

DECLARATION  
OF  
COVENANTS, CONDITIONS  
AND  
RESTRICTIONS  
RIVER CHASE UNIT FIVE  
LOTS 525, 526, 646 and 647  
COMAL COUNTY, TEXAS

WHEREAS, RIVER CHASE VENTURE, LTD., a Texas Limited Partnership, acting herein through its General Partner SOUTHERLAND/RCR MANAGEMENT, INC., a Texas Corporation, purchased property now known as RIVER CHASE UNIT FIVE; and,

WHEREAS, RIVER CHASE UNIT FIVE has been annexed into the River Chase Subdivision, as set out in the Annexation Declaration executed by TEXAS SOUTHERLAND VENTURE, a Massachusetts Joint Venture, acting therein through its duly authorized Joint Venturer, SOUTHERLAND PROPERTIES, INC., a Texas Corporation, as Developer and RIVER CHASE VENTURE, LTD., a Texas Limited Partnership, acting therein through its General Partner SOUTHERLAND/RCR MANAGEMENT, INC., a Texas Corporation, the owner of RIVER CHASE UNIT FIVE, dated May 21, 2002, recorded under Clerk's Document #200206017405 in the Official Public Records of Comal County, Texas ("Annexation Declaration"); and,

WHEREAS, the Annexation Declaration subjects RIVER CHASE UNIT FIVE to the Declaration of Covenants, Conditions and Restrictions of RIVER CHASE UNIT THREE (hereinafter "Restrictions") which are filed of record under Clerk's Document #9906031628, in the Official Public Records of Comal County, Texas; and,

WHEREAS, in accordance with Section 9.03 of the Restrictions, Developer amended the Restrictions, which amendment exempted Lots 525, 526, 646 and 647 from Use Restrictions set forth in Article III of the Restrictions.

WHEREAS, Developer and owner desire to permit the use of said Lots 525, 526, 646 and 647 as and for Residential purposes subject to the compliance with Article III, Use Restrictions, of the Restrictions, as amended by the First Amendment to Declaration of Covenants, Conditions and Restrictions, River Chase Unit Five, Comal County, Texas as filed of record under Clerk's Document #200206017406, the same being herenow reimposed upon said lots insofar as the said lots shall be used as and for residential purposes;

WHEREAS, Developer and owner now desire to place certain Restrictions, Easements, Covenants, Conditions, Stipulations and Reservations (herein sometimes referred to as the "Restrictions") upon and against RIVER CHASE UNIT FIVE in order to establish a uniform plan for any Commercial Development, improvement and sale of certain lots and to insure the preservation of such uniform plan for the benefit of both present and future owners of tracts within RIVER CHASE SUBDIVISION hereby restricting the use of Lots 525, 526, 646 and 647 of River Chase Unit Five.

NOW, THEREFORE, premises considered, TEXAS SOUTHERLAND VENTURE, Developer, with the consent of RIVER CHASE VENTURE, LTD., owner, does hereby restrict Lots 525, 526, 646, and 647 of RIVER CHASE UNIT FIVE as follows:

Section 1.01 Construction. Except as provided below, no building shall be erected, altered, placed or permitted to remain on any Tract other than one commercial or residential building per acre containing no less than 1500 square feet of interior space. No building shall have more than two (2) stories and in no event shall any building exceed twenty-eight (28) feet in height measured from

the highest point of the natural soil of such building(s). If such lot is used for residential purposes only, such building must comply with all restrictions set forth in Article III of the Restrictions recorded under Clerk's Document #9906031628 in the Official Public Records of Comal County, Texas, as amended in the First Amendment to the Declaration of Covenants, Conditions and Restrictions, River Chase Unit Five recorded under Clerk's Document #200206017406 in the Official Public Records of Comal County, Texas.

Section 1.02 Use of Lot. The following uses shall be allowed on the lots

- a. Administrative and professional offices including:
  - (1) Insurance sales
  - (2) Real estate sales or leasing
  - (3) Attorney offices
  - (4) Accounting offices
  - (5) Architectural offices
  - (6) Engineering/Surveying offices
  - (7) Investment services
  - (8) Travel agencies
  - (9) Flower shop
  - (10) Title companies
  - (11) Photography studios, so long as such studios are not used in conjunction with adult only entertainment.
  - (12) Doctor's offices
  - (13) Dentist's offices
  - (14) Non-profit organizations
  - (15) Civic uses
  - (16) Religious assemblies
- b. Retail sales and services including:
  - (1) Clothing/shoe stores
  - (2) convenience stores
- c. Child care services
- d. Small Appliance Repair services
- e. Restaurants
- f. Pet stores and/or grooming
- g. Arts and crafts sales and/or instructions
- h. Private school
- i. Bank and/or savings and loan offices
- j. Single Family residential

Other business uses may be approved as is determined in the sole discretion of the Architectural Control Committee. Under no circumstances shall the Architectural Control Committee approve "adults only" houses including but not limited to photography, video, movie, modeling or other type facilities. Furthermore, no mobile home sales lots shall be permitted.

