

● SCHEDULE B

RESTRICTIONS, PLATS AND EXCEPTIONS

- RESTRICTIONS
- PLAT or Appraisal Map
- EASEMENTS
- OIL AND GAS LEASES
- MINERAL DEEDS
- AGREEMENTS
- _____

PUBLISH

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DEED RESTRICTIONS
EDEN RANCH, 127.13 ACRES

ROSIE ROSSBURY
COUNTY CLERK BURLINGAME COUNTY

THE STATE OF TEXAS

COUNTY OF COMAL

KNOWN ALL MEN BY THESE PRESENTS: 90 Bunt 49.00

THAT, PATTEN CORPORATION SOUTHWEST, a Delaware Corporation, hereinafter referred to as "Patten", for the purpose of instituting and carrying out a uniform plan or scheme for development and sale of 127.13 acres of Eden Ranch as described in the survey field notes hereto attached, does hereby declare, adopt, impose and designate, and by these presents has declared, adopted, imposed and designated, in behalf of itself and its successors and assigns as the owner thereof covering all such tracts or parcels thereof, with it being expressly here provided that all such restrictive covenants and use deed, deeds, and other legal instruments whereby the title or possession on any part or portion of such property as hereafter conveyed or transferred. The restrictions are as follows:

(A) Subject property shall be used for residential purposes, and is subject to the restrictions set out below, except for the property that fronts on state highway 306, which may be used for commercial enterprises. The commercial property will be limited to strip of land that fronts highway 306 with a maximum depth of 500 feet measured from the highway right of way.

The commercial portion of the property will also be subject to paragraphs E, F, G, H, J, K, & L of the restriction set out below.

(E) No building shall be erected, altered, placed or permitted to remain on any tract other than one dwelling unit per each 5 acres contained in the tract. Detached garages, work shops, and barns may be constructed on the property so long as they are of good construction, kept in good repair, and are not used for residential purposes. (1) The term "dwelling" shall be constructed to include manufactured home(s) provided such manufactured home(s) contains at least 1000 square feet of living area, is a double wide with a minimum width of 24 feet, was manufactured within 5 years of the date it is placed on the Property, and is completely under pinned with rock or concrete plaster in a neat, good and workmanlike manner within thirty days from the time the home is placed on the tract.

(C) No building of any kind shall be located on any tract nearer than 50 feet to any property line. All dwellings placed on Subject Property must be equipped with septic tank or other sewage disposal system meeting all applicable laws, rules, standards and specifications, and all such dwellings must be served with water and electricity.

(D) Septic tanks will be permitted on the property, but their construction and location shall comply with all existing state, county or other laws relating thereto.

(E) In the event any livestock are kept on Subject Property, not more than one head of livestock per acre shall be kept on any tract, and any tract containing livestock must be fenced; Provided, however, that no hogs or pigs may be kept on the premises. No poultry shall be kept or raised on Subject Property except for personal use of the owner.

(F) No inoperable vehicles or machinery, or vehicles or machinery on blocks shall be left on any tract for more than ten (10) consecutive days. No machine parts or household appliances or any other such material may be kept on any tract in an exposed manner or other unsightly items incompatible with residential, farming, or ranching usage. All materials must be kept in an enclosed workshop, storage building, or garage.

(G) All driveways off public roads to a tract shall be constructed and installed so as not to obstruct drainage or flow of water. If necessary, the owner of the tract being served by the driveway will

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install appropriate culverts or drainage pipe under the driveway.

(H) No quarrying or mining operations of any kind shall be permitted upon any part of the property, nor shall tunnels, mineral excavations or shafts be permitted thereon.

(I) Dams may be built on creeks or natural waterways only if:

- (1) Written permission is obtained from the Owner of land adjacent to such waterways on both sides;
- (2) Such dam will not be built so as to back water up or inundate the land of another owner, unless a written easement is obtained from such other owner;
- (3) Such dam will not cause the flooding of any roadway; and
- (4) Any necessary governmental permits are obtained.

(J) No junk yard, pipe yard, wrecking yard or other similar business activity shall be allowed on the property.

(K) No noxious or offensive activities shall be carried on upon any tract, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.

(L) No tract shall be used or maintained as dumping ground for rubbish, trash, garbage, or other waste and the same shall not be kept, except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

(M) Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

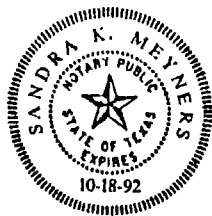
DATED this the 24TH day of April 1990
PATEN CORPORATION SOUTHWEST



Charles D. Patterson
Regional President

THE STATE OF TEXAS
COUNTY OF COMAL

This instrument was acknowledged before me on this 24TH day of April, 1990, by CHARLES D. PATTERSON, Regional President of Patten Corporation Southwest.



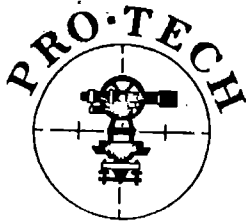


NOTARY PUBLIC, STATE OF TEXAS

SANDRA K. MEYERS
Print or stamp name of Notary
My Commission expires 10-18-92

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Kelly Kilber, P.E., R.P.S.
Richard Taylor, R.P.S.
Darrel Sutton, R.P.S.



