 1, 2007 FROM THE MARILYN W. ABEGG LIFE TRUST TO CROMO DEVELOPMENTS, L.L.C., RECORDED IN VOLUME 484, PAGE 244, OFFICIAL PUBLIC RECORDS, RAINS COUNTY, TEXAS; AND FURTHER BEING THE SAME LAND DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN DATED DECEMBER 30, 2013 FROM CROMO DEVELOPMENTS, L.L.C. TO DALE R. MARTIN, RECORDED IN VOLUME 569, PAGE 187, OFFICIAL PUBLIC RECORDS, RAINS COUNTY, TEXAS.

LESS AND EXCEPT THE FOLLOWING DESCRIBED REAL PROPERTY:

BEING a 40.240 acre tract and being all that certain lot, tract or parcel of land situated in the James Forsythe Survey, Abstract No. 80, Rains County, Texas, and being part of a called 89.207 acre tract described in a deed from Cromo Developments, LLC to Dale R. Martin as recorded in Volume 569, Page 187, Rains County Official Public Records (R.C.O.P.R.), and being more particularly described as follows:

**RESTATED AND AMENDED DECLARATION OF
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BEGINNING at a point on the center line of County Road No. 2370 and the north line of a called 13.2 acre tract (Jenkins, 499/8 R.C.O.P.R.), at the southeast corner of said 89.207 acre tract for a corner, said point being the southwest corner of a called 6 acre tract (Kulp, 519/379 R.C.O.P.R.);

THENCE S 88°38'04" W (Directional Control Line) along the center line of said County Road, the south line of said 89.207 acre tract, and along the north lines of said 13.2 acre tract, a called 3.45 acre tract (Jenkins, 553/470 R.C.O.P.R.), and a called 66.292 acre tract (Shipp, 584/544 R.C.O.P.R.), a distance of 1092.04 feet to a point, for an angle corner;

THENCE N 89°43'55" W along the center line of said County Road, the south line of said 89.207 acre tract and the north line of said 66.292 acre tract a distance of 148.25 feet to a point, for a corner;

THENCE N 00°11'09" W across said 89.207 acre tract, passing a ½ inch iron rod set for a reference at a distance of 16.80 feet and continuing a total distance of 1207.48 feet to a fence corner post found at an inside corner of said 89.207 acre tract for an angle corner, said point being the southeast corner of a called 17.749 acre tract (Quintero, 567/583 R.C.O.P.R.);

THENCE N 00°06'05" W along the easternmost west line of said 89.207 acre tract and the east line of said 17.749 acre tract a distance of 431.78 feet to a ½ inch iron rod found at the most easterly northwest corner of said 89.207 acre tract and the northeast corner of said 17.749 acre tract for a corner, said point being the south corner of a called 1.815 acre tract (Layton, 529/61 R.C.O.P.R.);

THENCE N 31°24'53" E along the northwest line of said 89.207 acre tract and the southeast line of said 1.815 acre tract a distance of 210.17 feet to a ½ inch iron rod found on the southwest line of U.S. Highway No. 69, at the north corner of said 89.207 acre tract and the east corner of said 1.815 acre tract, for a corner;

THENCE along the southwest line of said Highway and the northeast line of said 89.207 acre tract, the following courses and distances:

S 51°35'56" E a distance of 1200.71 feet to a point, for an angle corner;

S 46°01'01" E a distance of 201.00 feet to a point, for an angle corner;

S 51°20'50" E a distance of 150.95 feet to a 3 inch steel fence corner post found at the northeast corner of said 89.207 acre tract and the northwest corner of said 6 acre tract, for a corner;

THENCE S 04°48'12" W along the east line of said 89.207 acre tract and the west line of said 6 acre tract, passing a ½ inch iron rod set for a reference at a distance of 792.96 feet and continuing a total distance of 816.45 feet to the POINT OF BEGINNING and containing 40.240 acres of land.

NOTE: Basis of Bearing is the easternmost south line of said 89.207 acre tract (569/187 R.C.O.P.R.).

