

DM: 2/12/77

2909/552

THE STATE OF TEXAS
COUNTY OF HARRIS

1391446

WHEREAS, Chimney Rock Co. is the owner of that certain tract of land identified and referred to as "RESERVE 'C' UNRESTRICTED" on plat of WESTBURY, SECTION NO. 2, said plat recorded in the office of the County Clerk of Harris County, Texas under File No. 1387792; and

WHEREAS, the above described tract of land has been platted and is indicated on the plat above-mentioned as "Unrestricted Area" and, while it is intended that said area may be used for business purposes, it is deemed to the best interest of this company and of the persons who may purchase residential lots in, around and near the above indicated land that the type and nature of such business uses should be restricted:

NOW, THEREFORE, we, CHIMNEY ROCK CO., being the owner of the above specifically described land (heretofore unrestricted as to use) do hereby ADOPT the following covenants and restrictions as to the land hereinabove specifically described, which shall be taken and deemed as covenants to run with the land and shall be binding on Chimney Rock Co. and all parties and persons claiming under it until March 3, 1980, at which time said covenants, conditions and restrictions shall be automatically extended for successive periods of ten (10) years each, unless, by duly recorded instrument, signed by a majority of the property owners in the addition in which said properties lie, it is agreed to change said covenants, conditions and restrictions, in whole or in part:

(a) The property hereinabove specifically described may be used for schools, churches, retail stores, wholesale stores, service stores, water well or wells (including machinery, equipment and appurtenances necessary and reasonably incidental to the drilling, completion, operation, maintenance and repair of said water well or wells, and storage tanks or tanks, reservoirs, pump house and other above-ground installations and equipment for the operation of said water wells and the processing, handling, distribution and servicing of surrounding areas with water), or any other legitimate public or business purposes, provided that the same shall never be used for a public or business purpose which results in or is accompanied by obnoxious or offensive odors or activities constituting a nuisance to

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