

DEFINITIONS

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.

A "CORNER LOT" is one that abuts on more than one street. Any lot except a corner, is deemed to front of 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.

USE OF LAND

- (a) Except as herein noted, no lots 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 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 noxious or offensive trade or activity shall be carried on upon any residential lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

No spirituous, vinous, or malt or medicated bitters capable of producing intoxication shall ever be sold, or offered for sale, on any residential lot or any part thereof, nor shall said premises or any part thereof be used for illegal or immoral purposes

ARCHITECTURAL RESTRICTIONS

No improvements of any character shall be erected, or the erection thereof begun, or changes made in the exterior design thereof after original construction, on any lot or homesite in Braeburn Glen, Section No. One, until plans and specifications have been submitted to and approved in writing by the Architectural Committee as hereinafter constituted. Such approval is to include exterior design, the type of material to be used and the colors to be applied on the exterior of the structure, and such approval is to be based on the following general requirements, stipulations, and restrictions.

- (a) No dwelling shall be erected or placed on any lot having a width of less than sixty-five (65) feet at the minimum building setback line, except as to Lot No. 11 in Block No. 4 the width

at the minimum building setback line shall be not less than 52 feet and as to lot No. 9, the width at the minimum building setback line shall be not less than sixty-two (62) feet. Nor shall any dwelling be erected or placed on any lot having an area of less than 6500 square feet (except on Lot No. 11 in Block No. 4 and lots Nos 2 and 16 in Block No. 8 as to which the minimum area shall be not less than 5385 square feet

- (b) All lots in the tract shall be known and described as residential lots except that lot designated as Reserve A upon the map of Braeburn Glen, Section No. One, filed in Harris County, clerk's Office, under County Clerk's file No. 1540478.

The "Reserve A" tract shown on said recorded plat shall be unrestricted.

- (c) No structure shall be erected on any residential building plot other than one detached single-family dwelling not to exceed two stories in height and a garage of such size as may be deemed to be harmonious with the other improvements by the Architectural committee.
- (d) No structure shall be moved on to any lot
- (e) No trailer, basement, tent, shack, garage, barn or other outbuilding erected in the tract shall at any time be used as a residence, except as provided in paragraph (f) below, nor shall any residence of a temporary character be permitted.

No temporary building shall be erected or maintained on any 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, 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.

- (f) No garage apartment for rental purposes shall be permitted. Living quarters on property other than in main building may be used for bona fide servants only
- (g) All improvements shall be constructed on the lot so as to front the street upon which such lot faces.
- (h) The Architectural Control Committee reserves the right to designate the direction in which such improvements on any corner lot shall face, and such decision shall be made with the thought in mind of the best general appearance to that immediate section.
- (i) Dwellings on corner lots shall have a presentable frontage on all streets on which that particular owner lot fronts.
- (j) No residence shall be constructed (on any lot or building site in this subdivision) with less than one thousand one hundred (1,100) square feet of ground floor area exclusive of

porches and garages.

(k) The building lines of any residence to be erected upon the hereinabove described tracts shall be:

(1) Front building line – not less than 25 feet from the front property line

(2) Rear building line – not less than 25 feet from the rear property line.

(3) Side building lines – not less than 5 feet from the side of property line; provided, however, that on any corner lot no structure shall be erected nearer than 10 feet from the line abutting a street.

Provide, however in the event the map or plat of Braeburn Glen, Section One, expressly prescribes a different building line (either front, rear or side lines), the building line or lines prescribed in said map or plat shall control over the hereinabove stated building lines.

(l) 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 lot within the triangular area formed by the 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 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.

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

(n) No garage, servant's house or other outbuilding of any kind shall be erected on any lot nearer than seventy (70) feet to the front property line, nor nearer than five (5) feet to either side property line, nor nearer than the easement on the rear of side property line of said lot.

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 the rear of same. No outside toilets will be permitted.

No outbuildings shall exceed in height the dwelling to which they are appurtenant, without the written consent of the Architectural Committee

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

The right is reserved by the Architectural Committee to change the setback restrictions in the case of unusual or irregular shaped lots here same is required for the best appearance of the immediate community.

- (o) No building of frame construction on the exterior of any kind or character shall be erected on any lot unless same at the time of construction shall receive at least two coats of paint.
- (p) No building material of any kind or character shall be placed or stored upon the property until the owner is ready to commence improvements, and then such material shall be placed within the property lines of the lot or parcel of land upon which the improvements are to be erected, and shall not be placed in the street or between the pavement and property line.
- (q) No stumps, trees, underbrush, or any refuse of any kind nor scrap material from the improvements being erected on any lot shall be placed on any adjoining lots, streets or easements. All such material, if not disposed of immediately, must remain on the property on which construction work is in progress, and at the completion of such improvements, such material must be immediately removed from the property.
- (r) No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas, shall be erected, maintained or permitted upon any lot.

... In the event, if no suit to enjoin the erection of such building or the making of such alterations has been commenced prior to completion thereof, such approval will not be required and the covenants contained in this restrictions shall be deemed to have been fully complied with. Neither the members of such Committee nor any designated representative shall be entitled to any compensation for services performed pursuant to these restrictions. At any time a vacancy exists on said committee, Braeburn Glen, Inc. shall have the right to fill any vacancies, and should it fail to do so within thirty days after receiving notice of such vacancy, the remaining members or member of the Committee shall have the right to fill any vacancy. 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 recording 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 lots shall have the power through a duly recorded written instrument to change the membership of the Architectural Control Committee or to withdraw from the Committee or restore to it any of its powers and duties. If at any time, Braeburn Glen, Inc. is dissolved or otherwise ceases to exist, then thereafter the owners of fifty-one per cent of the lots in Braeburn Glen, Section No. One (one lot or homesite constituting one ownership) becoming dissatisfied with the Committee as then constituted, shall have the right to remove any member or members of said Committee, and may designate and appoint a new member or members by written petition bearing the signature of the property owned by each petitioner.

RIGHT TO ENFORCE

... Braeburn Glen, Inc., its successors and assigns, and/or the other owners herein mentioned, their heirs and assigns, shall have the right to enforce observance and performance of such 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 or lots affected shall have the right either to prevent a breach of any such restriction, covenant or condition or to enforce the performance of same.