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RESTRICTIONS
FOREST PINES
SECTION ONE

W. OLLD WILLOWS
V. 5186 P. 499

FILM NO. 02
092-12-1238

Part
D

THE STATE OF TEXAS)
COUNTY OF HARRIS)

WHEREAS, HARVI A. FINGER, TRUSTEE, is the owner of those certain lots or parcels of land in the Joseph Bayo Survey, Abstract No. 127, in Harris County, Texas, being all of the 32.146 acres of land included in FOREST PINES, SECTION ONE (1) as shown in the Subdivision Plat of FOREST PINES, SECTION ONE, recorded in Volume 95, Page 45, Map Records of Harris County, Texas, reference being here made to said Subdivision Plat of FOREST PINES, SECTION ONE and the record thereof for all purposes and for a complete description of the lots and parcels of land affected by this instrument, and

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WHEREAS, MORTGAGE AND TRUST, INC. is the owner and holder of a deed of trust lien affecting FOREST PINES, SECTION ONE.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That HARVEY A. FINGER, TRUSTEE, as owner of the above described lands and MORTGAGE AND TRUST, INC., as owner and holder of a deed of trust lien upon said lands, covenant and agree that the said lands in FOREST PINES, SECTION ONE, hereinabove described and identified are held, and shall thereafter be conveyed, subject to covenants, conditions, stipulations, covenants, and restrictions as hereinafter set forth.

THE STATE OF TEXAS)
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APR 13 1971

R. E. TURRENTINE, JR.,
COUNTY CLERK
HARRIS COUNTY, TEXAS

R. E. Turrentine, Jr.
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The word "street" as used herein shall include any street, drive, boulevard, road, lane, avenue, or any place as shown on the recorded plat as a thoroughfare.

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A "corner lot" is one that abuts on more than one street. Any lot, except a corner lot, is deemed to front on the street upon which it abuts. A corner lot shall be deemed to front on the street designated by the Architectural Committee as hereinafter provided.

The terms "lot" or "residential lot" as used herein shall be deemed to refer to the various lots in FOREST PINES, SECTION ONE, shown in the plat thereof but neither of said terms shall be deemed to refer to or include the strip of land adjoining Antoine Drive and marked "50' strip dedicated for widening of Antoine Drive" on the plat of FOREST PINES, SECTION ONE.

RESTRICTIONS

For the purpose of creating and carrying out a uniform plan for the improvement and sale of the lots as a restricted subdivision, the following restrictions upon the use of the lots included in said FOREST PINES, SECTION ONE, are hereby established and adopted subject to the provisions hereof and shall be made a part of each and every contract and deed executed by or on behalf of MARVY A. FINZER, TRUSTEE, his successors and assigns, by appropriate reference to this dedication and same shall be considered a part of each contract and deed affecting the lots, and any of same, as though incorporated fully therein. Further, these restrictions are hereinafter set forth shall be and are

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[Signature]
Clerk

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hereby imposed upon each lot in FOREST PINES, SECTION ONE, above identified, and same shall constitute covenants running with the land and shall be binding upon, and shall inure to the benefit of MARVY A. FINGER, TRUSTEE and MORTGAGE AND TRUST, INC. and their respective successors and assigns and all subsequent purchasers of the lots, and each such purchaser by virtue of accepting a contract or deed covering the lots, and any of same, shall be subject to and bound by such restrictions, covenants and conditions and by the terms of this instrument as hereinafter set forth.

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USE OF LAND - GENERAL

- (a) None of the lots in FOREST PINES, SECTION ONE, shall be used for anything other than residential purposes.
- (b) No sign of any kind shall be displayed to the public view on any residential lot except one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.
- (c) No animals, livestock or poultry of any kind shall be raised, bred or kept on any residential lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose.
- (d) No trade or business activity shall be carried on upon any lot in FOREST PINES, SECTION ONE, nor shall anything

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be done thereon which may be or become noxious or offensive or an annoyance or nuisance to the neighborhood.

(e) No spirituous, vinous, or malt liquor or medicated bitters capable of producing intoxication shall ever be sold or offered for sale, on any lot in FOREST PINES, SECTION ONE, or any part thereof, nor shall any lot or any part thereof be used for illegal or immoral purposes.

(f) No truck, bus or trailer, shall be left parked in the street in front of any lot except as construction or repair equipment while a house, or houses are being built or repaired in the immediate vicinity, and no truck, bus, boat or trailer shall be left parked in any driveway or other portion of the lot exposed to public view.