100 E. San Antonio St. Suite 100
San Marcos, TX 78666
512/353-3335

**ENGINEERING
GROUP**
INCORPORATED

FIELD NOTE DESCRIPTION
OF A SURVEY

OF
127.13 ACRES OF LAND
OUT OF THE
G. F. LAWRENCE SURVEY NO. 33
TYLER TAP RAILROAD COMPANY SURVEY NO. 867
C. B. CRAWFORD SURVEY NO. 989
PATRICK DOUGHERTY SURVEY NO. 128
COMAL COUNTY, TEXAS

BEING A PORTION OF "PARCEL ONE", AS CONVEYED TO PATTEN CORPORATION SOUTHWEST BY MARGARET CARTER BY DEED DATED AUGUST 1, 1988 AND RECORDED IN VOLUME 640, PAGE 437, OF THE DEED RECORDS OF COMAL COUNTY, TEXAS, AND BEING APPROXIMATELY 7.30 ACRES OF LAND, MORE OR LESS, OUT OF THE G. F. LAWRENCE SURVEY NO. 33, APPROXIMATELY 56.33 ACRES OF LAND, MORE OR LESS, OUT OF THE TYLER TAP RAILROAD COMPANY SURVEY NO. 867, APPROXIMATELY 49.30 ACRES OF LAND, MORE OR LESS, OUT OF THE C. B. CRAWFORD SURVEY NO. 989, APPROXIMATELY 14.20 ACRES OF LAND, MORE OR LESS OUT OF THE PATRICK DOUGHERTY SURVEY NO. 128 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS TO-WITT:

BEGINNING at an iron stake with aluminum cap marked "Pro-Tech Eng" set in the north line of F. M. Highway 306, for the southeast corner of the tract herein described, same being the southwest corner of Lot 41, Eden Ranch, Section Two; a subdivision of record in Volume 9, Page 120, Comal County Plat Records, and on the south line of the said Patten Corporation Southwest "Parcel One";

THENCE, leaving the said Lot 41, with the north line of the said F. M. Highway 306, the south line of the said Patten Corporation Southwest "Parcel One", the following courses numbered (1) through (4):

- (1) S 74 19' 30" W, 52.19 feet to an iron stake set;
- (2) S 68 36' 52" W, 100.50 feet to a concrete monument found;
- (3) S 74 19' 30" W, 1512.70 feet to a concrete monument found at a POINT OF CURVATURE of a curve to the right;
- (4) 1277.55 feet along the arc of the said curve to the right having a radius of 1372.70 feet and a chord which bears N 79 00' 47" W, 1231.94 feet to an iron stake set for the southwest corner of the tract herein described, same being the southeast corner of Lot 40, of the said Eden Ranch, Section Two;

THENCE, leaving the said F. M. Highway 306, with the east line of the said Lot 40, N 16 05' 00" E, 1415.78 feet to an iron stake set for the northwest corner of the tract herein described, same being the northeast corner of the said Lot 40, and being in the southeast line of Eden Ranch, Section Seven, a subdivision of record in Volume 9, Page 269, Comal County Plat Records;

THENCE, leaving the said Lot 40, with the southeast line of the said Eden Ranch, Section Seven, the following courses numbered (5) through (12):

- (5) N 81 25' 50" E, 257.38 feet to an iron stake set;

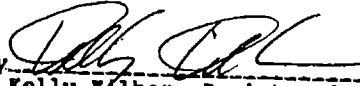
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- (6) N 38 48' 57" E, 258.84 feet to an iron stake with aluminum cap marked "Pro-Tech Eng" set;
- (7) N 63 46' 24" E, 145.05 feet to an iron stake set;
- (8) N 72 48' 39" E, 464.00 feet to an iron stake set;
- (9) N 51 57' 11" E, 133.91 feet to an iron stake with aluminum cap marked "Pro-Tech Eng" set;
- (10) N 35 19' 40" E, 306.66 feet to an iron stake set;
- (11) N 30 05' 27" E, 293.12 feet to an iron stake with aluminum cap marked "Pro-Tech Eng" set;
- (12) N 64 07' 12" E, 439.62 feet to an iron stake with aluminum cap marked "Pro-Tech Eng" set for the north corner of the tract herein described, same being the most westerly corner of Eden Ranch, Section Three, a subdivision of record in Volume 9, Page 131, Comal County Plat Records;

THENCE, leaving the said Eden Ranch, Section Seven, with the southwest line of the said Eden Ranch, Section Three, the following courses numbered (13) through (18):

- (13) S 67 34' 15" E, 231.68 feet to an iron stake set;
- (14) S 54 24' 10" E, 202.51 feet to an iron stake set;
- (15) S 34 26' 13" E, 148.87 feet to an iron stake set;
- (16) S 04 36' 13" E, 383.98 feet to an iron stake set;
- (17) S 63 03' 56" E, 217.63 feet to an iron stake set;
- (18) S 62 08' 03" E, 117.98 feet to an iron stake set for the northeast corner of the tract herein described, same being the northwest corner of the aforementioned Lot 41 of Eden Ranch, Section Two;

THENCE, leaving Eden Ranch, Section Three, with the west line of the said Lot 41, S 07 16' 26" W, 1501.76 feet to the POINT OF BEGINNING containing 127.13 acres of land. Field Notes prepared May 29, 1990 from surveys August 29, 1988, September 6, 1988 and October 6, 1989.

By 
Kelly Kilber, Registered Professional
Surveyor No. 2219

PATTEN CORPORATION SOUTHWEST
EDEN RANCH HWY 306 TRACT
EO #14384
NO PLAN