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**RESTRICTIVE COVENANT** FILM CODE

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THE STATE OF TEXAS

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KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

These Restrictions are made by **JEFFERSON TREETOPS L.P.**, a Texas limited partnership (**Owner**), as of the 30<sup>th</sup> day of January, 1996.

**RECITALS:**

A. Owner is the owner of certain real property located in Austin, Travis County, Texas described a Treetops Subdivision, an addition to the City of Austin, Texas according to the plat recorded in Volume 96, Page 193 of the Plat Records, Travis County, Texas (**Treetops Subdivision**).

B. Treetops Subdivision created numerous conservation easements on the Treetops Subdivision property identified on the plat of Treetops Subdivision as Conservation Easement Parcels A through F, inclusive (collectively, the **Conservation Easement Parcels**).

C. In connection with the approval of Treetops Subdivision, the City of Austin required certain restrictions be established and imposed on the Conservation Easement Parcels by Owner as provided in this agreement.

Now, therefore, Owner hereby declares that the Conservation Easement Parcels are subject to the following restrictions (the **Restrictions**):

**AGREEMENTS:**

1. The Conservation Easement Parcels shall remain in their natural, undisturbed state. Notwithstanding any other provision in this agreement to the contrary, no structure, whether temporary or permanent, including, but not limited to buildings, outbuildings, sheds, landscaping, landscape improvements, signs, pumps, wells, tanks, reservoirs, pipes, lines, meters, antennae, towers or any other facilities used in connection with water, sewer, gas, electric, telephone, regular or cable television, or other utilities, shall be constructed or placed on any portion of the Conservation Easement Parcels. The restrictions set forth in this paragraph shall not apply in the event the Conservation Easement Parcels are no longer required by the City of Austin to be used for conservation purposes. In the event a Conservation Easement Parcel is disturbed, Owner will revegetate the disturbed area to the specifications set forth in the City of Austin Environmental Criteria Manual in effect at the time the City of Austin issues the initial site development permit for Lot 104, Block "A", Treetops Subdivision.

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

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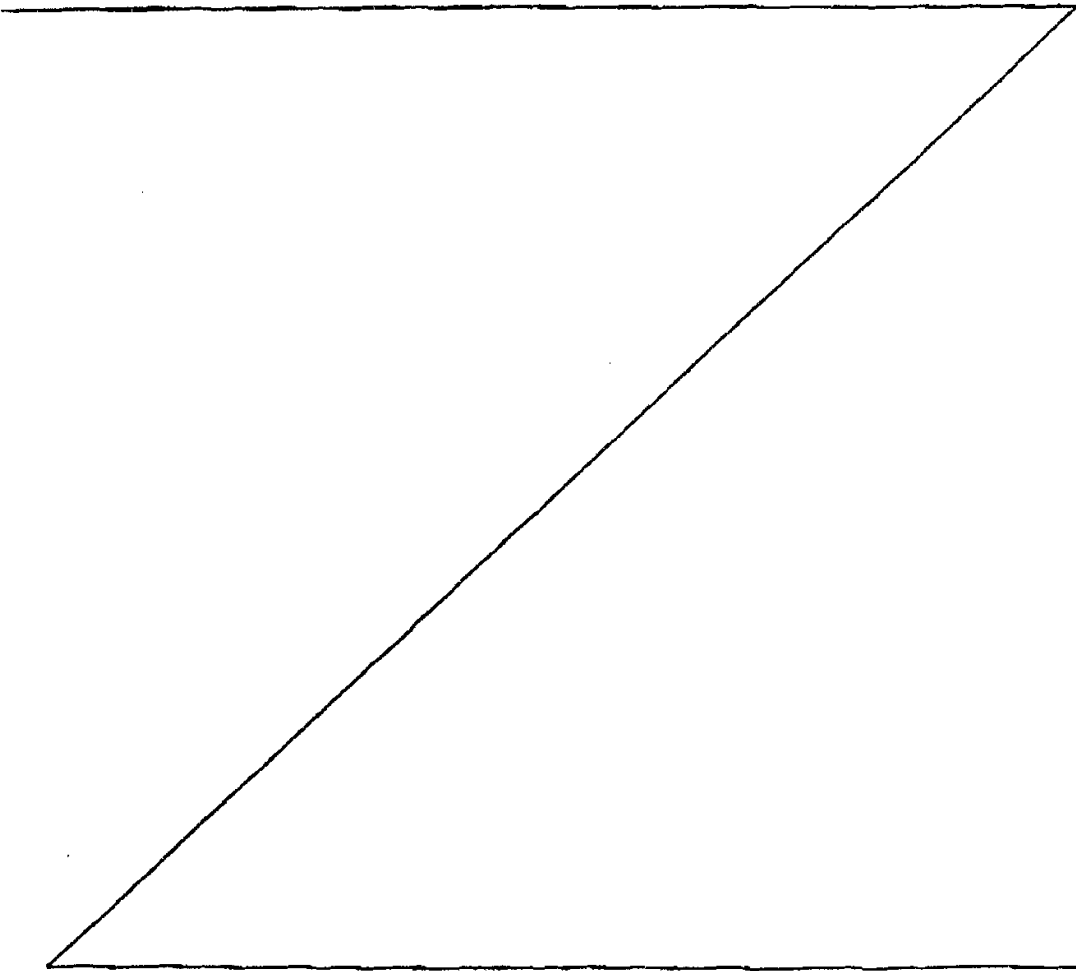


