



Property, but excluding those having such interest merely a security for the performance of an obligation.

3. Enforcement by Owners. This Declaration imposes upon the Property (and thus each Tract) mutually beneficial restrictions under a general plan for the benefit of the future Owner(s) of each Tract within the Property. In furtherance of such plan, this Declaration provides that the Owners of Tracts that are conveyed and transferred out of the Property are hereby granted the power to administer and enforce the provisions of this Declaration.

4. Use Restrictions: The following is not permitted on the Property: mobile homes (single wide or double wide), manufactured homes, mobile home park or modular home park whereby locations are available for rent or purchase, RV park whereby recreational vehicles are parked for rent or purchase for an agreed upon time, RV use as a permanent residence, multi-family dwellings (duplex and apartments), auto salvage, automotive or motorcycle repair, auto sales and service, auto part sales, auto body repair, adult sexual oriented businesses including adult book stores, hotel or motel, industrial uses, manufacturing, pawn shops, scrap/salvage, liquor store, bail bonds, club or cocktail lounge, billiard parlor, exterminating/pest services, substance abuse/addiction treatment/rehabilitation facilities, detention or halfway house, construction sales or service, drop-off recycling, residential treatment programs, livestock rendering plant, livestock feed lot of any kind, any business or facility used for illegal substance processing or distribution, in growing, delivering, transferring, supplying, dispensing, dispersing, distributing or selling marijuana, whether by prescription, medical recommendation or otherwise, and whether consisting of live plants, seeds, seedlings or processed or harvested portions of the marijuana plant, auto washing, tattoo parlor, family planning/pregnancy termination clinic, massage parlor, mid-to-heavy equipment rental/repair, beauty supply, smoke/vapor shop, tire rental, seasonal/occasional use store or any business which creates unreasonably or unusually strong or offensive odors, fumes, emissions or sounds. Notwithstanding the foregoing an Owner's RV may be located on a Tract for recreational use.

5. Walls and Fences.

5.1. Walls and fences shall not be closer to front property line than the Property Boundary Line. No fence or wall may be closer than 30-feet from the centerline of County Road 385 on those portions of the Property that front County Road 385.

5.2. Electric, smooth or barbed wire fencing no higher than 5-feet in height shall be permitted on all Tracts within the Property.

5.3. Chain link or similar type fencing will not be permitted as a perimeter fence for Tracts within the Property.

5.4. Interior Fencing (i.e., fences not on the Property boundary). High fencing (fence 8-feet in height or higher) designed to hinder wildlife traffic shall not be installed on the interior of the Property.

6. Prohibition of Offensive Activities. No activity that is considered a nuisance or offensive by local ordinances, whether for profit or not, shall be conducted on the Property. Activities which are not related to single family recreational and residential purposes, hunting purposes or customary agricultural and ranching activities are prohibited. The discharge or use of firearms is expressly prohibited within 10-feet of a Tract Boundary Line.

7. Location of Improvements/Structures. On all Tracts, no improvements, structures, RV, temporary building or building of any kind shall be located on any Tract nearer than one hundred (100) feet from a Tract Boundary Line or Property Boundary Line.

8. Junked Motor Vehicles Prohibited. No Tract within the Property shall be used as a depository for abandoned or junked motor vehicles. No junk of any kind or character, or dilapidated structure or building of any kind or character, shall be kept on any portion of any Tract on the Property.

9. Advertisement and Signs. No signs, advertisement, billboards or advertising structure of any kind may be erected or maintained on any portion of the Property without the consent in writing of the Declarant, provided Owners are allowed to post address, ranch name, and other customary ranch signage such as “No Trespassing” or “Private Property” on their Tract(s) without the consent (written or otherwise) of the Declarant.

10. Animal Husbandry. No commercial feed lot (cattle, swine) or commercial poultry operation or commercial dog or cat breeding of any kind shall be allowed or kept on the Property.

11. Drainage. Natural established drainage patterns of streams, low lying areas, ditches or swales will not be impaired by any person or persons owning land within the Property. Any driveway culvert that is installed must be of sufficient size to afford proper drainage of ditches without backing water up into ditch or diverting flow along roadways or pursuant to County roadway specifications, if any.

12. Resubdivision. The Property may not be resubdivided or split into Tracts that are less than twenty (20) acres.

13. Violations. In the event of the failure of Owner to comply with the above requirements and/or these Restrictions after thirty (30) days written notice thereof, the Declarant, another Owner(s) or their/its designated agents may, without liability, take actions to cause an Owner to comply with the Declaration as provided herein.