If any lot shall be used for Single Family Residential as provided in said Article III of the Restrictions, such Lot shall be exempt from the restrictions contained herein, but shall comply with all Article III of the Restrictions, as amended.

Section 1.03 Impervious Cover. The maximum impervious cover shall not exceed seventy percent (70%) of the Net Site Area, which Net Site Area shall be defined as that portion of the lot area inside the setback lines.

Section 1.04 Composite Building Site. Any Owner of one or more adjoining Tracts (or portion thereof) may, with the prior written approval of the Architectural Control Committee, and with approval of the Comal County Commissioner's Court, if required, consolidate such Tracts or portions into one building site, with the privilege of placing or constructing improvements on such resulting site, in which case the side setback lines shall be measured from the resulting side Property lines rather than from the Tract lines as indicated on the Plat. Public utility and drainage easements are exempt from this provision.

Section 1.05 Location of Improvements upon the Tracts. Except as set forth in 1.17 below, no building or other improvements of any kind, including but not limited to outbuildings, parking areas and driveways, shall be located on any tract nearer than twenty-five feet from the front property line and no nearer than ten (10) feet from any side property line or rear property line. Notwithstanding, no building or improvements shall be nearer than twenty-five (25) feet from any property line facing a street and no nearer than thirty (30) feet from any property line facing a residential use lot. No more than two entry driveways shall be allowed to cross the setback area. The Architectural Control Committee in the exercise of the Architectural Control Committee's sole discretion, may waive or alter such setback lines, if such waiver or alteration is necessary to permit effective utilization of a tract. Any such waiver or alteration must be in writing and recorded in the Official Public Records of Comal County, Texas. All buildings placed on a Tract must be equipped with a Class I Aerobic Septic tank system that meets all applicable laws, rules, standards and specifications, and all such buildings must be served with water and electricity.

Section 1.06 Repair of Buildings. All improvements upon any of the Property shall at all times be kept in good condition and repair and adequately painted or otherwise maintained by the Owner thereof.

Section 1.07 Alteration or Removal of Improvements. Any construction, other than normal maintenance, which alters the exterior appearance of any improvement, or the removal of any improvements, shall be performed only with the prior written approval of the Architectural Control Committee.

Section 1.08 Roofing Materials. The roof surface of all buildings shall be constructed using standing seam metal. Such roof may be painted or left in its natural state.

Section 1.09 Construction in Place. All buildings constructed on the Property shall be built in place on the applicable Lot. The use of prefabricated materials for any improvements, including but not limited to outbuildings and fences, shall be only allowed with the prior written approval of the Architectural Control Committee.

Section 1.10 Appearance. All improvements shall be of such design, color, quality and construction so as to compliment the subdivision.

Section 1.11 Masonry. Each exterior wall of the main buildings shall be at least eighty-five (85%) masonry, exclusive of all doors, windows and eaves. All walls which are visible from any road or street shall be constructed of no less than one hundred percent (100%) masonry, excluding doors, windows and eaves. As herein used, masonry shall be defined as brick, cast stone, rock, marble, granite or stucco.

Section 1.12 Parking. All off-street parking, maneuvering, loading and storage areas shall be surfaced in accordance with normal engineering specifications for hot mix asphaltic paving surface. No parking shall be permitted on grass, within landscaped areas or on other unimproved surfaces. Parking on an unimproved commercial lot shall be permissible during construction phase activity only. Permanent paved parking spaces shall be in accordance with design standards complying with all federal, state and local laws or ordinances. Specific parking space sizes shall be nine feet by eighteen feet and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Parking shall not be permitted to encroach upon the public right-of-way nor impede the free access through to adjacent non-residential parking areas.

Section 1.13 Walls, fences and Mail boxes. All walls, fences and mailboxes must be approved, prior to construction, by the Architectural Control Committee.

Section 1.14 Antennas, Towers, and Satellite Dishes. Antennas, towers, or satellite dishes of any kind shall not exceed ten feet above the roof of any main building or accessory building, whichever is higher. Any antennae, tower or satellite dish must be located to the side or rear of the building and not within 25 feet of any side property line or 25 feet of any rear property line. Nothing herein shall be construed to conflict with the latest rules and regulations set forth by the Federal Communications Commission.

