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THE STATE OF TEXAS :  
COUNTY OF TRAVIS : KNOW ALL MEN BY THESE PRESENTS:

108-0236

That we, the undersigned, owners of Highland Hills, Section Ten, as shown on the plat thereof recorded in Book 64, Page 71 of the Travis County Plat Records, do hereby impress all of the property included in Highland Hills, Section Ten, with the following restrictions and covenants, declared to be minimum restrictions, it being contemplated that as to certain lots the requirements may be more restrictive:

1. DESIGNATION OF USE

All lots in Highland Hills, Section Ten, shall be known and described as residential lots and shall be used for residential purposes only, provided, however, that a sales office may be maintained by the subdividers during the period of development and sale of Highland Hills, Section Ten. For the purpose of these restrictions and covenants, a "plot" shall consist of a lot or a part of a lot or lots having a contiguous frontage and having an average width of not less than 80 feet. No resubdivision of existing lots shall be made which would create an additional lot or plot; but this shall not prevent the modifying of boundaries of original lots, in conformity with the above minimum width.

2. GENERAL PURPOSE OF RESTRICTIONS AND COVENANTS

The real property described by the plat recorded in Book 64, Page 71 of the Travis County Plat Records is subject to the covenants and restrictions hereby adopted to insure the best use and the most appropriate development of building sites and prevent such improper use of surrounding building sites as will depreciate the value of property; to preserve, so far as practicable, the natural beauty of said property; to guard against the erection thereon of poorly designed or proportioned structures and structures built of improper or unsuitable materials; to obtain harmonious color schemes; to insure the highest and best development of said property; to encourage and secure the erection of attractive residential structures thereon, with appropriate locations thereof on building sites; to prevent haphazard and inharmonious improvement of building sites; to assure and maintain proper set-backs from streets and adequate free spaces between structures; and in general to provide adequately for a high type and quality of improvement in said property, and thereby to enhance the values of investments made by purchasers of building sites therein.

DEED RECORDS  
Travis County, Texas

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3. RETENTION OF EASEMENTS

Easements are reserved as indicated on the recorded plat.

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4. RESTRICTION AGAINST NUISANCE USE

No noxious or offensive activity shall be carried on or be permitted to be carried on upon any building site in Highland Hills, Section Ten, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood. A nuisance is defined as an activity objected to in writing by three-fourths of the residents of Highland Hills, Section Ten, within 200 feet of the site of the alleged nuisance.

5. RESTRICTION AGAINST TEMPORARY STRUCTURES & GARAGE APARTMENTS

No trailer, tent, shack, stable or barn shall be placed, erected or be permitted to remain on any plot, nor shall any structure of temporary character be used at any time as a residence.

6. RESTRICTION AS TO TRAVEL TRAILER, MOBILE HOMES & WATER-BORNE VEHICLES

The keeping of a mobile home, travel trailer, either with or without wheels, or a house-boat on any property covered by these restrictions is prohibited. A motor boat or similar water-borne vehicle may be maintained, stored or kept on any parcel of property covered by these restrictions only if housed within an architecturally-approved structure or confined to the rear yards of lots in a manner which would make them inoffensive to the owners of abutting lots. Any owner of any lot in Highland Hills, Section Ten may enforce this restriction in a manner similar to that provided by paragraph 15 of these restrictions.

7. RESTRICTION AS TO UNATTACHED GARAGES, GUEST HOUSES, SERVANTS QUARTERS, ORNAMENTAL FENCES & WALLS

Unattached garages, guest houses, servants quarters, ornamental fences and walls, green-houses, garden-houses, play-houses and the like are permitted subject to the approval of the Subdivider.

8. RESTRICTION AS TO NUMBER AND TYPE OF DWELLING STRUCTURES

Only one one-family residence may be erected, altered, placed or be permitted to remain on lots in Highland Hills, Section Ten.

9. SET-BACKS FROM FRONT LINES, SIDE LINES AND REAR LOT LINES

All set-backs shall be determined by the appropriate City of Austin Zoning Ordinance:

108-0238

10. RESTRICTION AS TO SIZE OF DWELLING

All residential structures shall be of recognized standard construction. A single family residential structure erected on any plot shall not have less than 2,400 square feet of floor area, exclusive of garage and porches.