## **ARTICLE 2 DUTIES AND POWERS OF DECLARANT**

1. Power to Enforce Restrictions and Rules and Regulations. The Declarant or its heirs, successors or assigns (and thus any Owner that owns a portion or a Tract of the Property) shall have the power to enforce the provisions of this Declaration and may take such action as permitted herein to cause such compliance by each Owner by commencing and maintaining actions and suits to restrain and enjoin any breach or threatened breach of the provisions of this Declaration, provided that the prevailing party of any actions or suits shall be entitled to recover its reasonable attorney’s fees, costs of court and costs of litigation.

2. Term. The provisions hereof shall run with the property and shall be binding upon all Owners and all persons claiming under them for a period of ten (10) years from the date this Declaration is recorded, after which time said Declaration shall be automatically extended for successive periods of ten (10) years each, unless an instrument, signed by not less than Two-thirds (2/3rds) of the Owners of the Tracts has been recorded in the Official Public Records of San Saba County, Texas agreeing to remove, amend or change, in whole or in part, this Declaration. The foregoing notwithstanding, any amendment to this Declaration shall not impair or adversely affect the vested property right of an Owner of a Tract or his/her/its mortgagee.

3. Severability. Each of the provision of this Declaration shall be deemed independent and severable and the invalidity of un-enforceability or partial invalidity or partial un-enforceability of any provision or portion hereof shall not affect the validity or enforceability of any other provision.



STATE OF TEXAS

COUNTY OF SAN SABA

Field notes of a 311.39-acre tract of land, being out of a 698.77-acre tract of land conveyed to John Berry, et al by Partition Deed dated November 21, 2018 and recorded in Volume 365, Page 332 of the Official Public Records of San Saba County, Texas;

Said 311.39-acre tract is comprised of approximately 56.15 acres of the T. Toby Survey No. 137.5, Abstract 1304, 68.60 acres of the J. Riley Survey No. 1, Abstract 1810, 180.70 acres of the G.C. & S.F. R.R. CO. Survey No. 503, Abstract 1732, and 5.94 acres of the J. L. Latham Survey No. 504, Abstract 2116, is situated in San Saba County, Texas, approximately 23.5 miles southwest of the San Saba County Courthouse, and is described by metes and bounds as follows:

Beginning at a ½" iron rod found at the northwest corner of a 320.00-acre tract of land conveyed to Latham & McKnight, Ltd by Correction Special Warranty Deed dated April 8, 1991 and recorded in Volume 207, Page 62 of the Deed Records of San Saba County, Texas; at the northeast corner of a 375.116-acre tract of land conveyed from John Gibbon Roberts, et ux to Spring Mid Star, LLC by Warranty Deed with Vendor's Lien dated March 24, 2014 and recorded in Volume 337, Page 20 of the Official Public Records of San Saba County, Texas; at the southeast corner of a 15.038-acre tract of land conveyed from Cheryl L. Plain, Independent Executor of the Estate of Albert H. Plain, Jr. to Cheryl L. Plain by Executor's Warranty Deed dated April 10, 2013 and recorded in Volume 331, Page 210 of the Official Public Records of San Saba County, Texas; at the southwest corner of said 698.77-acre tract, for the southwest corner of this tract;

Thence North 00°32'43" East along the east line of said 15.038-acre tract, west line of said 698.77-acre tract, and west line of this tract, a distance of 947.41 feet to an 8" pine fence corner post found at the northeast corner of said 15.038-acre tract, at the easterly southeast corner of a 45.67-acre tract of land conveyed from Veterans Land Board of the State of Texas to Gilbert Wayne McGough by Deed dated July 20, 2007 and recorded in Volume 298, Page 276 of the Official Public Records of San Saba County, Texas; in the west line of said 698.77-acre tract, for an angle corner of this tract;

Thence North 00°38'16" East along the east line of said 45.67-acre tract, continuing along the west line of said 698.77-acre tract, and west line of this tract, a distance of 30.22 feet to a point in the approximate centerline of County Road 385, in the east line of said 45.67-acre tract, in the west line of said 698.77-acre tract, at the southwest corner of a 387.38-acre tract of land surveyed this date, for the northwest corner of this tract; whence a ½" iron rod set in the east line of said 45.67-acre tract, west line of said 698.77-acre tract, and west line of said 387.38-acre tract bears North 00°38'16" East, a distance of 29.34 feet;

Thence in a generally easterly direction along the approximate centerline of said County Road 385, across said 698.77-acre tract, along the south boundary of said 387.38-acre tract, and north boundary of this tract as follows:

North 43°06'01" East, a distance of 61.06 feet to a point,  
 North 33°22'54" East, a distance of 87.75 feet to a point,  
 North 28°30'05" East, a distance of 1034.80 feet to a point,  
 North 41°58'30" East, a distance of 104.02 feet to a point,  
 North 56°04'49" East, a distance of 163.38 feet to a point,  
 North 69°17'02" East, a distance of 171.88 feet to a point,  
 North 81°26'47" East, a distance of 139.85 feet to a point,  
 South 80°55'48" East, a distance of 284.19 feet to a point,  
 North 88°04'06" East, a distance of 838.10 feet to a point,  
 North 55°53'09" East, a distance of 497.25 feet to a point,  
 North 80°01'59" East, a distance of 99.67 feet to a point,  
 South 76°42'18" East, a distance of 130.15 feet to a point,  
 North 77°06'28" East, a distance of 173.23 feet to a point,  
 South 89°20'27" East, a distance of 167.79 feet to a point,  
 North 76°39'53" East, a distance of 88.45 feet to a point,  
 North 55°43'54" East, a distance of 226.49 feet to a point,  
 North 60°34'33" East, a distance of 203.82 feet to a point,

North 79°57'36" East, a distance of 69.52 feet to a point,  
 South 78°13'50" East, a distance of 59.52 feet to a point,  
 South 65°26'10" East, a distance of 267.61 feet to a point,  
 South 77°45'16" East, a distance of 159.45 feet to a point,  
 North 74°53'08" East, a distance of 247.32 feet to a point,  
 South 79°59'40" East, a distance of 164.32 feet to a point,  
 North 77°41'42" East, a distance of 70.90 feet to a point,  
 North 51°47'45" East, a distance of 102.90 feet to a point,  
 North 33°04'11" East, a distance of 178.64 feet to a point,  
 North 47°11'40" East, a distance of 112.11 feet to a point,  
 North 50°27'54" East, a distance of 346.01 feet to a point,  
 South 87°47'32" East, a distance of 55.03 feet to a point, and

South 61°54'58" East, a distance of 420.91 feet to a point in the approximate centerline of said County Road 385, in the west line of a 432.91-acre tract of land described as Fourth Tract in Special Warranty Deed from Levonne J. Latham to Shari Latham Clark, et al dated May 23, 1986 and recorded in Volume 190, Page 572 of the Deed Records of San Saba County, Texas; in the east line of said 698.77-acre tract, at the southeast corner of said 387.38-acre tract, for the northeast corner of this tract; whence a ½" iron rod set in the west line of said 432.91-acre tract, east line of said 698.77-acre tract, and east line of said 387.38-acre tract bears North 00°14'45" West, a distance of 22.59 feet;

Thence South 00°14'45" East along the west line of said 432.91-acre tract, east line of said 698.77-acre tract, and east line of this tract, a distance of 228.03 feet to a pipe fence corner post found at the southwest corner of said 432.91-acre tract, at the northwest corner of a 113.00-acre tract of land described in said Correction Special Warranty Deed recorded in Volume 207, Page 62 of the Deed Records of San Saba County, Texas; in the east line of said 698.77-acre tract, for an angle corner of this tract;

Thence South 00°22'39" West along the west line of said 113.00-acre tract, continuing along the east line of said 698.77-acre tract, and east line of this tract, a distance of 2760.25 feet to a pipe fence corner post found in the west line of said 113.00-acre tract, at the northeast corner of said 320.00-acre tract, at the southeast corner of said 698.77-acre tract, for the southeast corner of this tract;

Thence South 89°49'45" West along the north line of said 320.00-acre tract, south line of said 698.77-acre tract, and south line of this tract, a distance of 5571.91 feet to the point of beginning, containing 311.39 acres of land, more or less, subject to all easements of record.

*Bearing Basis hereon is Texas State Plane Coordinate System, Reference Frame North American Datum 1983 (2011) (EPOCH 2010.0000), as determined from Global Navigation Satellite System (GNSS) survey equipment by Static, Virtual Reference System (VRS) network and or Real Time Kinematic (RTK). Distances shown hereon are shown as grid Texas State Plane Coordinate System distances.*

*½" iron rods set are ½" rebar with surveyor's cap stamped "MQI".*

I, Jason McMillan, Registered Professional Land Surveyor of Texas, do hereby state that this description represents an actual survey made on the ground this the 23<sup>rd</sup> day of June 2021.



A handwritten signature in black ink, appearing to read "Jm".

Registered Professional Land Surveyor  
 Texas Registration No. 6279

*A plat accompanies this metes and bounds description.  
 Job # 21030052-01*