

14745

AMENDED
DECLARATION OF COVENANTS AND RESTRICTIONS
BRIARWOOD ADDITION, SECTION 3
MIDLAND, TEXAS

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STATE OF TEXAS X
COUNTY OF MIDLAND X

WHEREAS BRIARWOOD JOINT VENTURE, a Texas joint venture composed of Dovecote, Inc., a Texas corporation, and Murphy & Rochester, Inc., a Texas corporation, is the owner of the following described property situated in the County of Midland, State of Texas, and being more particularly described as follows, to-wit:

Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13
and 14, Block 3;
Lots 1, 2, 3, 4, 7 and 10, Block 4;
Lots 1, 6, 7, 9, 10, 11 and 12, Block 5;
Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18, 19, 20, 21, 22,
23, 25, 26 and 28, Block 6;
Lots 5, 6, 7, 8, 9, Block 7; BRIARWOOD ADDITION,
SECTION 3, an addition to the City of Midland,
Midland County, Texas, according to the plat
of record in Cabinet F, Page 23, Midland County
Plat Records, Midland, Texas.

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THIS Declaration is made specifically subject to all oil and gas leases, drillsite agreements, pipeline easements, restrictions and other instruments which might affect the property described herein, appearing of record in the Office of the County Clerk of Midland County, Texas.

WHEREAS, BRIARWOOD JOINT VENTURE, owner of the above described lots set forth, in addition to those covenants and restrictions set forth in the Dedications and Restrictions recorded in Volume 815, Page 102, Deed Plat Records of Midland County, Texas, affecting all lots in BRIARWOOD ADDITION, SECTION 3, Midland County, Texas, to which reference is hereby made, desires to impose on all lots hereinafter described the following covenants and restrictions.

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1.

Except as hereinafter provided, no structures shall be erected, altered, placed or permitted to remain on any building plot other than one detached single family dwelling not to exceed two stories in height and outbuildings used in connection therewith. Permissible outbuildings shall include only a garage, either attached or

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detached, for two or more cars, and/or servant's quarters detached from dwelling, either of which may include a laundry room and laundry facilities to be used for the convenience of the occupants of the dwelling, but not as a public laundry; and/or children's play houses or buildings of a like nature used for the convenience and pleasure of the occupants of the dwelling; except as herein set out, no other outbuildings may be located upon such building plot or premises.

2.

The following is hereby designated for use as an office and professional building lot:

Lot 3, Block 3

3.

Paragraph 3 of the original Dedications and Restrictions is hereby amended as follows:

The following lots are hereby designated as single family detached lots:

- Lots 2, 4, 5, 6, 7, 8, 9, 10, 11 and 14, Block 3
- Lots 1, 2, 3, 4, 5, 7 and 10, Block 4
- Lots 1, 6, 7, 8, 9, 10, 11 and 12, Block 5
- Lots 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26 and 28, Block 6
- Lots 5, 6, 7, 8 and 9, Block 7

4.

Paragraph 4 of the original Dedications and Restrictions is hereby amended as follows:

On the following lots, no single family dwelling shall contain less than 2,200 square feet of livable floor space per living unit, exclusive of open porches and garages, in the case of one story structure, nor less than 2,400 square feet of livable floor space exclusive of open porches and garages in the case of one and one half and two story structures:

- Lot 2, Block 3
- Lot 1, Block 6

On the following lots, no single family dwelling shall contain less than 2,400 square feet of livable floor space per living unit, exclusive of open porches and garages, in the case of one story structure, nor less than 2,600 square feet of livable floor space

exclusive of open porches and garages in the case of one and one-half and two story structures:

- Lots 4, 5, 6, 7, 8, 9, 10, 11, 13 and 14, Block 3
- Lots 7 and 10, Block 4
- Lots 2, 3 and 4, Block 6

On the following lots, no single family dwelling shall contain less than 2,600 square feet of livable floor space per living unit, exclusive of open porches and garages, in the case of one story structure, nor less than 2,900 square feet of livable floor space exclusive of open porches and garages in the case of one and one-half and two story structures:

- Lots 8, 9 and 18, Block 6

On the following lots, no single family dwelling shall contain less than 2,800 square feet of livable floor space per living unit, exclusive of open porches and garages, in the case of one story structure, nor less than 3,100 square feet of livable floor space exclusive of open porches and garages in the case of one and one-half and two story structures:

- Lots 1, 2, 3, 4 and 5, Block 4
- Lots 1, 6, 7, 8, 9, 10, 11 and 12, Block 5
- Lots 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 25, 26 and 28, Block 6
- Lots 5, 6, 7, 8, 9, Block 7

All residences shall have a garage, either attached or detached, for two or more cars.

5.

All TV antennae, TV satellite dishes or other TV reception installations shall be placed in rear yard and side yard and shall not be visible from the street. Front yard installations are strictly prohibited. Ham Radio antennae shall also be placed in the back yard and shall not exceed a height of 10 feet.

6.

No single family residential structure shall be erected or placed on any building plot which plot has an area of less than 7,200 square feet or a width of less than 50 feet at the front building setback line.