11. MAINTENANCE

By acceptance of conveyance or a contract of sale and purchase, the purchaser shall thereby obligate himself to maintain any and all lots acquired by him free of weeds and trash and in keeping with maintenance standards of adjoining lots in Highland Hills. Maintenance of improved property shall be in accord with those standards already set in previously developed areas of Highland Hills.

12. ARCHITECTURAL CONTROL

No structure shall be erected on any plot until the design and location thereof have been approved in writing by the Subdivider. Before building begins, the Owner shall submit complete plans, including plot plan, and specifications for written approval; and if found structurally sound and architecturally suitable to the site and to the development as a whole, construction may begin. If the Subdivider fails to act within fifteen days after plans have been submitted for approval as to design or location, or both, and if no suit to enjoin the erection of such building has been commenced, such approval shall not be required. For the avoidance of disturbing glare often experienced in areas of varying elevation, no white or reflecting-type roof shall be permitted on lots which are overlooked by other lots in Highland Hills.

13. PROPERTY OWNERS COMMITTEE

The Board of Directors of Bradfield-Cummins, Incorporated may, but shall not be required to, appoint a Property Owners Committee of five members. Of said committee of five, all shall be owners of lots in Highland Hills, Section Ten and one member shall be an officer of Bradfield-Cummins, Incorporated.

In the event Bradfield-Cummins, Inc. has dissolved or ceases to function as a Corporation for any reason whatsoever, then the fifth member of the Committee shall be selected by the Committee as in the case of any other vacancy thereon.

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It shall be the duty and function of the Committee:

(1) To act as an architectural committee and exercise the functions thereof as set forth in Section 12 of these restrictions when requested to do so by the Subdividers.

(2) To keep owners in said section of Highland Hills informed as to any matters or occurrences within the section which shall in the judgment of the Committee have a bearing on the continuing desirability of the area.

A member of the Board of Directors of Bradfield-Cummins, Inc. may serve so long as Bradfield-Cummins, Incorporated is property owner in this section. The other four members of the Committee shall serve for unequal periods of years, determined by lot, not to exceed four. Upon the occasion of a vacancy, the remaining members shall appoint a successor to such member and such appointment shall be binding on all owners in said section of Highland Hills. A committee member may be removed at any time by a majority vote of the then owners of lots in said section of Highland Hills; each owner shall have one vote for each lot owned.

14. GENERAL COVENANTS

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 Highland Hills, Section Ten, whether by descent, devise, purchase or otherwise, and any person by the acceptance of title to any lot or plot of this subdivision, shall hereby agree and covenant to abide by and fully perform the foregoing restrictions and covenants. These restrictions and covenants shall be binding until January 1, 1995. On and after January 1, 1995, said restrictions and covenants shall be automatically extended for successive periods of ten years each unless, by a vote of three-fourths majority of the then owners of the lots in Highland Hills, Section Ten, it is agreed to change said restrictions in whole or in part; each lot or plot to admit of one vote.

15. PENALTY PROVISIONS

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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 the platted sections of Highland Hills to prosecute at law or in equity against the person violating or attempting to violate any such restriction and covenant, and either prevent him or them from so doing, or to correct such violations, or to recover damages or other dues for such violation. Invalidation of any one or any part of these restrictions by judgment or court order shall in no wise affect any of the provisions or parts of provisions which shall remain in full force and effect.

EXECUTED this 6th day of November, A.D. 1974.

BRADFIELD-CUMMINS, INCORPORATED

CORPORATE SEAL

*Donald H. Cummins*  
Donald H. Cummins, President

ATTEST:

*Consuelo Moreno*  
Consuelo Moreno, Secretary

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

BEFORE ME, the undersigned authority, on this day personally appeared Donald H. Cummins, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as President of, and as the act and deed of, Bradfield-Cummins, Incorporated, for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 6th day of November, A.D. 1974.

NOTARY SEAL

*Laura Hanson*  
NOTARY PUBLIC, TRAVIS COUNTY, TEXAS

FILED

JAN 23 8 26 AM '75

*David Thompson*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

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

JAN 23 1975



*David Thompson*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

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