

4/1/12

Restrictive Covenants  
9.928 and 9.923 acre tracts of land

**COPY**

These restrictions shall bind the tract(s) of land conveyed or partitioned herein as well as the entire property, which is defined as two parcels: a 9.928 acre tract of land more or less, out of the Vincent Duran League Survey Number 4, abstract Number 19, Guadalupe County, Texas, and also being out of a 10.00 acre tract described in Volume 713, Page 813 of the Official records of Guadalupe County, Texas and being more particularly described in Exhibit "A" by metes and bounds; AND a 9.923 acre tract of land, more or less, out of the Vicente Duran League Survey Number 4, abstract Number 19, Guadalupe County, Texas and also being out of 10.00 acre tract described in Volume 1562, Page 497 of the Official Records of Guadalupe County, Texas and being more particularly described in Exhibit "B" by metes and bounds;

2011999007250



The above described property shall have the following restrictive covenants to the deed:

1. Homes will have a front minimum restrictive set back line of 125' from the front property pins on said tract on Warncke Road. Side setbacks shall be a minimum of 25' from the side property line.
2. No upward construction (structures) of any kind may be built in this setback. Driveways, sidewalks, fences, trees, shrubs, etc. are allowed.
3. The area in front of the home to Warncke Road may not be used for storage of any kind. This includes, but is not limited to: travel trailers, RV's, boats, broken down vehicles or left over building materials.
4. If a single family residential dwelling is constructed on the property, they shall contain not less than 1,200 square feet of living space (heated floor space area). The exterior must be constructed of masonry (rock, brick, stucco or hardie board) or metal permanent products. The front and two sides of the home MUST have a minimum of 3' of rock or brick on the bottom of the home. Foundations of the residential dwellings must be permanent, e.g., concrete. There is no timeline required to build; however, All dwellings and outbuildings must be completed not later than (1) year after laying their respective foundation.
5. No mobile or manufactured homes are permitted. All homes must be site built.
6. All subdivision rules are subject to Guadalupe County or future applicable governing entity.
7. All secondary buildings, i.e. Garage, workshop, barn, pool house, etc., must be built behind or to the side of the primary house and must be built in good taste.
8. The said property must be kept in a clean and orderly appearance. This includes but is not limited to: grass being cut or (kept in natural grazing state) , no overgrown weeds or sunflowers, no permanent piles of building supplies, no broken down vehicles, no damaged buildings, fencing kept in good repair, etc.
9. No Commercial or Industrial operations are allowed. This includes, but is not limited too: 18 wheelers stored for hauling, lawn mower repair shops, paint ball tracks, mulching service, collection or stockpiling of building materials, etc. Businesses that use office space or garage space from their existing home, garage, workshop or other, AND do not create an increased traffic flow in and out of their property that is greater than normal residential ingress and egress are acceptable and are not considered commercial operation.
10. No billboards or advertising is allowed except for normal home use. Normal use includes, but is not limited to: realtor for sale signs, garage sale signs, missing pet, builder sign, etc.
11. Commercial or private landfills, waste disposal, salvage yard, junk yard, wrecking yard, storage of automobiles, boats, trailers or trucks which are wrecked, abandoned or not in working order is not allowed.
12. Current water drainage may not be adversely impacted by the movement of dirt by either adding or taking it away to block or adversely affect a neighboring property.
13. Farm animals are allowed, but with the following restrictions:
  - a. No feed lots or commercial animal operation will be allowed.
  - b. Swine – a maximum of 4 per 9.92 acres of land.
  - c. The construction of make shift, eyesore or non maintained animal shelters is not allowed.
14. Domesticated animals – No commercial operation AND/OR "animal shelters" are allowed.

**Restrictive Covenants**  
**9.928 and 9.923 acre tracts of land**

All of these restrictions will be continuous running with the land, whether whole or partitioned, with any change of ownership and shall have no expiration date.

Variances to these deed restrictions must be submitted in writing to creator of said restrictions. Creator is defined as DMK Land Development LLC (DMK or The Company). DMK, or assigns, has the authority to grant or deny variances to said restrictive covenants with no explanation required. A variance to one lot does NOT constitute a change in restrictions to all other lots.

