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VOL 491 PG 796

MAY 31 2022

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COUNTY CLERK McCULLOCH CO.

**DECLARATION OF RESTRICTIVE COVENANTS**

This Declaration of Restrictive Covenants (hereafter "Declaration") is made by CJN Homes, LLC. (hereafter "Declarant").

**ARTICLE I**  
**Recitals**

Section 1. The property covered by this Declaration are certain Tracts or Parcels created and described by metes and bounds, as part of the ( Subject Property) on Exhibit "B" and depicted on Exhibit "A", attached hereto and incorporated by reference (hereafter "the Property"). Located in McCulloch County, Texas.

Section 2. Declarant makes this Declaration for the purpose of subjecting the Property to one of more restrictive covenants as more particularly described below.

NOW, THEREFORE, Declarant is the owner of the Property and hereby subjects the Property to certain covenants, conditions, and restrictions and as more particularly described below.

**ARTICLE II**  
**Use Restrictions**

Section 1. Land Uses and Building Type.

a) Mobile Homes, Manufactured Homes, and Tiny Homes, may be placed on a tract as a Living Area provided that they are not more than 10 years old from the date of placement and provided that they are freshly painted and fully skirted.

b) Greenhouses, barns, shop buildings, and other outbuilding maybe constructed from new materials on a Tract prior to a residential structure, and are subject to building set back restrictions.

c) No noxious or offensive activity shall be carried on upon the above described Tracts, nor shall any act be performed thereon which shall or may become an annoyance or nuisance to other owners of Tracts.

Section 2. Type of Construction Materials.

All onsite structure construction types are permitted only with new materials and must be freshly painted.

Section 3. Lot lines/setbacks.

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a) All Tracts shall be subject to the following set back lines: No dwelling, structure, pen or kennel, whether permanent or temporary, shall not be located closer than 25 Feet to the front of the property facing the Road, and no closer than 25 feet from the back property line, and 15 feet from side property lines. No vehicles, tractors and implements may not be parked or stored closer than 15 ft from any lot property lines. Water Wells and Septic System setback is 15 ft. from any property line.

b.) Declarant reserves unto itself and its successors and assigns forever, a 15 foot wide utility easement along the front, back and side property lines of all the Tracts.

The terms "back" and "side tracts lines", respectively, as used in this paragraph, in respect to any two or more contiguous whole tracts owned by the same owner and used as a single building site, shall mean, respectively, the outermost back property lines and side property lines considering said contiguous whole tract, as one tract. However, in the event that a single owner shall own two or more adjacent tracts, and shall thereafter convey one tract to any third party, the interior property lines between the tracts then owned by separated owners shall be burdened by the setback lines described herein.

Section 4. Area Usage.

Tracts may be used for residential or commercial purposes.

Section 5. Temporary Structures and Temporary occupancy.

Travel trailer and motor homes may be used as a residence, provided they shall meet all of the setback requirements of these restrictions.

Section 6. Fences.

a) Fences and Gates must be constructed from new materials and cannot be constructed from pallets, rusty metals, used tin, or tires.

Section 7. Completion of Construction.

a) New construction of a dwelling must be completed within 24 months from commencement. All refuse and materials must be removed from the property every 45 days during and after completion of construction.

Section 8. Water Wells.

Water well sharing IS NOT restricted.

Section 9. Hunting/Firearms.

Hunting and discharging of firearms are subject to the laws of the State of Texas.

Section 10. Storage, Garbage, Refuse, and Prohibited Items.

No tract shall be used or maintained as a dumping ground for rubbish, waste, garbage or trash or used for the Open Air storage of scrap metal, construction materials, inoperable vehicles or machinery, tires or other materials or junk, these items must be in an enclosed structure.

Section 11. Sewage Treatment.

No septic system shall be installed on any tract until a permit is issued by the County.

Section 12. Use of Tract as Roadway. N/A

Section 13. Animals.

