

61845

RESTRICTIONS
WEST MAGNOLIA FOREST
SECTION 2, WALLER COUNTY, TEXAS

DEED RECORDS
VOL 205, PAGE 176

THE STATE OF TEXAS I
 I
COUNTY OF WALLER I KNOW ALL MEN BY THESE PRESENTS:

THAT, in order to insure to all purchasers of property in WEST MAGNOLIA FOREST, SECTION 2, a Subdivision located in the J. Pettuck Survey, Abstract 240, and the J. Tuttle Survey, Abstract 264, in Waller County, Texas, according to the map or plat thereof recorded in Volume 201, Page 445, of the Deed Records of Waller County, Texas, that all properties situated therein will be developed and maintained in a uniform manner to the mutual benefit of all owners and future owners thereof, the undersigned, Mitchell & Mitchell Land Development Co., the present owner of all lots and tracts of land within said Subdivision, does hereby ADOPT, ESTABLISH and IMPOSE the following restrictions, covenants and conditions upon said properties which shall constitute covenants running with the land and shall be binding upon and inure to the benefit of the present owner, its successors and assigns, and to each and every purchaser of any of said properties, their respective heirs, successors and assigns, to-wit:

1. These conditions and restrictive covenants shall be binding upon the land and the purchasers thereof until January 1, 1987, and shall be automatically extended for successive ten (10)-year periods thereafter unless on or before one (1) month prior to the end of any such period of time three-fourths (3/4ths) of the owners of tracts of land in said subdivision shall agree in writing, properly executed and recorded in the office of the County Clerk of Waller County, Texas, to amend or repeal such restrictions.

2. No tract in said subdivision shall ever be subdivided or resubdivided into smaller tracts or parcels of land than as shown on the recorded plat, each tract in said subdivision as shown on the recorded plat of said subdivision constituting one and only one building site.

3. The subdivider or any owner in the subdivision shall have the right to prosecute any proceeding, at law or in equity, against any person violating or attempting to violate the foregoing restrictive covenant, and either prevent such person, or persons, from so doing by prohibitive or mandatory injunction, and/or recover damages for such violation.

EXECUTED on this the 1st day of November, 1967,

MITCHELL & MITCHELL LAND
DEVELOPMENT CO.



Richard D. Book
Its Richard D. Book Secretary

By: [Signature]
Its George P. Mitchell President

THE STATE OF TEXAS I
 I
COUNTY OF HARRIS I

BEFORE ME, the undersigned authority, on this day personally appeared George P. Mitchell, known to me to be the person whose name is subscribed to the foregoing instrument, as President of MITCHELL & MITCHELL LAND DEVELOPMENT CO., a corporation, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said corporation.



GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 1st day of NOVEMBER, A.D., 1967.

Lorrie Kapps
NOTARY PUBLIC in and for
Harris County, T e x a s

Filed for record Dec. 8 , A. D., 1967 at 3:30 o'clock P. M.
R e c o r d e d Dec. 12 , A. D., 1967 at 9:10 o'clock A. M.

DICK CUNY, County Clerk, Waller County, Texas.
BY Juanita Hand Deputy.

WEST MAGNOLIA FOREST, SECTION 1, 2, 3, 4, 9 and 15

1. Undivided one thirty-sixth (1/36) non-participating royalty interest in and to all the oil, gas and other minerals in, on, under, and that may be produced from a 761.980 acre tract of land said subdivision is a portion of, reserved in deed dated February 2, 1965 from Wendel D. Ley, et al, to Alvin S. Moody, et al, recorded in Volume 187 at Page 32 of the Deed Records of Waller County, Texas.
2. Undivided one-twelfth (1/12) perpetual non-participating royalty interest in and to all the oil, gas and other minerals in, on, under, and that may be produced from a 761.980 acre tract of land said subdivision is a portion of, reserved in deed dated March 4, 1965 from Alvin S. Moody, et al, to Mitchell & Mitchell Land Development Co., recorded in Volume 187 at Page 36 of the Deed Records of Waller County, Texas. Said interest is said to be inclusive of and not in addition to the 1/36 interest reserved in the above referenced conveyance.
3. APPLIES TO SECTION 1 ONLY: Reservation of an undivided one sixteenth (1/16) interest in and to all the oil, gas and other minerals in, on and under a 168 acre tract of land located in the Owen Wingfield Survey said subdivision is located in, together with all rights relating thereto, express or implied, contained in deed dated December 4, 1930 from Stella Jones Christian, Individually and as Independent Executrix of the Estate of Wm. Christian, Deceased, to Lelah E. Polk, recorded in Volume 54 at Page 488 of the Deed Records of Waller County, Texas. Title to said interest has not been investigated subsequent to date of aforementioned instrument.
4. SECTION 9: Reservation of undivided one-half (1/2) interest in and to all oil, gas and other minerals in, on, under, or that may be produced from that portion of the herein described property which may lie in the 107.02 acre tract in the J. C. White Survey said subdivision is a portion of, contained in deed from Erma Yon Streety to Mitchell & Mitchell Land Development Company dated May 6, 1968 and recorded in Volume 208 at Page 52, and in Correction Deed recorded in Volume 211 at Page 87 of the Deed Records of Waller County, Texas. Said reservation specifically waives all rights of ingress and egress. Title to said interest has not been investigated subsequent to the date thereof.
5. Right-of-way easement for an electric transmission and/or distribution line or system on Grantor's 306 acre tract located in the Owen Wingfield and J. Tuttle Surveys, granted by Mitchell & Mitchell Development Corporation to San Bernard Electric Cooperative, Inc. in instrument dated July 23, 1968 and recorded in Volume 191 at Page 65 of the Deed Records of Waller County, Texas.

6. CONTAINED IN INDIVIDUAL DEEDS: Reservation of all the oil, gas and other minerals in, on, under, and that may be produced from the herein described property, together with all rights relating thereto, express or implied, contained in deed dated _____ from Mitchell Development Corporation to _____, recorded in Volume ___ at Page ___ of the Deed Records of Waller County, Texas. Title to said interest has not been investigated subsequent to the date of the aforementioned instrument.
7. SECTION 15: Right of way easement for an electric transmission or distribution line or system, granted by Mitchell & Mitchell Land Development Company to San Bernard Electric Cooperative, Inc. in instrument dated March 25, 1968 and recorded in Volume 209 at Page 233 of the Deed Records of Waller County, Texas.
8. SECTION 2: Right of way for an electric transmission or distribution line or system, granted by Mitchell & Mitchell Land Development Company to San Bernard Electric Cooperative, Inc. in instrument dated August 28, 1968 and recorded in Volume 214 at Page 51 of the Deed Records of Waller County, Texas.
9. SECTION 2: Right of way for an electric transmission or distribution line or system, granted by Mitchell & Mitchell Land Development Company to San Bernard Electric Cooperative, Inc. in instrument dated October 5, 1967 and recorded in Volume 209 at Page 231 of the Deed Records of Waller County, Texas.

SOME INDIVIDUAL ROWS MAY APPLY TO CERTAIN LOTS OR TRACTS; Title chain from Mitchell to original buyer will reveal.

10. Easements and rights-of-way according to the plat of West Magnolia Forest, Section ____, recorded in Volume ___ at Page ___ of the Deed Records of Waller County, Texas.