

15.

HILLS OF L.C. SEC 1  
Herhard Schulz  
13  
7-66-80-3

THE STATE OF TEXAS §  
COUNTY OF TRAVIS § KNOW ALL MEN BY THESE PRESENTS:

SEC 10-77-10 = 1000 \* 9.00  
SEC 10-77-10 = 1200 \* 8.00

That The Lost Creek Company, a Partnership, Owners of all lots in The Hills of Lost Creek Section I, a subdivision in Travis County, Texas, according to the map or plat of said subdivision of record in Volume 76, Page 36, of the Travis County Plat Records, hereby imposes the following covenants, conditions and restrictions upon all of said lots in said The Hills of Lost Creek Section I, save and except Lot 1, Block C, to-wit:

1. None of said lots shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any of said lots other than one detached single family dwelling with a minimum two car garage.

2. No building wall or other structure shall be erected or placed on any of said lots in The Hills of Lost Creek Section I, nor shall any existing structure be altered, until the building plans and specifications and a plot plan have been submitted to and approved in writing by an Architectural Control Committee composed of Edward R. Rathegeber, Nelson Puett, T. H. Worthington, or their heirs or assigns or representatives, designated in writing by the Architectural Control Committee or their heirs or assigns. Refusal of approval of plans and specifications by the Architectural Control Committee may be based on any grounds, including, but not limited to, purely aesthetic grounds, which in the sole and uncontrolled discretion of the Architectural Control Committee shall seem sufficient.

3. Careful attention shall be given by the Architectural Control Committee to all proposed improvements which will be placed on lots with slopes exceeding 20%. Particular caution will be requested so as to minimize filling and cutting of the natural terrain. In many instances, it is contemplated that the Architectural Control Committee may require "pier and beam" type foundation for said improvements in lieu of standard "slab on grade". In any event, said requirement shall be at the sole discretion of the Architectural Control Committee.

1-56-8050

4. No house or other structure shall remain unfinished for more than one year after the same has been commenced. Construction of the residential improvements shall begin no later than two years after ownership of the lot has been legally transferred from Lost Creek Developers or from Lost Creek Company.

5. The Architectural Control Committee shall have the right to waive any and all of the restrictions and may from time to time amend the same.

6. The ground floor area of the main structure, exclusive of one-story open porches and garages, shall be not less than 1800 square feet for a one-story dwelling, nor less than 1250 square feet for a dwelling of more than one story.

7. No building shall be located on any of said lots nearer to the front lot line or nearer to the side street line than the minimum building set-back lines shown on the recorded plat. In any event, no building shall be located on any of said lots nearer than 25 feet to nor farther than 35 feet from the front lot line, or nearer than 10 feet to any side street line; except, however, minor variations of the maximum set-back line shall be permitted to allow for preservation and utilization of existing trees or views. No building shall be located nearer than 5 feet to an interior lot line, except that any garage or other permitted accessory building located 50 feet or more from the minimum building set-back line may be 3 feet from the lot line. No dwelling shall be located on any of the interior lots nearer than 25 feet to the rear lot line. For the purposes of this covenant, eaves, steps and open porches shall not be considered as part of a building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon any other lot.

8. No dwelling shall be erected or placed on any of said lots having a width of less than 50 feet at the minimum building set-back line nor shall any dwelling be erected or placed on any of said lots having an area of less than 12,000 square feet, except that dwellings may be erected or placed on lots as shown on the recorded plat of The Hills of Lost Creek Section I. No lot in the subdivision may be

1-88-8051

resubdivision so as to create more than one building site.

9. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the rear 7.5 feet of each lot in The Hills of Lost Creek Section I.

10. No noxious or offensive activity shall be carried on upon any of said lots, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood. No clothes line may be visible from any public street. No unsightly or elaborate antennae for receiving and/or transmitting television and/or radio signals will be allowed, excepting this restriction is not to be construed to prohibit the smaller conventional television rooftop antennae for normal viewing purposes.

11. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any of said lots at any time as a residence either temporarily or permanently. No recreation vehicle larger than an ordinary van and no trailer, camper or other mobile-type home may be parked openly in the street, driveway or at any such place that may be seen from the street or by adjoining property owners for a period of more than 36 hours.

12. No sign of any kind shall be displayed to the public view on any of said lots except one professional sign of not more than five (5) square feet advertising the property during construction and sale periods.

13. No oil drilling, oil development, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any of said lots, nor shall oil wells, tanks, tunnels, mining excavations, or shafts be permitted upon or in any of them. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained, or permitted upon any of said lots.

14. No part of any of said lots shall ever be used for a business or commercial purpose or for carrying on any trade or profession.