ARCHITECTURAL AND OTHER SPECIFIC RESTRICTIONS

No improvements of any kind or character whatsoever shall be erected, or the erection thereof begun, or change made in the exterior design thereof after original construction, on any lot or homestead in FOREST PINES, SECTION ONE, until the complete plans and specifications have been submitted to and approved in writing (as provided hereinafter) by the Architectural Committee as hereinafter constituted. Such approval is to include exterior design, the type of materials to be used, quality of workmanship and materials, harmony of exterior design with existing structures, location with respect to topography and finish grade elevation and the colors to be applied on the exterior of the structure, and such approval is

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to be based on the applicable requirements and restrictions set out herein.

(a) Except as to Lots 19 through 24 inclusive in Block Two; Lots 19 through 22 inclusive, Lots 39 through 42 inclusive and Lots 59 through 62 inclusive in Block Three, no dwelling shall be erected or placed on any lot having a width of less than 39 feet at the minimum building setback line nor shall any dwelling be erected or placed on any lot having an area of less than 6193 square feet. No dwelling shall be erected or placed on any of Lots 19 through 24 inclusive in Block Two; Lots 19 through 22 inclusive, Lots 39 through 42 inclusive and Lots 59 through 62 inclusive in Block Three, unless the lot has a width of 30 feet at the minimum building setback line nor shall any dwelling be erected or placed on any of said lots having an area of less than 3600 square feet.

(b) No structure shall be erected on any residential lot or any part or parts of one or more lots other than one detached and single-family dwelling not to exceed two (2) stories in height and a garage (not to exceed a three (3) car garage).

(c) No structure shall be moved on to any residential lot.

(d) No trailer, basement, tent, shack, garage, barn or other out-building erected on any residential lot or on any part thereof shall at any time be used as a residence, except as provided in paragraph (e) below, nor shall any residence of a temporary character be permitted. No temporary building shall be

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erected or maintained on any residential lot except during actual construction of a home being erected thereon, and then such temporary building must be on the lot on which construction is in progress and not on adjoining lots, lands, streets, or easements, and at completion of construction, the temporary building must be removed immediately. No such temporary building or structure shall be used for residential purposes during construction.

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(e) No garage apartment for rental purposes shall be permitted on any residential lot. Living quarters on property other than in main building on any residential lot may be used for bona fide servants only.

(f) All improvements shall be constructed on a residential lot so as to front the street upon which such lot faces.

(g) The Architectural Committee is granted the right to designate the direction in which the improvements on any corner residential lot shall face, and such decision shall be made with the thought in mind of the best general appearance of that immediate section.

(h) Dwellings on corner residential lots shall have a presentable frontage on all streets on which that particular lot fronts.

(i) No residence shall be constructed on any lot or building site in FOREST PINES, SECTION ONE, for less actual cost than \$12,000.00. Such restriction as to the value of improvements is to be given consideration based upon labor and material costs as of May 1, 1963, and all future value of improvements is to be given consideration based upon comparative costs of labor and

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material at the time of construction, using the basic value herein-
above given.

(j) No residence shall be constructed on any residential lot or building site in FOREST PINES, SECTION ONE, with, (1) in the case of a single story residence with less than one thousand two hundred (1,200) square feet of ground floor area exclusive of porches and garage, and (2) in the case of a one and one-half story residence or a two-story residence, with less than eight hundred (800) square feet of ground floor area and a total living area of one thousand two hundred (1,200) square feet ^{PKG.} ~~EX~~ exclusive of porches and garage.

(k) Subject to the qualification set out hereinafter, the building lines of any residence to be erected upon any residential lot or building site shall be:

(1) Front building line - as shown on the subdivision plat of FOREST PINES, SECTION ONE.

(2) Rear building line - not nearer than fifteen (15) feet to the rear lot line.

(3) Side building lines - not less than five (5) feet from the side property lines; provided that the "side property lines" herein referred to shall be deemed to be the actual side property lines of the building site upon which any residence is to be erected, without regard to the side lines of any of the above subdivided lots shown on the subdivision plat and included in said building site; and provided further that when any side property line of any building site faces and is immediately adjacent to any

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street shown on the subdivision plat of FOREST PINES, SECTION ONE, the particular side building line adjacent to said street shall be not less than ten (10) feet from the right-of-way line of said street.

Provided further, however, that in the event the map or plat of FOREST PINES, SECTION ONE, expressly prescribes a different and greater rear or side building line than is set out hereinabove with respect to any particular lot covered hereby, the particular rear or side building line or lines prescribed in said map or plat shall control over the hereinabove stated rear or side building line.