7.

All residences shall be placed upon concrete foundations, and shall have exterior walls which shall be not less than 75% either

brick, rock or stucco, either solid or veneer. All exterior wood surfaces shall be painted with not less than three coats of paint. All interiors shall be sealed.

8.

No single family residential structure shall be located nearer than 15 feet nor further than 35 feet to the front lot line, nor nearer than 5 feet to an interior lot line or nearer than 10 feet to a side street line.

9.

No residence, dwelling or other building may be moved from outside the addition onto any lot or lots in this addition, except that builders will be allowed to maintain temporary offices during the construction time period.

10.

No trailer, tent, shack, garage, barn or other outbuilding erected in said addition shall at any time be used as a residence either temporarily or permanently nor shall any structure of a temporary character be used as a residence.

11.

No fence, wall or hedge shall be erected, placed or altered on any lot nearer to any street than the minimum building setback line. All rear yard areas shall be fenced. All fences shall be a minimum of six feet (6') in height and be constructed of cedar pickets and/or brick, rock or other type of masonry construction.

12.

No composition shingles or tar and graveled roofs shall be constructed on residential lots except as to patio roofs in the rear of the dwelling.

13.

The structure and grounds of each lot shall be maintained in a neat and attractive manner at all times.

14.

No major automobile repairs shall be conducted within the residential areas of the subdivision nor shall any inoperative automobiles be allowed to remain within the residential areas of the subdivision so as to be in conflict with Paragraph 15 herein.

15.

No commercial pursuit or trade of any character and no noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance to the neighborhood, all lots being restricted for residential purposes only.

16.

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except that dogs, cats or other household pets may be kept provided they are not kept, bred or maintained for any commercial purposes and are not offensive to the enjoyment of the adjoining properties.

17.

A sidewalk of not less than 48 inches and adjoining the curb shall be constructed at the time each lot is improved. Also a driveway shall be constructed at the time each lot is improved, driveways from the property line to the garage; such driveway shall be constructed of solid concrete and/or 4-inch caliche base and 1-inch asphalt top.

18.

No sign of any kind shall be displayed to the public view on any lot except one sign of not more than five square feet advertising the property for sale or signs used by the builder to advertise the property during the construction process and sales period, and the developer shall be entitled to a large subdivision sale sign.

19.

No mobile homes, motor home, recreational/living type vehicle or boat shall be parked or stored within the subdivision unless such storage is in an enclosed structure attached to the residence or garage. Such structure must be constructed of building material comparable with the main residence. Sheet iron, aluminum, or any other type of metal structures are specifically prohibited.

20.

Easements for utility installation and maintenance are reserved in all lots affected thereby as shown on the recorded plat.

21.

All construction shall be in conformance with the building and sanitary codes of the City of Midland, Midland County, Texas.

22.

At such time that BRIARWOOD JOINT VENTURE determines that a special restrictive covenant is required to protect the architectural integrity of the neighborhood, then any lot sold to another shall contain such special restriction in the contract of sale to the buyer and such special restriction shall also be placed in the warranty deed.

EXECUTED THIS 28th day of August, 1989.

BRIARWOOD JOINT VENTURE

DOVECOTE, INC.

By [Signature]
Louis Rochester, President

MURPHY & ROCHESTER, INC.

By [Signature]
Roy L. Allen, Exec. Vice Pres.

ATTEST:

[Signature]
Mary Jo Clark, Secretary

ATTEST:

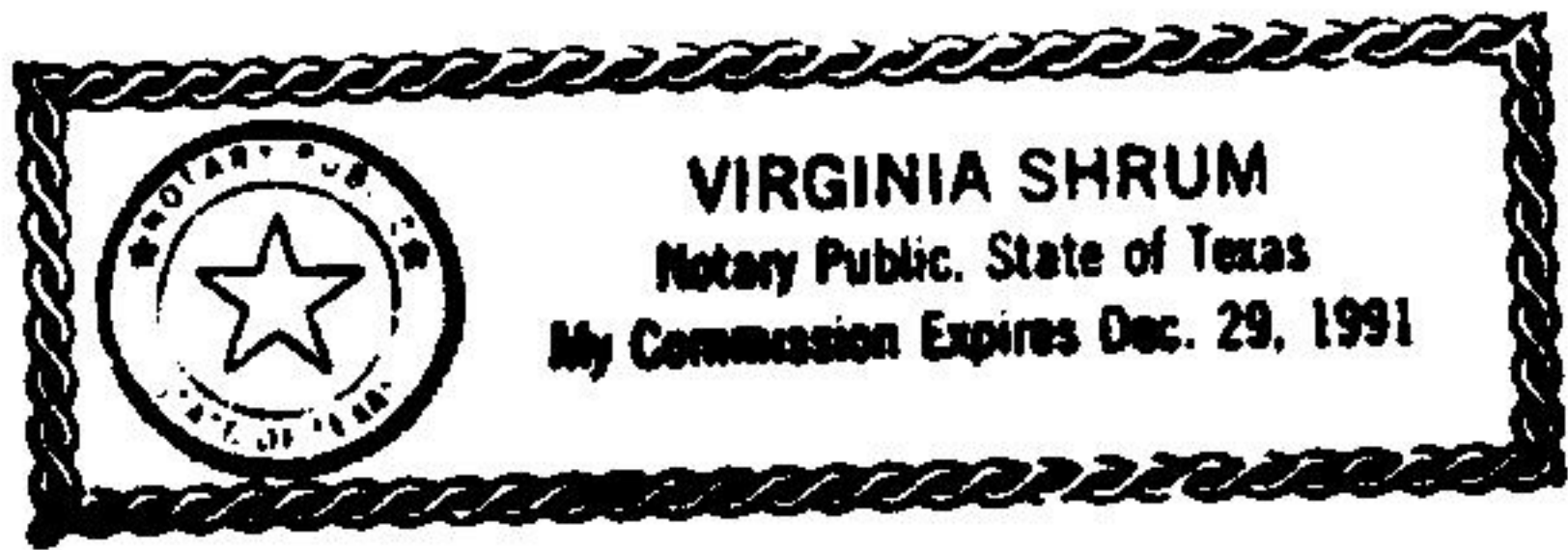
[Signature]
Saundra Cunningham, Secretary