Provided that such use does not create any condition conflicting with the nature of the property, animals may be raised or kept on the property:

- a) Dogs, Cats, Horses, Cattle and other livestock, Deer, and Exotic Game are permitted provided that the total does not exceed county requirements per acre and provided that there is adequate fencing and grazing to contain them. No more than 40 Fowls, and 6 Goats and Sheep per acre. Bee Hives are allowed. Swine only as a 4H or FFA School Project.

**ARTICLE III**  
**General Provisions**

Section 1. Applicability.

- a) Buyers and Buyer's successors and assigns, and any future owners and occupiers of the Property, shall be bound by the terms and conditions of this Declaration.

Section 2. Covenants Running with the Land.

a) All of the restrictions, covenants and easements herein provided for and adopted shall be covenants running with the land. The owner of any tract and their respective successors and assigns shall have the right to either prevent a breach of any such restriction or covenant or to enforce the performance thereof.

- b) Existing structures and buildings on Tract D are exempted from these restrictions.

Section 3. Partial Invalidity.

a) Invalidation of any covenant or restriction (by Court Judgment or otherwise) shall not affect, in any way, the validity of all other covenants and restrictions, all of which shall remain in full force and effect. Acquiescence in any violation shall not be deemed a waiver of the right to enforce against the violator or others the conditions so violated or any other conditions.

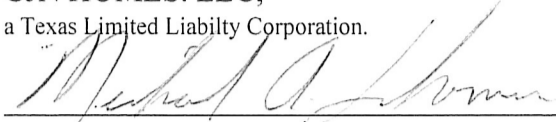
Section 4. Modifications.

- a) The covenants, conditions and restrictions set forth herein may not be amended or modified without 100% written consent of the current owners of all the Tracts. These covenants will expire on January 1, 2026. The Declarant reserves the sole right to amend these restrictions until June 1, 2023 without consent of the current owners, however any new changes will not effect or apply prior owners.

Section 5. Governing Law.

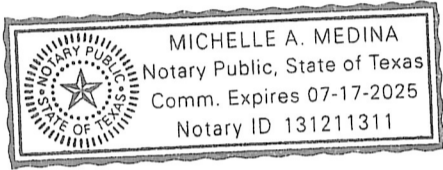
- a) This Declaration shall be governed by and construed in accordance with the laws of the State of Texas.

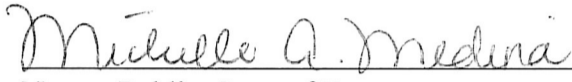
CJN HOMES. LLC,  
a Texas Limited Liability Corporation.

  
 \_\_\_\_\_  
 Michael A. Schomer, its manager.

STATE OF TEXAS                    )  
 COUNTY OF GUADALUPE        )

This instrument was acknowledged before me on May 24, 2022, by Michael A. Schomer, on behalf of CJN HOMES LLC, as its Manager and on behalf of said company.

