

Filed for Record March 21, 1950 at 4:00 P.M.---Recorded March 22, 1950 at 11:05 A.M.

THE STATE OF TEXAS ()

COUNTY OF TRAVIS () WHEREAS, I, John Whatley, of Travis County, Texas, am the owner of 384 acres of land, being a part of the James P. Wallace 1/3 League; the James Mitchell 1/3 League, and the George W. Davis Survey, in Travis County, Texas, more particularly described in deed from W.D. Brooks and wife, Annie H. Brooks to John Whatley of record in Vol. 769 Page 295, Travis County Records, and

Whereas, I am desirous of subdividing the most Westerly 135 acres, more or less, (it being the part of said 384 acres lying West of the Balcones Trail) into small residential building sites,

Now, therefore, KNOW ALL MEN BY THESE PRESENTS: That I, John Whatley, the owner of said 135 acres, do hereby impose the following restrictions and covenants on same;

1. All tracts in said subdivision shall be residential tracts, except those tracts fronting on Balcones Trail.
2. No building shall be located on any building plot nearer than twenty five feet (25') to the front property line; nor shall any building be nearer than ten (10) feet to any side property line, except a garage or outbuilding located one hundred feet or more from the front property line shall be located not nearer than five feet to any side property line.
3. No trailer, tent, shack, box house, or other construction of a temporary nature shall ever be used or occupied as a residence, temporarily or permanently.
4. When any residence or improvement for residence purposes is constructed on any tract, the owner shall at the same time construct and connect onto a sanitary septic tank of approved standard, or otherwise provide sanitary sewerage in compliance with any State and/or County health standards.
5. A one story residence shall contain not less than 750 square feet of floor area, and a two-story residence shall contain not less than 500 square feet of ground floor area, including 50% of the area of the covered porches, and excluding garages.
6. No tract in said subdivision shall be resubdivided except where, as the result of further subdivision, each lot or parcel of land, including that portion remaining in the original tract shall contain not less than 75 feet of frontage on the road.
7. No rabbit farms, dog kennels or hog farms shall ever be operated upon any ~~tracts~~ tracts in said subdivision, and other livestock shall not be raised in excess of the number normally stocked on a tract of equal size as the tracts herein; it being understood that nonprovision of this restriction shall prevent the keeping of livestock, poultry, or other animal life for personal use and enjoyment. It being further understood that adequate fences shall enclose the part of said tracts upon which said livestock is kept, and that all barns, outbuildings, etc. used in connection with same shall be kept clean and sanitary.
8. These restrictions and covenants are hereby declared to be covenants running with the land and shall be fully binding upon all persons acquiring property in said 135 acres, whether by descent, devise, purchase, or otherwise, and if any person or persons shall violate or attempt to violate any of the restrictions and covenants herein, it shall be lawful for any other person or persons owning any real property situated in said subdivision to prosecute proceedings at law or in equity against the person violating or attempting to violate same.
9. Invalidation of any one or any part of these restrictions by judgment or court

order shall in no wise affect any of the other provisions or part of provisions which shall remain in full force and effect.

10. By unanimous consent of all owners in said subdivision, any of the provisions herein maybe changed or altered or additional restrictions maybe imposed upon said land by unanimous consent of all owners.

Witness my hand this the 11th day of March, 1950.

John Whatley

THE STATE OF TEXAS ()

COUNTY OF TRAVIS () BEFORE ME, the undersigned authority, on this day personally appeared John Whatley, known 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 the 11th day of March, 1950.

Ruby G. Carlisle

(Notary Seal)

Notary Public, Travis County, Texas.

Filed for Record March 22, 1950 at 9:00 A.M.---Recorded March 22, 1950 at 11:20 A.M.

THE STATE OF TEXAS ()

COUNTY OF TRAVIS () KNOW ALL MEN BY THESE PRESENTS: That we, Charles A. Winkley and wife, Florence H. Winkley of Travis County, Texas, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to us cash in hand paid by Clarence A. Harrell and wife, Ruby Harrell, the receipt of which is hereby acknowledged, and for the payment of which no lien either express or imple^d is retained against the herein conveyed property, and for the further consideration of the execution and delivery by the said Clarence A. Harrell and wife, Ruby Harrell of their one certain promissory note to Mortgage Investment Corporation, a Texas Corporation of San Antonio, Bexar County, Texas, of even date herewith in the principal sum of Seven Thousand Seven Hundred and No/100 (\$7700.00) Dollars, providing for 5% interest per annum, payable in 180 equal, consecutive, monthly installments of \$60.91 each, commencing on May 1, 1950 and continuing through April 1, 1965, the interest being payable monthly as it accrues out of said installments and the remainder thereof being applied to the principal. Said note containing the usual waiver, acceleration of maturity, and attorney's fees clauses and being secured by the vendor's lien hereinafter retained as well as by a deed of trust of even date herewith from the Grantees herein to Mortgage Investment Corporation in which A.H. Cadwallader, Jr. is named as Trustee, the execution and delivery of which note is hereby acknowledged and confessed, have Granted, Sold, and Conveyed and by these presents do Grant, Sell and Convey unto the said Clarence A. Harrell and wife, Ruby Harrell, the following described property lying and being situated in Austin, Travis County, Texas, to wit:

Being a part of Lot 19 and all of Lot No. 20 in Block 31, Travis Heights Addition, City of Austin, Travis County, Texas, according to the map or plat of record in Vol. 3 Page 15, Travis County Records, more particularly described by metes and bounds as follows:

Beginning at an iron stake at the NE corner of said Lot No. 20;

Thence with the North line of Lot No. 20, N. 22 deg. 24' W. 79.9 feet to an iron stake at the NW corner of Lot No. 20 for corner;

Thence with the West line of Lots 20 and 19, S. 30 deg. 14' W. 146 feet to an iron stake for corner;

Thence S. 67 deg. 26' E. 100.64 feet to an iron stake in the West line of Kenwood Avenue for corner;