Being the same land described in a Warranty Deed dated May 11, 2016 from Dale R. Martin and wife, Racee Martin to William C. Dickerson and Sandra D. Dickerson, recorded in Document Number 2016-977, Official Public Records of Rains County, Texas.

That the Grantor herein, does hereby impose the following covenants, restrictions, reservations, and conditions upon the real property herein described; WHEREAS said covenants, restrictions, reservations and conditions shall run with the title to the land and shall be binding on all parties now or hereafter owning or using any tract in said acreage; and Grantor further specifies and provides that any person or persons now or hereafter owning any part of the real property herein described may enforce these restrictions at law or in equity, against any person or persons violating or attempting to violate any such covenant or restrictions, to-wit:

**RESTATED AND AMENDED DECLARATION OF
RESTRICTIVE COVENANTS**

1. No part of the property shall be used for industrial/commercial-scale beef, poultry and/or swine operations, including but not limited to feed houses, lots, or processing facilities.
2. No part of the property shall be used for a commercial pet kennel. Dogs, cats, and other household pets may be kept, provided that they are not kept, bred or maintained for commercial purposes, or kept in such numbers as to be a nuisance to adjacent property owners.
3. No part of the property shall not be used as vehicle and/or equipment salvage yards.
4. No part of the property shall be used to develop a mobile home park, trailer park, or manufactured home park or development.
5. No part of the property shall be used for strip mining and/or open pit mining.
6. No part of the property shall be used for automobile, truck, or motorcycle raceways, tractor pulls, or ATV racing.
7. No part of the property shall be used for commercial shooting range operations.
8. No part of the property shall be used for chemical processing or manufacturing.
9. The property shall be kept free of trash, garbage, and debris at all times. No part of the property shall be used or maintained as a dumping ground for rubbish or trash.
10. No noxious, offensive, or unlawful activities shall be carried on or allowed on any part of the property, nor should anything be done thereon which shall become an annoyance or nuisance to any adjacent property owners.
11. All houses built on the property must consist of 30% stone, brick, or log siding.
12. All houses must be at least 1,200 square feet heated and cooled.
13. No metal containers or semi trailers shall be on the property.
14. No electric fences shall be placed on the property.
15. All houses built on the property shall be single family residences only.
16. No part of the property shall be used for commercial purposes.
17. No mobile home, trailer houses, or manufactured homes shall be placed on the property.
18. Enforcement shall be by proceedings at law or in equity against any person violating or attempting to violate any of these covenants.
19. Invalidation of any of these covenants by Judgement or Court Order shall in no way effect the validity of any other of these covenants. Further, failure to enforce these restrictions against any violation hereof shall in no way be deemed waiver of the right to enforce the other provisions hereof or be deemed waiver of the right to enforce identical subsequent violations.

EXECUTED this ____ day of November, 2021.

GRANTOR:

DALE R. MARTIN

RACEE MARTIN

THE STATE OF TEXAS §

COUNTY OF RAINS §

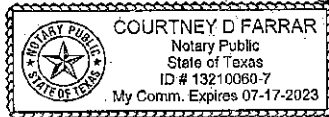
BEFORE ME, a Notary Public in and for the State of Texas, on this day personally appeared **DALE R. MARTIN**, proved to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 17 day of November, 2021.

Courtney D Farrar
Notary Public, State of Texas

THE STATE OF TEXAS §

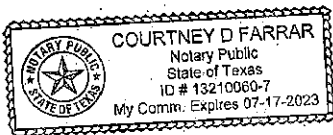
COUNTY OF RAINS §



BEFORE ME, Notary Public in and for the State of Texas, on this day personally appeared **RACEE MARTIN**, proved 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 17 day of November, 2021.

Courtney D Farrar
Notary Public, State of Texas



I hereby certify this instrument was filed and duly recorded in the Rains County, Texas, Official Public Records on the date and time stamped hereon by me



Mandy Sawyer
Mandy Sawyer, County Clerk
Rains County, Texas

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RESTRICTIVE COVENANTS**