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**DECLARATION  
OF COVENANTS, CONDITIONS AND RESTRICTIONS  
OF EDELWEISS ESTATES, PHASE 16**

STATE OF TEXAS     §  
                              §  
COUNTY OF BRAZOS   §

WHEREAS, Begonia Corporation, Inc., a Texas Corporation, hereinafter sometimes referred to as "Developer," is the owner of that certain tract or parcel of real property lying and being situated in the City of College Station, Brazos County, Texas, consisting of 14.752 acres of land, more or less, which is more fully described on Exhibit "A" attached hereto and made a part hereof and on the plat filed for record in Volume 4146, Page 280, Official Records of Brazos County, Texas, filed on the 11<sup>th</sup> day of MAY, 2001 (the "Property"); and

WHEREAS, said 14.752 acre tract is a part of the 292.15 acre tract described in the Declaration of Covenants, Conditions and Restrictions for Edelweiss Estates and Rock Prairie Estates dated the 17<sup>th</sup> day of June, 1993, and recorded in Volume 1827, Page 315, Official Records of Brazos County, Texas, amended in Volume 2789, Page 303, Official Records of Brazos County, Texas, to which record reference is here made for all purposes, and the provisions of which are hereby adopted as if fully incorporated herein; and

WHEREAS, Developer desires to set forth more detailed protective covenants, conditions, restrictions and charges for Edelweiss Estates, Phase 16, in addition to and supplemental to those imposed by said general covenants, conditions, restrictions and charges and also running with the land;

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that said Edelweiss Estates, Phase 16 shall also be subject to the following:

**ARTICLE I  
RESIDENTIAL RESTRICTIONS**

1.01 Residential Use. All Lots shall be improved and used solely for single family residential purposes and shall include a garage, and other such improvements as are necessary or customarily incident to residential use. No owner shall occupy or use a Lot or any improvements constructed thereon, or permit the same part thereof to be occupied or used for any purpose, including but not limited to religious and/or daycare facilities, other than as a private residence for the Owner, his/or her family, guests and tenant. All Lots within the Property shall be used and improved solely for single family residential dwelling purposes, with no more than one (1) attached residential dwelling unit per Lot unless designated otherwise by Developer. Anything herein to the contrary notwithstanding, any Lot may be used or improved for greenbelt, open space and/or drainfield purposes.

1.02 Building Materials; Dwelling Size. All single family dwellings shall be constructed of (as a minimum) materials of recognized standard construction quality, and all exteriors (exclusive of doors, windows and smaller openings) shall be constructed of at least seventy-five (75%) masonry or other material specifically approved in writing by the Architectural Committee. Masonry includes

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ceramic tile, brick, rock, and all other materials commonly referred to in the College Station, Texas, area as masonry. Unless an exception is granted by the Architectural Committee, all single family dwellings shall contain not less than the square footage of enclosed living space, exclusive of porches (open or covered), decks, garages, and carports, as follows:

- (a) Lots 1-21, Block 12 - 1400 square feet
- (b) Block 13 - 1800 square feet
- (c) Lots 26-31, Block 12 - 2200 square feet
- (d) Lots 22-25, Block 12 - 1800 square feet
- (e) Block 14 - 1800 square feet
- (f) Block 15 - 2200 square feet

Each residence shall include an enclosed, attached or detached garage or other structure sufficient to meet the requirements of Section 3.22 of the Declaration recorded in Volume 1827, Page 315, Official Records of Brazos County, Texas.

ARTICLE II  
AMENDED RESTRICTIONS

1.01 Fences. The provisions set forth in Article III, 3.24 (B) of the Declaration recorded in Volume 1827, Page 315 of the Official Records of Brazos County, Texas, are hereby amended for this Phase 16, whereby Owners are not required to build fences. If fences are built, they will comply with the provisions of said Article III, 3.24, except they need not be built within one (1) year of completion of the home.

1.02 Roofing Materials. The roofing materials utilized in Lots 1-21, Block 12 are not required to comply with the provisions of the first sentence of Article III, 3.12 of the Declaration.

In all other respects, this Declaration ratifies, confirms and incorporates by reference, all of the provisions of the Declaration recorded in Volume 1827, Page 315 of the Official Records of Brazos County, Texas.

IN WITNESS WHEREOF, Developer has executed this Declaration as of this 11<sup>th</sup> day of MAY, 2001.

BEGONIA CORPORATION, INC.

By: James O. Crowell  
Name: James O. Crowell  
Title: President

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STATE OF TEXAS  
COUNTY OF HARRIS

This instrument was acknowledged before me on this the 11<sup>th</sup> day of MAY,  
2001, by James O. Crowell, President, of Begonia Corporation Inc., a Texas corporation, on behalf  
of said corporation.