(k) No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two (2) and six (6) feet above the roadways shall be placed or permitted to remain on any corner residential lot or on any tract abutting on two streets within the triangular area formed by the intersecting street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sight-line limitations shall apply on any such residential lot within ten (10) feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines. Further, no fence or wall in excess of six feet (6) in height at any point thereon, measured from ground level perpendicularly to the top thereof shall be placed or permitted to remain on any residential

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Deputy



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lot; and no fence or wall shall be placed or permitted to remain on any residential lot in the area between any street adjoining same and the front building line or side street building line or side street building line running parallel to said street on said lot as hereinabove prescribed.

(1) No radio or television aerial wires or antennae shall be maintained on any portion of any residential lot forward of the front building line of said lot.

(a) No detached garage, servant's house or other outbuilding of any kind shall be erected on any residential lot nearer than sixty (60) feet to the front property line, nor nearer than the easement on the rear or side property line of said lot, nor nearer than three (3) feet to the side property line.

This does not apply to garage and servant's quarters when attached to the main residence, but any servant's quarters attached to main residence must be in rear of same. No outside toilets will be permitted.

No outbuildings on any residential lot shall exceed in heights the dwelling to which they are appurtenant.

Every such outbuilding except a greenhouse shall correspond in style and architecture to the dwelling to which it is appurtenant.

(n) Masonry: Masonry as used and required herein shall include brick, brick veneer, stone, stone veneer, or other masonry type of construction, but with it being understood that this other type of masonry construction does not include asbestos

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shingles or other similar fireproof boarding, and exterior walls and elevations as used herein shall exclude gables, doors and windows and garages. The exterior walls of all residences shall be not less than 5 1/2 masonry.

(o) No building material of any kind or character shall be placed or stored upon any residential lot until the owner is ready to commence improvements, and then such material shall be placed within the property lines of the lot upon which the improvements are to be erected, and shall not be placed in the street or between the pavement and property line.

(p) No stumps, trees, underbrush or any refuse of any kind or scrap material from the improvements being erected on any residential lot or any building site shall be placed on any adjoining lots, streets or easements. All such material, if not disposed of immediately, must remain on the residential lot or building site on which construction is in progress, and at the completion of such improvements, such material must be immediately removed from the property.

(q) No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any part of the lands in FOREST PINES, SECTION ONE, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any part of said lands. No derrick or other structure designed for use in boring for oil or natural gas, shall be erected, maintained or permitted upon any part of the said lands.

(r) At no time shall any house trailer, or any truck,

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trailer or commercial vehicle having a rated load capacity in excess of One (1) ton, ever be parked overnight or stored on any residential lot nor shall any such house trailer, or any such truck, trailer or commercial vehicle having a rated load capacity in excess of one (1) ton, be parked on any street in FOREST PINES, SECTION ONE, at any time other than as may be reasonably required incident to construction work on or delivery or pick-up of goods, wares, property or materials to or from lands in said subdivision.

(a) Notwithstanding any thing to the contrary expressed herein, during the construction period but in no event after December 31, 1966, Marvy A. Finger, individually, or as Trustee, and any partnership in which he may be a partner and any corporation of which he may be either a shareholder, officer or director, and such other developers in FOREST PINES, SECTION ONE, as HARVY A. FINGER may designate shall have the right to maintain offices, lumberyards and warehouses on any lot or lots in FOREST PINES, SECTION ONE, without such action being considered a violation of these resolutions.

ARCHITECTURAL COMMITTEE

HARVY A. FINGER, S. M. FOX and EARL H. SMITH, JR., all of Houston, Harris County, Texas, are hereby designated and appointed as the Architectural Committee, which Committee, and its successors, are hereby vested with the full right and authority to act as such under the provisions of these restrictions. A majority of such committee shall have the right to designate a representative to act for it in all matters arising hereunder. In the event of the death or resignation of any

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County



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member or members of the Committee, the remaining member or members shall have the full right and authority to designate a successor member or members. Neither the members of such Committee nor any designated representative shall be entitled to any compensation for services performed pursuant to these restrictions. All appointments and designations of persons as successors to the Committee shall be made in writing by a recordable instrument, which shall be filed for record in Harris, County, Texas. The powers and duties of the Committee as from time to time constituted, shall continue in force during the effective period of the restrictions hereby created. At any time the then record owners of a majority of the residential lots shall have the power through a duly recorded written instrument to change the membership of the Architectural Committee or to withdraw from the Committee or restore to it any of its powers and duties. Any such instrument affecting said Committee shall show the property owned by each owner signing same, and in case property is owned by man and wife as community property, the signature of the husband alone shall be sufficient, except that in cases where the husband resides elsewhere or has abandoned his wife, her signature alone shall be sufficient.

