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DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF EDELWEISS ESTATES, PHASE 10-B

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STATE OF TEXAS

COUNTY OF BRAZOS

SO. CLERK BRAZOS COUNTY COURTHOUSE BRAZOS, TEXAS

WHEREAS, Begonia Corporation, Inc., a Texas Corporation, hereinafter sometime 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 11.868 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 under County Clerk's File Number 642003, filed on 29th day of October, 1997 (the "Property"); and

WHEREAS, said 11.868 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 Framing Estates dated the 17th day of June, 1993, and recorded in Volume 1827, Page 315, 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 10-B, 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 10-B 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

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of, (as a minimum) materials of recognized standard construction quality, and all exteriors (exclusive of doors, windows and similar openings) shall be constructed of at least seventy-five (75%) masonry or other material specifically approved in writing by the Architectural Committee. Masonry includes 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 twenty two hundred (2200) square feet of enclosed living space, exclusive of porches (open or covered), decks, garages, and carports. 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.

1.03 **Assessments.** The provisions set forth in Article VII, 7.01 of the Declaration recorded in Volume 1827, Page 315 of the Official Records of Brazos County, Texas, are hereby amended for this Phase 10-B to include a new paragraph (D) to read as follows:

"The assessment fees required on each Lot in this Article will be suspended for a period of time beginning the date of the Deed from the Developer and extending either (1) twelve (12) months, or (2) the date of a deed (or a release or transfer of mechanic's lien) out of the Grantee in the Developer's deed, whichever is the shorter time period."

#### 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 10-B, 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.

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 30TH day of OCTOBER, 1997.

BEGONIA CORPORATION, INC.

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

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STATE OF TEXAS  
COUNTY OF BRAZOS

This instrument was acknowledged before me on this the 30<sup>TH</sup> day of OCTOBER, 1997, by James O. Crowell, President, of Begonia Corporation Inc., a Texas corporation, on behalf of said corporation.

 JACQUELINE MOORE  
MY COMMISSION EXPIRES  
November 25, 2000

*Jacqueline Moore*  
Notary Public, State of Texas

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