15. No corner lot may be subdivided or used so as to permit an additional dwelling to face on a side street.

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16. No animals, livestock or poultry of any kind shall be raised, bred, or kept on any of said lots, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose.

17. None of said lots shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

18. No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between two and six feet above the roadways shall be placed or permitted to remain on any corner lot herein described within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of street lines, or in the case of rounded property corner, from the intersection of the street property lines extended. The same sight line limitations shall apply on any of said lots within ten feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient heights to prevent obstruction for such sight lines.

19. No fence, wall or hedge shall be built or maintained forward of the front wall line of any house erected on any of said lots. No existing dwelling shall be moved onto any lot in this subdivision.

20. All fences shall be made of wood.

21. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for period of thirty (30) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the then owners of the lots in The Hills of Lost Creek Section I, has been recorded, agreeing to change such covenants, conditions and restrictions in whole or in part.

1-66-6J53

22. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

23. Invalidation of any one of these covenants by judgment of a court order shall nowise affect any of the other provisions, which shall remain in full force and effect.

24. Notwithstanding anything to the contrary, none of the above restrictions shall be applicable to Lot 1, Block C. It is contemplated that Lot 1, Block C will be conveyed to the Lost Creek Municipal Utility District for use by the District for District purposes.

EXECUTED this the 13<sup>th</sup> day of December, A.D., 1977.

LOST CREEK COMPANY, A Joint-Venture

By: Edward R. Rathgeber  
Edward R. Rathgeber, General Part

STATE OF TEXAS X  
COUNTY OF TRAVIS X

1-56-8054

Before me, the undersigned authority, on this day personally appeared Edward R. Rathegeber, known to me to be the person whose name is subscribed to the foregoing instrument as General Partner, and acknowledged to me that he executed the same in such capacity as the act and deed of said company for the purposes and consideration therein expressed.

WITNESS my hand and seal of office this the 13<sup>th</sup> day of

December, 1977 A.D.

**NOTARY SEAL**

*Gene M. Coleman*  
Notary Public in and for  
Travis County, Texas

STATE OF TEXAS COUNTY OF TRAVIS  
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 Volume and Page of the named RECORDS  
of Travis County, Texas, as Stamped hereon by me, on

DEC 16 1977



*Doris Schaefer*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

FILED  
DEC 16 11 50 AM '77  
*Doris Schaefer*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

6025 223

DOC. NO.

93143655

FILM CODE  
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WAIVER OF RESTRICTIONS CONCERNING RESUBDIVISION AND  
NON-RESIDENTIAL USE OF PROPERTY - LOT 2-B, RESUBDIVISION  
OF LOT 2, BLOCK "C", THE HILLS OF LOST CREEK, SECTION 1

THE STATE OF TEXAS

§

9:48 AM 6730

2 3 11.00 LNDX  
12/01/93

COUNTY OF TRAVIS

§

9:48 AM 6730

2 3 5.00 RECM  
12/01/93

9:48 AM 6730

2 3 1.00 SEC  
12/01/93

WHEREAS, by instrument dated December 13, 1977 (hereinafter called the "Declaration"), The Lost Creek Company, a partnership, as the developer of The Hills of Lost Creek, Section 1, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Book 76, Page 36, Plat Records of Travis County, Texas, made and established certain covenants, conditions and restrictions for The Hills of Lost Creek, Section 1, said Declaration being filed of record in the Office of the County Clerk of Travis County, Texas at Volume 6025, Page 218, Deed Records of Travis County, Texas; and

3511.91-CHK#  
931436.55-DOC#

WHEREAS, by that certain instrument captioned "Designation of Successor Members of the Architectural Control Committee for The Hills of Lost Creek, Section 1," filed April 1, 1993, the power and authority to appoint members of the Architectural Control Committee for The Hills of Lost Creek, Section 1, was transferred and assigned to the Lost Creek Neighborhood Association, said instrument being filed of record in the Office of the County Clerk of Travis County, Texas at Volume 11905, Page 333, Real Property Records of Travis County, Texas; and

WHEREAS, the Lost Creek Neighborhood Association, in the normal course of its business, duly appointed the undersigned, being C. Brian Cassidy and Janet Valenza, to serve as the members of the Architectural Control Committee for The Hills of Lost Creek, Section 1, until they resign or until their successors may be designated by the Lost Creek Neighborhood Association, such appointment being evidenced by Exhibit "A" attached hereto; and

WHEREAS, the undersigned have served in their capacity as the members of the Architectural Control Committee for The Hills of Lost Creek, Section 1, at all times relevant to the actions described below.