The Architectural Committee's approval or disapproval as required in these restrictions shall be in writing. In the event such Committee, or its designated representative, fails to approve or disapprove any design or location within thirty (30) days after plans and specifications have been submitted to it, or, in any event, if no suit to enjoin the erection of such building or the making of such alterations has been commenced

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 592-12-1249

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prior to the completion thereof, such approval will not be required and the related covenants and restrictions set out herein shall be deemed to have been fully complied with.

DURATION OF RESTRICTIONS

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of forty (40) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years each, unless an instrument signed by the then record owners of a majority of the residential lots has been recorded, agreeing to change said covenants in whole or in part.

RIGHT TO ENFORCE

The restrictions herein set forth shall be binding upon MARVY A. FINGER, TRUSTEE and MORTGAGE AND TRUST, INC. and their respective heirs, successors and assigns and all parties claiming by, through or under the, or any of them, and all subsequent property owners of said above identified lands, and any part of same, each of whom shall be obligated and bound to observe such restrictions, covenants, and conditions; provided, however, that no such person, firm or corporation shall be liable except in respect to breaches committed during its, his or their ownership of said property. The violation of any such restriction, covenant or condition shall not operate to invalidate any mortgage, deed of trust, or other lien acquired and held in good faith against said property, or any part thereof, but such liens may be enforced as against any and all property covered thereby.

13.

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subject nevertheless to the restrictions, covenants and conditions herein mentioned. Invalidation of any one of these covenants by judgment or court order will in nowise affect any of the other provisions which shall remain in full force and effect.

MARVY A. FINGER, TRUSTEE, his heirs, successors and assigns, shall have the right, but not the duty, to enforce observance and performance of these restrictions, covenants and conditions, and in order to prevent a breach, or to enforce the observance or performance of same, shall have the right in addition to all legal remedies, to an injunction either prohibitive or mandatory. The owner of any lot, lots or land affected shall have the right either to prevent a breach of any such restriction, covenant or condition or to enforce the performance of same.

EASEMENTS

It is agreed that all sales and conveyance of the above identified lands in FOREST PINES, SECTION ONE, shall be subject to dedicated easements and rights of way shown on the map or plat thereof, and to any utility easements over, under, along and across such portions of each lot and tract, as are reflected on said map or plat, for the purpose of installing, using, repairing and maintaining public utilities, water, sewer lines, electric lighting and telephone poles, pipe lines and drainage ditches or structures and/or any equipment necessary for the performance of any public or quasi-public utility service and function, with the right to access thereto for the purpose of further construction, maintenance and repairs. Such right of access shall include the right, without liability on the

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part of any one or all of the owners or operators of such utilities, to remove any or all obstructions on said easement right-of-way, caused by trees, brush or shrubs, either on or overhanging such right-of-way, as in their opinion may interfere with the installation or operation of their circuits, lines, pipes, or drainage ditches or structures. Such easements shall be for the general benefit of FOREST PINES, SECTION ONE, and the property owners thereof and are hereby reserved and created in favor of any and all utility companies entering into and upon said property for the purpose aforesaid. The utilities may be placed upon the streets as designated on said plat as said streets may be used for utilities as well as for traffic and other street purposes.

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There is also reserved and dedicated herewith for the use of all public utility companies the easements for down guy anchors and push braces adjacent to the dedicated utility easements affecting the above identified lands, as shown on the map of said FOREST PINES, SECTION ONE. There is also reserved and dedicated herewith for the use of all public utility companies an unobstructed aerial easement five (5) feet wide from a plane twenty (20) feet above the ground upward, located adjacent to all dedicated utility easements on the above identified lands as shown on the map of said FOREST PINES, SECTION ONE.

JOINDER OF LIENHOLDER

MORTGAGE AND TRUST, INC. joins in the execution hereof solely in its capacity as lienholder as set out hereinabove.

THE STATE OF TEXAS)
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M. A. [Signature]
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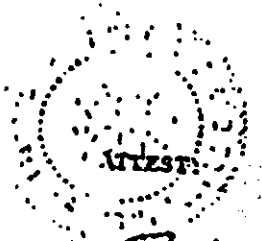
EXECUTED on this the 11th day of July, 1963.

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Marv A. Finger
MARV A. FINGER, Trustee

MORTGAGE AID TRUST, INC.

[Signature]
Its Vice President



[Signature]
Its Secretary

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