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STATE OF TEXAS X
COUNTY OF ECTOR X

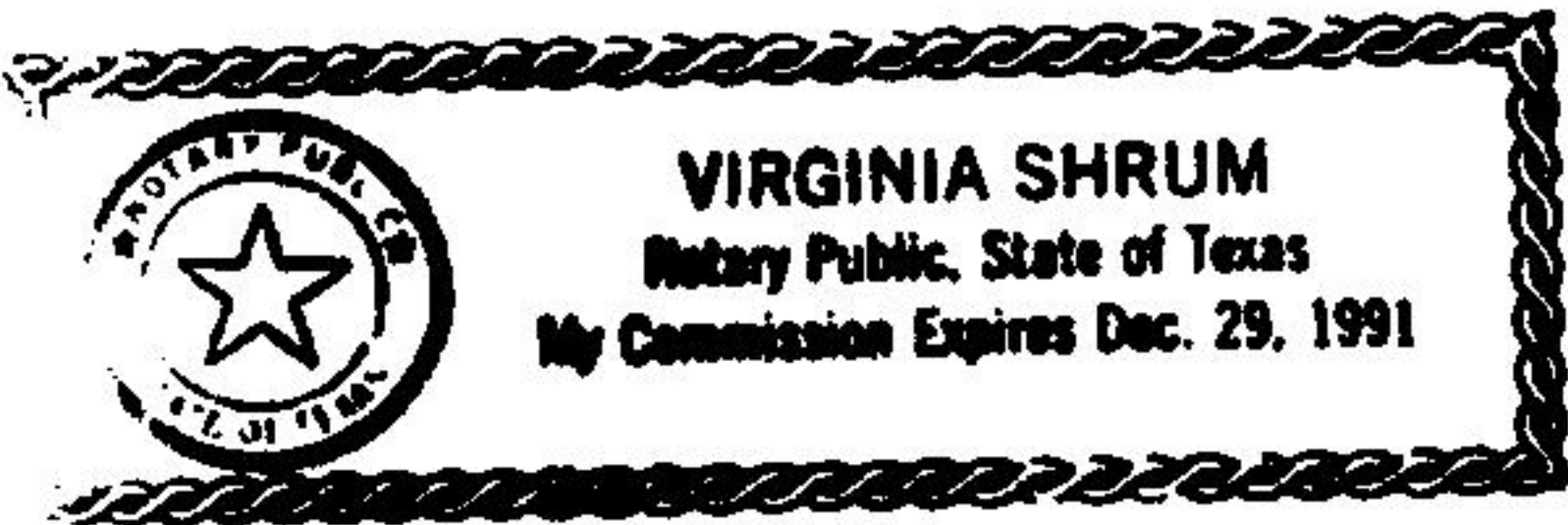
This instrument was acknowledged before me on this 28th day of August, 1989 by LOUIS ROCHESTER, President of Dovecote, Inc., a Texas corporation, on behalf of the said corporation.



Virginia Shrum
Notary Public, State of Texas
My Commission Expires: 12/29/91

STATE OF TEXAS X
COUNTY OF ECTOR X

This instrument was acknowledged before me on this 28th day of August, 1989 by ROY L. ALLEN, Executive Vice President of Murphy & Rochester, Inc., a Texas corporation, on behalf of the said corporation.



Virginia Shrum
Notary Public, State of Texas
My Commission Expires: 12/29/91

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Filed for Record on the 28 day of August A.D. 19 89, at 4:10 o'clock P. M.
Duly Recorded this the 28 day of August A.D. 19 89, at 4 o'clock P. M.

INSTRUMENT NO. 14745

ROSENELLE CHERRY, COUNTY CLERK
MIDLAND COUNTY, TEXAS
By Franklin Catania, Deputy

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