Furthermore, DMK or assigns has the sole authority to amend said restrictive covenants. If part or all of the restrictions are amended, it will be recorded with Guadalupe County and will be applied to ALL of the land referred to here in, whether whole or partitioned.

If any person or entity shall violate any of the above restrictions and covenants, ANY owner of an interest in the above described property or future partitions, shall have the right to prosecute proceedings at law or in equity against the person or persons violating or attempting to violate such restriction and covenant, either to prevent or enjoin the violators from so doing or to correct such violation and/or to recover damages or other relief for such violations and such person or entity against whom such action is instituted shall be liable for all court costs and reasonable attorney's fees and other necessary expenses incurred by the plaintiffs in such action in the event of a judgment or decree in favor of such plaintiff.

Invalidation of any one or more parts of these restrictions by judgment of a court shall in no way affect any of the other provisions which shall remain in full force and effect.

DMK Land Development LLC has created these restrictive covenants to enhance and protect the value of said described property. The Company is in no way liable or required to enforce said restrictions. The Company shall maintain the same interest as all other owners within the land, whether whole or partitioned, to protect and enforce said covenants.


DMK Land Development, LLC

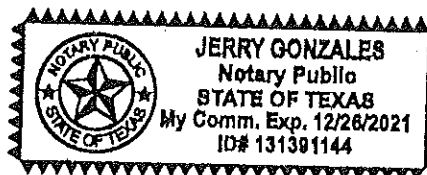
  
\_\_\_\_\_  
Dale Koehler, Manager

STATE OF TEXAS, COUNTY OF Guadalupe

This Instrument was acknowledged before me on the 4th day of April, 2019 by Dale

Koehler, Manager, on behalf of DMK Land Development, LLC, A Texas limited Liability Company.

  
\_\_\_\_\_  
Notary Public



# Exhibit "A"

**FIELD NOTES**  
February 13, 2019

BEING 9.928 acres of land, more or less, out of the Vicente Duran League Survey No. 4, Abstract 19, Guadalupe County, Texas and also being out of a 10.00 acre tract described in Volume 713, Page 813 of the Official Records of Guadalupe County, Texas and being more particularly described as follows:

BEGINNING at an iron rod set in the existing northeast R.O.W. line of Warncke Road (County Road #428) for the most northwesterly corner of this tract, said point also being the most southwesterly corner of a 9.937 acre tract described in Volume 2642, Page 439 of the Official Records of Guadalupe County, Texas;

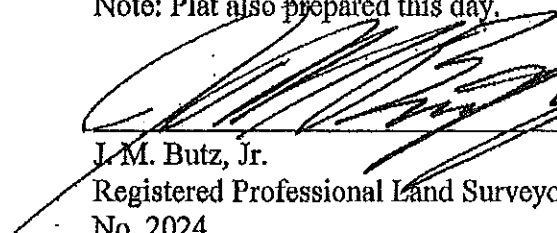
THENCE, N 60°59'44" E, 1408.18 feet (*N 61°00'00" E, 1419.59 feet-713/813*) along the common line with said 9.937 acre tract to an iron rod found in the common line with the remaining portion of a 134 acre tract described in Volume 221, Page 403 of the Deed Records of Guadalupe County, Texas for the most northeasterly corner of this tract and the most northeasterly corner of the above referenced 10.00 acre tract;

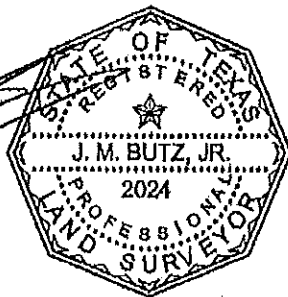
THENCE, S 30°15'50" E, 307.34 feet (*S 29°39'05" E, 306.49 feet-713/813*) generally along an existing fence and the common line with the remaining portion of said 134 acre tract and a 7.045 acre tract described in Volume 1330, Page 185 of the Official Records of Guadalupe County, Texas to an iron rod found in same for the most southeasterly corner of this tract and the most southeasterly corner of said 10.00 acre tract;

THENCE, S 61°03'59" W, 1414.96 feet (*S 61°00'00" W, 1423.08 feet-713/813*) along the common line with a 9.923 acre tract, surveyed this day, called a 10.00 acre tract in Volume 1562, Page 497 of the Official Records of Guadalupe County, Texas to an iron rod set in the existing northeast R.O.W. line of Warncke Road for the most southwesterly corner of this tract and the most northwesterly corner of said 9.923 acre tract;

THENCE, N 29°00'00" W, 305.51 feet (*Ref. Brg. N 29°00'00" W, 306.47 feet-713/813*) along said northeast R.O.W. line to the POINT OF BEGINNING and containing 9.928 acres of land, more or less.

