

DECLARATION  
OF COVENANTS, CONDITIONS AND RESTRICTIONS  
OF EDELWEISS GARTENS, PHASE ONE

THE STATE OF TEXAS       §  
  §  
COUNTY OF BRAZOS       §

WHEREAS, Edelweiss Garten Venture, a Texas General Partnership (hereinafter sometimes referred to as "Developer" or "Venture"), 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 15.241 acres of land, more or less, which is more fully described on Exhibit "A" attached hereto and incorporated herein by reference for all purposes (the "Property"); and

WHEREAS, said 15.241 acre tract is a part of the 87.32 acre tract, more or less, described in the Declaration of Covenants, Conditions and Restrictions for Edelweiss Gartens dated the 12<sup>th</sup> day of February, and filed for record in Volume 4489, Page 104, Official Records of Brazos County, Texas, to which record reference is here made for all purposes, and the provisions 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 Gartens, Phase One, 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 Gartens, Phase One 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, fencing and such other improvements as are necessary or customarily incident to residential use. No Owner shall occupy or use his Lot or any Improvements constructed thereon, or permit the same part thereof to be occupied or used for any purposes, including but not limited to religious and/or daycare facilities, other than as a private residence for the Owner, his family, guests and tenants. All Lots within the Property shall be used and improved solely for single family residential 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.

For purposes of these Restrictions, the term "Single Family Residential Purposes" does not include more occupants than there are bedrooms, if the occupants are not members of the same immediate family which owns the house.

1.02 Building Materials; Dwelling Size. All single family dwellings shall be constructed of, (as a minimum) recognized standard construction quality, and all exteriors (exclusive of doors, windows and similar openings) shall be constructed of at least seventy-five percent (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 sixteen hundred (1600) 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 4.01 of the Declaration of Covenants, Conditions and Restrictions of Edelweiss Gartens.

In all other respects, this Declaration ratifies, confirms and incorporates by reference, all of the provisions of the Declaration filed for record in Volume 4489, Page 104, Official Records of Brazos County, Texas.

IN WITNESS WHEREOF, Developer has executed this Declaration as of the 13<sup>th</sup> day of February, 2002.

EDELWEISS GARTEN VENTURE,  
a Texas General Partnership

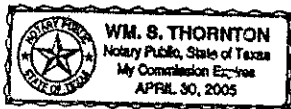
By: J. Stephen Arden  
Stephen Arden, Managing Partner

THE STATE OF TEXAS

COUNTY OF BRAZOS

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§

This instrument was acknowledged before me on this the 13<sup>th</sup> day of February, 2002, by J. Stephen Arden, Managing Partner of Edelweiss Garten Venture, a Texas General Partnership, on behalf of said partnership.



W.M. S. Thornton  
Notary Public, State of Texas  
My Commission Expires: \_\_\_\_\_

FIELD NOTES  
EDELWEISS GARTENS, PHASE ONE  
15.241 ACRES

Being all that certain tract or parcel of land lying and being situated in the ROBERT STEVENSON I. FAGUE, Abstract No. 54 in College Station, Brazos County, Texas and being part of the 86.028 acre tract described in the deed from Donald F. Carroll to Edelweiss Gartens Venture recorded in Volume 4167, Page 212 of the Official Records of Brazos County, Texas (O.R.B.C.) and being more particularly described by metes and bounds as follows:

BEGINNING: at a set 1/2-inch iron rod for the most northerly corner of the said 86.028 acre tract, from whence a found 5/8-inch iron rod marking the most easterly corner of that 1.0012 acre tract conveyed to Chet Fry and Lawrence Link by deed recorded in Volume 1722, Page 151 (O.R.B.C.) bears N 48° 26' 04" W at a distance of 170.00 feet for reference, said iron rod also being in the southwest line of the 8.781 acre tract conveyed to Westfield Addition, Ltd. recorded in Volume 3223, Page 61 (O.R.B.C.);  
THENCE: S 48° 26' 04" E along the northeast line of the said 86.028 acre tract, said line also being common with the said 8.781 acre tract, for a distance of 968.22 feet for corner;  
THENCE: into the interior of said 86.028 acre tract for the following seven (7) calls:

- 1) S 41° 33' 49" W for a distance of 29.77 feet to a 1/2-inch iron rod set for corner,
- 2) N 48° 26' 11" W for a distance of 296.29 feet to a 3/4-inch iron pipe set for the Point of Curvature of a curve to the left,
- 3) 34.19 feet along the arc of said curve having a central angle of 78° 21' 12", a radius of 25.00 feet, a tangent of 20.37 feet and a long chord bearing N 87° 36' 46" W at a distance of 31.59 feet to a 3/4-inch iron pipe set for the Point of Tangency,
- 4) S 53° 12' 38" W for a distance of 114.90 feet to a 3/4-inch iron pipe set for the Point of Curvature of a curve to the left,
- 5) 295.55 feet along the arc of said curve having a central angle of 11° 31' 11", a radius of 1470.00 feet, a tangent of 148.28 feet and a long chord bearing S 47° 27' 02" W at a distance of 295.05 feet to a 3/4-inch iron pipe set for the Point of Tangency,
- 6) S 41° 41' 27" W for a distance of 460.38 feet to a set 1/2-inch iron rod for corner and
- 7) N 48° 18' 33" W for a distance of 765.00 feet to a set 1/2-inch iron rod for corner, said corner being in the northwest line of said 86.028 acre tract, said line also being the southeast line of University Industrial Park, Phase II according to a plat of record in Volume 1585, Page 229 (O.R.B.C.);

THENCE: N 41° 41' 27" E along the common line of said 86.028 acre tract and University Industrial Park, Phase II for a distance of 584.64 feet to a 1/2-inch iron set for the northwest corner of said 86.028 acre tract;

THENCE: S 48° 18' 33" E continuing along the northwest line of said 86.028 acre tract for a distance of 170.00 feet to a 1/2-inch iron rod set for corner;

THENCE: N 41° 41' 27" E for a distance of 330.20 feet to the POINT OF BEGINNING and containing 15.241 acres of land, more or less.

EXHIBIT A

Doc Bk Vol Pg  
00767226 DR 4498 302

Filed for Record in:  
BRADDOCK COUNTY

On: Feb 13, 2002 at 03:27P

As a  
Recording

Document Numbers 00767226

Amount 12.00

Receipt Number - 188596

By,  
Dae Pivonka

STATE OF TEXAS COUNTY OF  
I hereby certify that this instrument was  
filed on the date and time stamped herein by me  
and was duly recorded in the volume and page  
of the named records of:  
BRADDOCK COUNTY  
as stamped herein by me.

Feb 13, 2002

ARMANDO NICHOLSON, COUNTY CLERK  
BRADDOCK COUNTY