NOW, THEREFORE, on behalf of the Architectural Control Committee for The Hills of Lost Creek, Section 1 (the "Committee"), the undersigned hereby acknowledge that the Committee has, pursuant to the authority granted in the restrictions governing The Hills of Lost Creek, Section 1, filed in the Deed Records at the Office of the County Clerk of Travis County, Texas, Volume 6025, Page 218, approved and consented to the following actions:

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

12073 2590

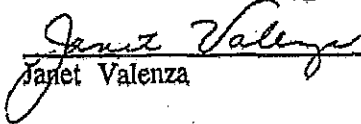
1. The resubdivision of Lot 2, Block "C", The Hills of Lost Creek, Section 1. The Committee specifically waives any restriction which would prohibit such resubdivision as it pertains to this specific property.

2. The use of the property resubdivided in accordance with the preceding paragraph (more specifically, Lot 2-B, Resubdivision of Lot 2, Block "C", The Hills of Lost Creek, Section 1), for a non-residential purpose. The Committee approves of the property being used as a public park in conjunction with an existing park area located immediately adjacent to the resubdivided property, and the Committee waives any restriction which would prohibit the use of the resubdivided property as a park.

The Committee's consent to these actions is effective as of the 1st day of October, 1993.

**THE HILLS OF LOST CREEK, SECTION 1,  
ARCHITECTURAL CONTROL COMMITTEE**

  
\_\_\_\_\_  
C. Brian Cassidy

  
\_\_\_\_\_  
Janet Valenza

HAPS/CASSIDY#210645.1  
1204

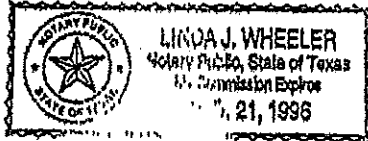
REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

12073 2591

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 16<sup>th</sup> day of November, 1993 by C. Brian Cassidy.



Linda J. Wheeler  
Notary Public, State of Texas

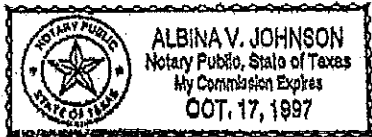
LINDA J. WHEELER  
(Name - Typed or Printed)

Date Commission Expires:  
8-21-96

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 16<sup>th</sup> day of November, 1993 by Janet Valenza.



Albina V. Johnson  
Notary Public, State of Texas

Albina V. Johnson  
(Name - Typed or Printed)

Date Commission Expires:  
10-17-97

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

12073 2592

# EXHIBIT A

## CERTIFIED COPY OF CORPORATE RESOLUTION

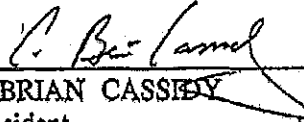
THE STATE OF TEXAS §  
§  
COUNTY OF TRAVIS §

BE IT REMEMBERED, that effective as of the 2nd day of April, 1993, the Lost Creek Neighborhood Association, a Texas non-profit corporation, adopted the following resolution:

RESOLVED, that pursuant to the authority granted to the Lost Creek Neighborhood Association ("LCNA") in that certain Designation of Successor Members of the Architectural Control Committee for The Hills of Lost Creek, Section 1, filed April 1, 1993 at Volume 11905, Page 333 of the Real Property Records of Travis County, Texas, the LCNA designates and appoints C. BRIAN CASSIDY and JANET VALENZA to serve as the members of the Architectural Control Committee for The Hills of Lost Creek, Section 1, until they resign or until their successors are designated by the LCNA.

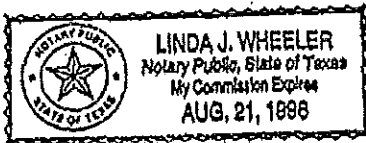
The undersigned, C. BRIAN CASSIDY, president of the LCNA, hereby certifies that the foregoing is a true and correct embodiment of a resolution of the LCNA, passed to be effective on the date first above written, that it does not contravene any provision of the corporate charter or bylaws, and that the same is now in full force and effect.

Executed this 16th day of November, 1993.

  
C. BRIAN CASSIDY  
President

THE STATE OF TEXAS §  
§  
COUNTY OF TRAVIS §

This instrument was acknowledged before me on 16 November, 1993, by C. BRIAN CASSIDY, president of LCNA, a Texas non-profit corporation, on behalf of said Corporation.



  
Notary Public, State of Texas

LINDA J. WHEELER  
Name of Notary (printed or typed)

My commission expires: 8-21-96

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

12073 2593

AUSTIN, TX 78731  
3508 FAR WEST BLVD., #180  
ATTORNEY AT LAW  
JOHN W. FLEUTNER  
AFTER RECORDING RETURN TO:

**FILED**

93 DEC -1 PM 4:10

DANA DEBEAUVOIR  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

STATE OF TEXAS COUNTY OF TRAVIS  
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 Volume and Page of the  
above RECORDS of Travis County, Texas, on

DEC 1 1993



*Dana Debeauvoir*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

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