2. Owner reserves the right to enter upon and use the respective Conservation Easement Parcels for any purpose so long as the entry and use complies with paragraph 1 above.

3. Nothing contained in this instrument or the plat of Treetops Subdivision shall be deemed to be a gift or dedication of all or any part of the Conservation Easement Parcels to or for the general public or for any public purpose whatsoever.

4. These Restrictions run with the land and are binding on the Owner and any and all subsequent owners of the respective Conservation Easement Parcels and inure to the benefit of such owners and their respective successors and assigns.

5. These Restrictions may be modified, amended or terminated only by action of the Director of the Department of Planning and Development and the owners of the Conservation Easement Parcels at the time of any such modification, amendment or termination.



IN WITNESS WHEREOF, the undersigned has executed this instrument to be effective on the date first written above.

JEFFERSON TREETOPS, L.P.,  
a Texas limited partnership

AFTER RECORDING RETURN TO:  
CITY OF AUSTIN/PLANNING DEPT.  
301 W. 2nd  
AUSTIN, TX 78701

By: Carmil Capital Corporation, a  
Texas corporation and sole  
general partner

ATTN: Hector Avila

By: [Signature]  
Name: Arthur C. Carpenter  
Title: Authorized Representative

STATE OF TEXAS §  
  §  
COUNTY OF DALLAS §

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of January, 1996, by ARTHUR CARPENTER, the AUTHORIZED REPRESENTATIVE of Carmil Capital Corporation, a Texas corporation, sole general partner of Jefferson Treetops, L.P., a Texas limited partnership, on behalf of said corporation and partnership.

[Signature]  
Notary Public, State of Texas  
LISA M. BONE  
Notary's Printed Name



STATE OF TEXAS COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED on  
the date and at the time stamped hereon by me; and  
was duly RECORDED, in the Volume and Page of the  
named RECORDS of Travis County, Texas, on

P:\rcal\2241\191\conserv2.rcs  
1 1/29/96

FEB 20 1996

FILED

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[Signature]  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

COUNTY CLERK  
TRAVIS COUNTY, TEXAS

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

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RECEIPT#: B00029312 TRANS#: B3763 DEPT: REGULAR RECORD \$13.00  
CASHIER: BATUE FILE DATE: 2/20/96 TRANS DATE: 2/20/96  
PAID BY: CHECK# 1036+1041