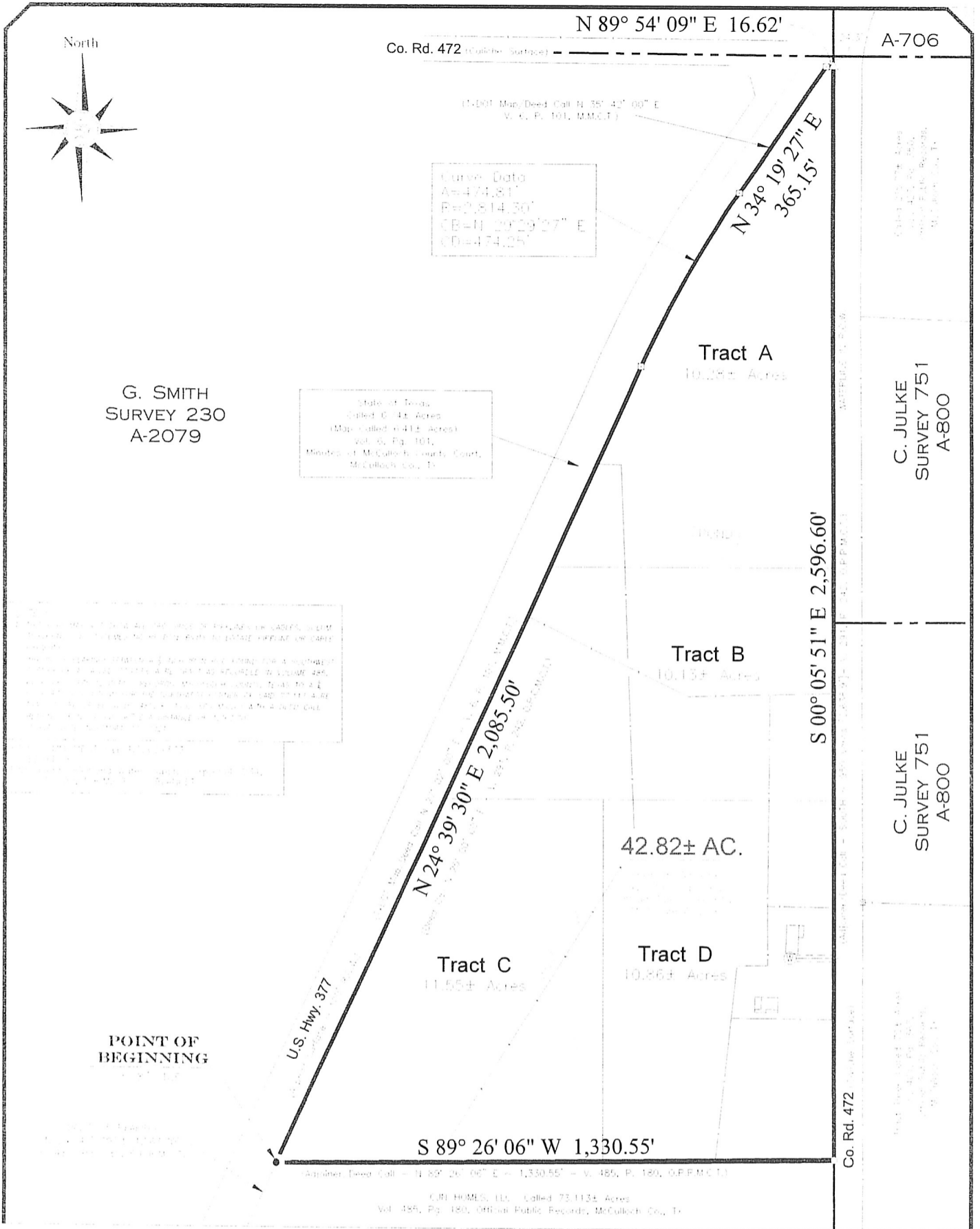


  
 \_\_\_\_\_  
 Notary Public, State of Texas  
 My commission expires: 07/17/2025  
 Printed Name: Michelle A. Medina

After recording return to:  
 Michael Schomer  
 562 S. Hwy 123 Bypass #212  
 Seguin, Texas 78155

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EXHIBIT "A"



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EXHIBIT "B"

FIELD NOTE DESCRIPTION  
42.82 ACRE TRACT OF LAND  
McCULLOCH COUNTY, TEXAS

FIELD NOTE DESCRIPTION of a 42.82 acre tract of land, more or less, called 38.26 acres as conveyed by Warranty Deed with Vendor Lien dated December 30, 1997 from Cheryl Neal to Steven Sherwood as recorded in Volume 291, page 242, Official Public Records, McCulloch County, Texas. Also being out of and part of the East half of Gilbert Smith (a.k.a. State School Land Survey) No. 230 Abstract 2079 and being all of the Northeast one-fourth of said Survey lying East of U.S. Highway No. 377 and being part of the same land as described as First Tract in a Deed dated December 13, 1938 from Bryan C. Howard et al to G.D. Howard recorded in Volume 100, page 74, Deed Records of McCulloch County, Texas. Also being out of G. SMITH SURVEY 230 Abstract 2079. Situated approx. 8.5 miles Northeast of Brady, McCulloch County, Texas. Said 42.82 acre tract of land is more particularly described by metes and bounds as follows, to-wit:

**POINT OF BEGINNING** being a 5/8 inch iron rod (Control Monument) found, for the Southeast Right-of-Way line of State Highway 377 (100' R.O.W.), for the Northwest corner of a called 73.113 acre tract as recorded in Volume 485, page 180, Official Public Records, McCulloch County, Texas, for the West corner of called 38.26 acre tract as recorded in Volume 291, page 242, Official Public Records, McCulloch County, Texas, for the Northeast point of Basis of Bearing in Note 2 below, for the Southwest corner of this tract, from whence a 3/8 inch iron rod (Control Monument) found for the Southwest corner of said 73.113 acre tract same being the Southwest point of Basis of Bearing Note 2 below bears S 24° 40' 30" W a distance of 1,763.70 feet;

**THENCE** N 24° 40' 30" E, (TxDOT Map Call N 27° 02' 00" E {Deed Call N 25° 00' 00" E ~ 2,133.33' - V. 291, P. 242. O.P.R.M.C.T.}) with the Southeast R.O.W. line of said U.S. Highway 377 same being the Southeast line of a called 6.74 acre tract as described in Volume 6, page 101 of the Minutes of McCulloch County Court, McCulloch County, Texas, for the Northwest line of said 38.26 acre tract, a distance of 1,763.70 feet to a TxDOT Concrete Monument top broken found, for a deflection corner of said S.H. 377 and P.C. of curve to right, for a deflection corner of said 38.26 acre tract, for a deflection corner of this tract;

**THENCE** with said curve to right and continuing with the Southeast line of said 6.74 acre tract with a radius of 2,814.30 feet and an arc length of 474.81 feet sustaining a Chord Bearing of N 29° 29' 27" E and a Chord Distance of 373.25 feet to a TxDOT Concrete Monument (Control Monument) found, for the P.T. of curve, for a deflection corner of said 38.26 acre tract, for a deflection corner of this tract;

**THENCE** N 34° 19' 27" E, (TxDOT Map Call N 35° 42' 00" E) with the Southeast R.O.W. line of said U.S. Hwy. 377 same being the Southeast line of said 6.74 acre tract, for the Northwest line of said 38.26 acre tract, a distance of 365.15 feet to TxDOT Concrete Monument top broken found, for the intersection of the Southwest Right-of-Way of County Road 472 and said U.S. Hwy. 377, for the Northwest corner of this tract;

**THENCE** N 89° 54' 09" E, with a South R.O.W. line of said County Road 472, for the North line of said 38.26 acre tract, a distance of 16.62 feet to a 60d Mag Hub set, for the East line of said Survey 230, for the common West line of C. JUKE SURVEY 751 Abstract 800 and the West line of said Co. Rd. 472, for the Northeast corner of said 38.26 acre tract, for the Northeast corner of this tract, from whence the Northeast corner of said Survey 230 bears N 00° 05' 51" W a distance of 24.3 feet;

**THENCE** S 00° 05' 51" E, (Adjoiner/Deed Call SOUTH ~ 2,638.9' - V. 291, P. 242, O.P.R.M.C.T.) with the common West line of said Co. Rd. 472 and the East line of said Survey 230, for the East line of said 38.26 acre tract, a distance of 2,596.60 feet to a 5/8 inch iron rod with red cap stamped "SOLUM SURVEYING INC" set, for the Northeast corner of said 73.113 acre tract, for the Southeast corner of said 38.26 acre tract, for the Southeast corner of this tract;

**THENCE** S 89° 26' 06" W, (Adjoiner/Deed Call N 89° 26' 06" E ~ 1,330.55' - V. 485, P. 180, O.P.R.M.C.T.) with the North line of said 73.113 acre tract, for the South line of said 38.26 acre tract, a distance of 1,330.55 feet to the **PLACE OF BEGINNING** and containing 42.82 acres of land, more or less.

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THE STATE OF TEXAS  
COUNTY OF McCULLOCH

55714

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 Official Public Records of McCulloch County, Texas, in the Volume and Page as noted hereon by me.



Christine A. Jones  
County Clerk, McCulloch County Texas

By Tawn Work Deputy

RECORDED: June 1, 2022

OFFICIAL PUBLIC RECORDS, Volume 491, Page 796