

DECLARATION OF RESTRICTIONS, COVENANTS, AND
CONDITIONS OF CHISHOLM TRAIL ESTATES

STATE OF TEXAS

COUNTY OF TARRANT

KNOW ALL MEN BY THESE PRESENTS:

THIS DECLARATION made this day 17th of February, 2003, by CANNON LAND PROPERTIES, LTD., hereinafter called "Developer".

Description of Property

The land to which these restrictions apply is described on the attached Exhibit "A". On subsequent Phases, developer may adopt these restrictions or place entirely new and different Restrictions against them even though the Home Owner's Association herein is utilized.

Restrictive Covenants

Each of the above Lots shall be impressed with the following restrictions, covenants, and conditions for the purpose of carrying out a general plan of development and maintenance of the premises:

- a. All dwellings shall be constructed to front on the street on which the lot fronts unless any lot in question fronts on two streets in which case the dwelling on such lot shall front, as the Architectural Control Committee may approve, on either of the two streets or partially on both.
- b. All dwellings and accessory structures shall be erected and maintained behind the property line for a distance of twenty-five (25) feet, or as otherwise approved by the Architectural Control Committee, but in no instance less than twenty-five (25) feet.
- c. No dwelling or accessory structure shall be erected or maintained nearer than ten (10) feet from one side line and six (6) feet from the other side line of any lot, unless a

variance is granted by the City and the Architectural Control Committee. The minimum distance between structures on adjacent lots shall be sixteen (16) feet. Therefore, structure location to side lines shall be determined by existing structures and/or prior approved plans on adjacent lots

- d. The floor area (that enclosed for heating and/or air conditioning) of any living unit shall not be less than the following:
One Story – 2600 square feet
Two Story – 3000 square feet with at least 60% of floor area on first floor.
- e. All dwellings shall be constructed of stone, masonry, brick, stucco, or of a glass building material of the kind usually used for outside wall construction, the extent of at least eighty-five percent (85%) of the area of the outside walls on the first floor. No painted brick allowed. The second floor of such dwellings may be masonry or such other material as may be approved by the Architectural Control Committee. Brick mailboxes shall be installed according to the mailbox design approved by the Post Office Department.
- f. No dwelling, accessory structure or fence shall be erected or maintained in any lot until the building plans and specifications for same and a plot plan showing the proposed location of same have been approved by the Architectural Control Committee. This section shall be applicable to initial construction and to alterations, changes and additions at any time subsequently made. Roofs shall be Atlas Pinnacle or Prestiege or equal and have the appearance of Weatherwood and be 300# 30 year or as approved by the Architectural Committee. All roofs shall be not less than 8/12 pitch.
- g. No fence, wall or hedge shall be placed on any Lot nearer to the front street than is permitted for the house on said Lot; unless approved by the Architectural Control Committee. No fence, wall or hedge shall be placed on any portion of the sites with a greater height than eight (8) feet and no wire or woven fence is permitted on any part of any Lot, except as otherwise approved by the Architectural Control Committee. No fence can be higher than the brick wall along Cannon Road. Should a hedge, shrub, tree, flower or other planting be so placed, or afterwards grown, so as to encroach upon adjoining property, such encroachments shall be removed upon request of the owner of the adjoining property.

- h. All Lots shall be used for single-family residential purposes only. No building shall be erected, altered, placed or permitted to remain on any Lot other than one (1) detached single-family residence per Lot, which residence may not exceed two (2) stories in height and a private two (2) or three (3) car garage as provided below.
And one (1) outbuilding as provided below.
- i. Each residence may be occupied by only one family consisting of persons related by blood, adoption or marriage or no more than two unrelated persons living together as a single housekeeping unit, together with any household servants.
- j. None of the Lots shall be subdivided into Lots.
- k. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any Lot, except that dogs, cats, or other household pets may be kept provided that they are not bred or maintained for any commercial purpose.
- l. No noxious or offensive act or activity shall be allowed upon any Lots, nor shall anything be done thereon which may become an annoyance or a nuisance to the neighborhood.
- m. No sign shall be erected or maintained on any Lot except for a “for sale” sign which said sign shall not exceed fifteen (15) square feet in size or a sign owned by the developer or by the homeowners of Chisholm Trail Estates.
- n. Except as may be approved by the Architectural Control Committee. Satellite dishes must not exceed fence height and will be screened from street view. All satellite dishes shall be mounted to the house in the rear below the eaves and behind the line-of-sight viewed from the street considering all aspects of mounting including ground mounting below fence height and screened from street view. Only if clear reception of signal cannot be achieved within this location, the dish may be mounted below the uppermost elevation of the roof and to the rear behind the line-of-sight viewed from the street. If clear reception cannot be achieved in either of the above locations the Architectural Control Committee shall be consulted for approval to place the dish in an alternate location.
- o. The garage door of any house or residence within Chisholm Trail Estates covered by these restrictions must open on the side or rear for inside Lots and at the rear of the house for corner Lots unless approved by the Architectural Control Committee. Each residence must have a minimum of a two (2) car garage. There will be no front swing drives.