*Jo Karen Miller Bruch*  
Notary Public, State of Texas

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FIELD NOTES  
14.752 ACRES

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Being all that certain tract or parcel of land lying and being situated in the CRAWFORD BURNETT LEAGUE, Abstract No. 7 in College Station, Brazos County, Texas, and being a portion of the 132.508 acre tract conveyed to Lieveen J. Van Riet, Trustee by Lieveen J. Van Riet, et al by deed recorded in Volume 964, Page 818 of the Official Records of Brazos County (O.R.B.C.), Texas and being more particularly described by metes and bounds as follows:

BEGINNING: at a 1/2-inch iron rod set for the most westerly corner of this tract, said iron rod being in the northeast right-of-way line of F.M. 2114 (Wellborn Road, based on a 100-foot width), from whence the most westerly corner of the said 132.508 acre tract and the south corner of Fraternity Row Subdivision as recorded in Volume 971, Page 583 bears S 47° 03' 58" W at a distance of 671.60 feet; THENCE: into the interior of the said 132.508 acre tract for the following four (4) calls:

- (1) 39.62 feet in a counter-clockwise direction along the arc of a curve having a central angle of 90° 47' 29", a radius of 25.00 feet, a tangent of 25.35 feet and a long chord bearing N 87° 32' 17" E at a distance of 35.60 feet to a 3/4-inch iron pipe set for the Point of Tangency;
- (2) N 42° 08' 33" E for a distance of 400.04 feet to a 3/4-inch iron pipe set for an angle point;
- (3) N 37° 33' 40" E for a distance of 74.98 feet to a 1/2-inch iron rod set for corner and
- (4) N 42° 56' 02" E for a distance of 120.00 feet to a 1/2-inch iron rod set for corner;

THENCE: S 47° 03' 58" E, at 103.60 feet pass the west corner of Edelweiss Estates, Phase Twelve as recorded in Volume 3176, Page 303, continue for a total distance of 507.59 feet to a found 1/2-inch iron rod for corner;

THENCE: N 50° 59' 29" E along the southeast line of said Phase Twelve for a distance of 608.15 feet to a found 1/2-inch iron rod for corner;

THENCE: S 89° 21' 28" E for a distance of 30.80 feet to a found 1/2-inch iron rod for corner, said iron rod also being in the northwest right-of-way line of Edelweiss Avenue as dedicated by plat recorded in Volume 3147, Page 141 (O.R.B.C.);

THENCE: 118.84 feet in a counter-clockwise direction along the arc of a curve in said Edelweiss Avenue right-of-way line, said curve having a central angle of 15° 50' 05", a radius of 430.00 feet, a tangent of 59.80 feet and a long chord bearing S 07° 16' 31" E at a distance of 118.46 feet to a found 1/2-inch iron rod for the Point of Reverse Curvature;

THENCE: 34.96 feet in a clockwise direction along said reverse curve having a central angle of 80° 07' 28", a radius of 25.00 feet, a tangent of 21.02 feet and a long chord bearing S 24° 52' 11" W at a distance of 32.18 feet to a found 1/2-inch iron rod for corner;

THENCE: S 17° 18' 15" E at a distance of 50.55 feet to a found 1/2-inch iron rod for corner;

THENCE: 38.68 feet in a clockwise direction along the arc of a curve having a central angle of 88° 38' 46", a radius of 25.00 feet, a tangent of 24.42 feet and a long chord bearing S 72° 10' 04" E at a distance of 34.94 feet to a found 1/2-inch iron rod for the Point of Reverse Curvature;

THENCE: 88.09 feet in a counter-clockwise direction along the arc of said reverse curve having a central angle of 11° 44' 14", a radius of 430.00 feet, a tangent of 44.20 feet and a long chord bearing S 33° 42' 47" E at a distance of 87.93 feet to a found 1/2-inch iron rod for the Point of Tangency;

THENCE: S 39° 34' 55" E for a distance of 10.44 feet to a found 1/2-inch iron rod marking the most northerly corner of the Texas Hotel Management Corp. 2.52 acre tract as described in Volume 3202, Page 292 (O.R.B.C.);

THENCE: S 51° 02' 59" W for a distance of 1115.70 feet to a found 1/2-inch iron rod for the most southerly corner of this tract and being in the beforementioned F.M. 2154 right-of-way line and also being the most westerly corner of Lot 1, Block Five of Edelweiss Business Center as recorded in Volume 2867, Page 23;

THENCE: N 47° 03' 58" W for a distance of 724.98 feet to the POINT OF BEGINNING and containing 14.752 acres of land, more or less.

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Filed for Record in  
BRADY COUNTY,  
On May 15, 2001 at 08:03AM

As a  
RECEIPT  
Account Number 6743295  
Amount 14.00

Receipt Number - 172127  
By,  
Barbara Johnson

**NOTARY PUBLIC** COUNTY OF  
I hereby certify that this instrument was  
filed in the date and hour stamped herein by me  
and was duly recorded in the volume and page  
of the record records of  
BRADY COUNTY,  
as stamped herein by me.

May 15, 2001

BARBARA JOHNSON, COUNTY CLERK  
BRADY COUNTY,

William Thornton Sr.  
4343 Carter Creek Pkwy Suite 120  
Dryan, Texas 77828