Note: Plat also prepared this day.

  
J. M. Butz, Jr.  
Registered Professional Land Surveyor  
No. 2024



FN19-106

# Exhibit "B"

## FIELD NOTES

February 13, 2019

BEING 9.923 acres of land, more or less, out of the Vicente Duran League Survey No. 4, Abstract 19, Guadalupe County, Texas and also being out of a 10.00 acre tract described in Volume 1562, Page 497 of the Official Records of Guadalupe County, Texas and being more particularly described as follows:

BEGINNING at an iron rod found in the existing northeast R.O.W. line of Warncke Road (County Road #428) for the most southwesterly corner of this tract, and the most northwesterly corner of a 12.492 acre tract described in Volume 1363, Page 815 of the Official Records of Guadalupe County, Texas;

THENCE, N 29°00'00" W, 305.72 feet (*Ref. Brg. N 29°00'00" W, 305.72 feet-1562/497*) along said northeast R.O.W. line to an iron rod set in same for the most northwesterly corner of this tract and the most southwesterly corner of a 9.928 acre tract, surveyed this day, called a 10.00 acre tract in Volume 713, Page 813 of the Official Records of Guadalupe County, Texas;

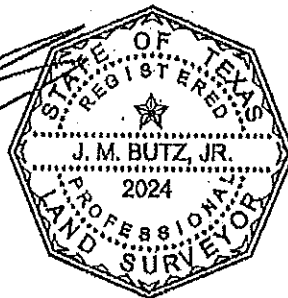
THENCE, N 61°03'59" E, 1414.96 feet (*N 61°00'00" E, 1423.08 feet-1562/497*) along the common line with said 9.928 acre tract and said 10.00 acre tract to an iron rod found in the common line with a 7.045 acre tract described in Volume 1330, Page 185 of the Official Records of Guadalupe County, Texas for the most northeasterly corner of this tract and the most northeasterly corner of said 10.00 acre tract;

THENCE, S 30°06'45" E, 304.03 feet (*S 29°39'05" E, 305.74 feet-1562/497*) generally along an existing fence and the common line with said 7.045 acre tract and a 7.04 acre tract described in Volume 2600, Page 113 of the Official Records of Guadalupe County, Texas to an iron rod found in same for the most southeasterly corner of this tract and the most southeasterly corner of said 10.00 acre tract;

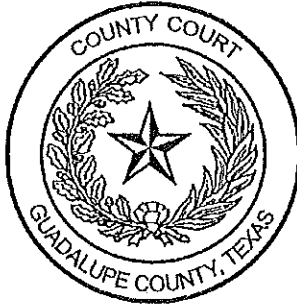
THENCE, S 60°59'44" W, 1420.86 feet (*S 61°00'00" W, 1426.55 feet-1562/497*) generally along an existing fence and the common line with said 12.492 acre tract to the POINT OF BEGINNING and containing 9.923 acres of land, more or less.

Note: Plat also prepared this day.

  
J. M. Butz, Jr.  
Registered Professional Land Surveyor  
No. 2024



FN19-106.A



This page has been added by the Guadalupe County Clerk's office to comply with the statutory requirement that the recording information shall be placed at the foot of the record.

→ DMK Land Development  
P.O. Box 218  
Marion TX 78124

201999007250  
I certify this instrument was FILED and RECORDED  
in the OFFICIAL PUBLIC RECORDS  
of Guadalupe County, Texas on  
04/04/2019 11:01:56 AM PAGES: 5 LINDA  
TERESA KIEL, COUNTY CLERK



*Teresa Kiel*