- p. A Lot or any portion of any Lot that is exposed to the public view must be maintained by the property owner in a neat and orderly fashion.
- q. No Lot affected hereby shall be used for dumping or storage of rubbish, trash, debris, surplus soil or rocks, etc.
- r. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any Lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any Lot. No derrick or other structure shall be erected, maintained or permitted upon any Lot.
- s. No out building, ship, boat or trailer or residence of a temporary character shall be permitted. No building material of any kind or character shall be stored upon the Lot until the owner is ready to commence improvement.
- t. No boats, trailer, mobile home, camper, boat trailer or similar wheeled vehicle shall be stored (except temporarily, not to exceed 24 hours) nearer the street than the front of the Living Unit situated thereon. No house trailer, mobile home, camper, boat trailer or similar wheeled vehicle shall be stored or parked on any Lot except in a closed garage or within the fenced, walled or enclosed portion of such Lot, and any such fence, wall or other enclosure shall be subject to approval by the Architectural Control Committee. Any vehicle or trailer left in the street for over twenty-four (24) hours will be subject to be towed away at the discretion of the Architectural Control Committee.
- u. Specifically exempted from the provisions of this section are activities by the Developers of Chisholm Trail Estates carried out in the regular pursuit of construction, maintenance and sales within the subdivision which exemption shall end when all development activity including sales by them are completed.
- v. No vehicle of any size which transports inflammatory or explosive cargo may be kept in the addition at any time.
- w. Mailboxes shall be constructed of brick to match the residence and according to the mailbox layout.
- x. Each Lot on which a dwelling unit is constructed shall have landscaping including, but not limited to shrubs, flowers, trees, ground cover and grass, of a sufficient quality, quantity and design to be compatible with landscaping on adjoining lots and the neighborhood setting intended for Chisholm Trail Estates. Corner Lots – four (4) trees of

three (3) inches in diameter and on Inside Lots – three (3) trees three (3) inches in diameter. Landscaping of a Lot must include a sprinkler system for the front yard which shall be the responsibility of the “Builder” and be completed within one hundred twenty (120) days after the date of which the living Unit is ninety percent (90%) complete. Lot owners shall use reasonable efforts to preserve, keep and maintain the landscaping in healthy and attractive condition. No crosstie walls shall be permitted in the front yard.

- y. Each Lot owner shall mow and maintain the landscaping and vegetation of his Lot in such a manner as to control weeds, grass and/or other unsightly growth. If after ten (10) days prior written notice and Owner shall fail to (1) control weeds, grass and/or unsightly growth; (2) remove trash, rubble, building and construction debris; or (3) exercise reasonable care or conduct to prevent or remedy an unclean, untidy or unsightly condition, then the Association shall have the easement authority and right to go onto said Lot for the purpose of mowing and cleaning said Lot and shall have the authority and right to assess and collect from the Lot owner a reasonable fee for mowing and cleaning said Lot on each respective occasion of such mowing or cleaning. The assessments, plus ten (10%) percent interest per annum thereon and costs of collection thereof, shall be a charge on the land and shall be a continuing lien upon each Lot against which each assessment is made. Each such assessment, together with such interest thereon, and costs of collection thereof, shall also be the continuing personal obligation of the person who was the owner of such Lot at the time which the assessment occurred. The lien securing any such assessment shall be subordinate and inferior to the lien of any mortgage or any renewals or extensions thereof existing prior to the assessment date. The lien will accrue from date a “Notice of Lien” is filed in the lien records of Tarrant County, Texas.
- z. All purchasers of Lots in Chisholm Trail Estates agree to keep their respective Lots free and clear of debris and to keep weeds and grass mowed. They also agree to abide by all the restrictions of record including those contained in the Homeowner’s Association covering said subdivision. All contracts to any purchaser, whether said purchaser should be for a lot or a completed home, shall make reference to the above. If construction has not been started in one (1) year, the CANNON LAND PROPERTIES, LTD. reserves the right to buy back said lot at the price that it was sold to that builder.
- aa. All houses must have gutters installed by the Builder on any part of house facing a street.

- bb. Cannon Land Properties, LTD., General Partner, has the right to approve or reject any Builder for any reason.
- cc. The Architectural Control Committee has the right to reject any plan for any reason.
- dd. Decorative windows and treatments must be on any areas facing or siding street.
- ee. All out buildings shall be constructed same as dwelling; concrete foundation, 85% brick, 8/12 pitch roof and Atlas Pinnacle or Presteige or equal roofs and have the appearance of Weatherwood.

EXHIBIT "A"

Lots 1, 2, 3, 4, 5, 6, 7, Block 7; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, Block 8; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, Block 9; all of Chisholm Trail Estates, addition to the City of Hurst, Tarrant County, Texas, according to the Plat recorded in Cabinet A, Slide 8152, dated February 13th, 2003.

EXECUTED this 17th day of February, 2003

CANNONN LAND PROPERTIES, LTD.

BY: JOHN W. BARFIELD, GENERAL PARTNER

THE STATE OF TEXAS

COUNTY OF TARANT

SIGNATURE AND SEAL

CLETA TEEHEE

NOTARY PUBLIC, STATE OF TEXAS