Section 1.15 Garbage and Trash Disposal. Garbage and trash or other refuse accumulated in this Subdivision shall not be permitted to be dumped at any place upon adjoining land where a nuisance to any residence of this Subdivision is or may be created. No Tract shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be allowed to accumulate, shall be kept in sanitary containers and shall be disposed of regularly. All equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

Section 1.16 Trailers, RVs, Boats. All trailers, travel trailers, graders, recreational vehicles, trucks (other than pickups of a size one (1) ton or less), boats, tractors, campers, wagons, buses, motorcycles, motor scooters and lawn or garden maintenance equipment shall be kept at all times, except when in actual use, in enclosed structures or screened from view from common areas, public or private thoroughfares and adjacent properties.

Section 1.17 Signs. No signs, advertisements, billboards or advertising structure of any kind may be erected or maintained on any Tract except as follows:

one sign not exceeding four feet by eight feet and one sign not exceeding three feet by four feet, each installed in such a manner as to not exceed twelve feet in height from the finish grade elevation. Such sign may be placed inside a setback line, so long as such sign is no closer than twenty feet from the property line. All signs must be approved by the Architectural Control Committee, in writing, prior to installation. Factors to be considered by the Committee may include, but shall not be limited to the following criteria:

- a. Identification of the name and business of the occupant.
- b. The size and shape when compared to the building or buildings on the Lot.
- c. Color of sign
- d. Do not block or detract from adjacent Lots
- e. Preserve the quality and atmosphere of the area.
- f. Compliance with Comal County regulations, if any.

Neon signs and signs of a flashing or moving character shall not be permitted.

Section 1.18 Mineral Development. No commercial oil drilling, oil development operations, oil refining, quarrying or mining operation of any kind shall be permitted upon or in any Tract. No derrick or other structures designed for the use of boring for oil or natural gas shall be erected, maintained or permitted upon any Tract.

Section 1.19 Drainage. Natural established drainage patterns of streets, tracts or roadway ditches will not be impaired by any person or persons. Driveway culverts must be installed and will be of sufficient size to afford property drainage of ditches without backing water up into such ditch or diverting flow. Drainage culvert installation is subject to the inspection and approval of the Architectural Control Committee and to County requirements.

Section 1.20 Re-subdivision. Except as otherwise permitted in these restrictions, no tract shall be re-subdivided or split. Two or more Lots may be combined into one Lot for building purposes and the interior common boundary line shall be

extinguished by filing a recordable document of record, joined by the Developer or Architectural Control committee, or its duly authorized representative, declaring the same to be extinguished. Thereafter, all setback lines shall refer to the exterior property lines. Combined Lots shall nevertheless be considered as separate lots for assessment purposes, unless otherwise determined by the Architectural Control Committee. Public utility and drainage easements are exempt from this provision.

Notwithstanding anything herein to the contrary, these restrictions shall be enforceable by the NBRC Property Owners Association in accordance with Article VIII of the Declaration of Covenants, Conditions and Restrictions, River Chase Unit Three, recorded under Clerk's Document No. 9906031628, in the Official Public Records of Comal County, Texas, as amended in the First Amendment to the Declaration of Covenants, Conditions and Restrictions, River Chase Unit Five, recorded under Clerk's Document No. 200206017406 in the Official Public Records of Comal County, Texas.

EXECUTED on this the \_\_\_\_\_ day of \_\_\_\_\_, 2002.

RIVER CHASE VENTURE, LTD.  
By: SOUTHERLAND/RCR MANAGEMENT, INC.,  
General Partner

By: [Signature]  
JAY PATTERSON, Vice President

TEXAS SOUTHERLAND VENTURE  
by SOUTHERLAND PROPERTIES, INC.,  
Joint Venturer

By: [Signature]  
JAY PATTERSON, Vice President

THE STATE OF TEXAS  
COUNTY OF Alamogordo

This instrument was acknowledged before me on this the 2 day of August, 2002, by JAY PATTERSON, Vice President of SOUTHERLAND/RCR MANAGEMENT, INC., a Texas Corporation, as General Partner for RIVER CHASE VENTURE, LTD., a Texas Limited Partnership, in the capacity therein stated, on behalf of said Corporation.



Carole L. McKissick  
NOTARY PUBLIC, STATE OF TEXAS  
Notary's Name Printed: CAROLE L. MCKISSICK  
My Commission Expires: 4-16-2005

THE STATE OF TEXAS  
COUNTY OF Alamogordo

This instrument was acknowledged before me on this the 2 day of August, 2002, by JAY PATTERSON, Vice President of SOUTHERLAND PROPERTIES, INC., a Texas Corporation, as Joint Venturer for TEXAS SOUTHERLAND VENTURE, a Massachusetts Joint Venture, in the capacity therein stated, on behalf of said Corporation.