

COUNTY OF HARRIS] KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Vest and Starkey Construction Company, Inc., a Texas corporation, acting herein by and through its duly authorized officers, hereinafter called "Owner", is the owner of certain lots hereinafter described located in and a part of WESTBURY, SECTION ONE (1), HARRIS COUNTY, TEXAS, a plat of which said subdivision has been duly filed for record under File No. 1376401 of the Plat Records of Harris County, Texas;

AND, the lots aforementioned are subject to certain restriction imposed thereon by Owner's predecessor in title, as reflected by instrument executed by Chimney Rock Co., dated January 20, 1955, recorded in the Records of the County Clerk of Harris County, Texas, under File No. 1379604; and,

WHEREAS, it is deemed to be to the best interests of Owner and of all persons who may purchase any one or more of the lots hereinafter described that additional restrictions as to such lots be established and maintained as a uniform plan for the improvement and development of the lots hereinafter described;

Now, THEREFORE, Vest and Starkey Construction Company, Inc., being the Owner of all of the lots hereinafter described, does hereby ADOPT the following COVENANTS and RESTRICTIONS as to the lots hereinafter mentioned, which shall be taken and deemed as covenants to run with the land, and shall be binding on Owner and all persons acquiring title under Owner until January 20, 1980, at which time said additional COVENANTS, CONDITIONS and RESTRICTIONS shall be automatically extended for successive periods of ten (10) years each unless and until by duly recorded instrument signed by a majority of the then owners of each, every and all of the lots affected by this instrument, it is agreed to change such covenants, conditions and restrictions in whole or in part.

ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR, OR RACE, IS INVALID AND UNENFORCEABLE UNDER THE FEDERAL LAW.

A CERTIFIED COPY

AUG 27 1998

ATTEST:

BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Sally S. Zuniga

SALLY S. ZUNIGA

Deputy

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If Owner, or anyone holding under Owner, shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning any of the lots hereinafter described to prosecute any proceedings at law or in equity against any person or persons violating or attempting to violate any such covenant and either to prevent him or them from so doing or to recover damages or other dues for such violation.

Invalidation of any of the covenants hereof by judgment or court order shall in no wise affect any of the other provisions hereof, which shall remain in full force and effect.

Pursuant to the above, the additional RESTRICTIONS herein imposed upon the lots hereinafter described are as follows:

- (a) No residential structure shall be placed on any of the hereinafter enumerated lots unless, if the building is a one-store structure, its living area has a minimum of 1,400 square feet of floor area exclusive of porches and garage:

Lots 12 through 22, inclusive, Block 11
Lots 13 through 27, inclusive, Block 12
Lots 17 through 20, inclusive, Block 13
Lots 1 through 13, inclusive, Block 14
Lot 1 and Lots 17 through 29, inclusive, Block 15

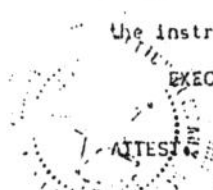
- (b) No residential structure shall be placed on any of the hereinafter enumerated lots unless, if the building is a one-story structure, its living area has a minimum of 1,250 square feet of floor area exclusive of porches and garage:

Lots 33 through 37, inclusive, Block 5

- (c) No residential structure shall be placed on any of the lots enumerated under Subdivisions (a) and (b) above unless, if the building is a one and one-half or two story structure, its ground floor living area has a minimum of 1,000 square feet exclusive of porches and garage; and no residential structure shall be placed on any of said lots unless not less than fifty-one (51%) per cent of the area of the exterior of such building (exclusive of roof, window and door openings) shall be finished with brick, masonry, Austin stone or comparable material.

The covenants of restriction, as to the lots hereinabove described, shall be cumulative of and in addition to those imposed by Chimney Rock, Co. by the instrument of January 20, 1955 aforesaid.

EXECUTED this 1st day of August, 1956.

 ATTEST:
George Starkey
Secretary

VEST AND STARKEY CONSTRUCTION
COMPANY, INC.

By: B. R. Vest
President

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AUG 27 1956

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Harris County, Texas

Sally S. Zuniga
SALLY S. ZUNIGA, Deputy

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THE STATE OF TEXAS)
COUNTY OF HARRIS)

BEFORE ME, the undersigned Authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 1st day of August,

Guadalupe C. Sanchez
NOTARY PUBLIC IN AND FOR HARRIS COUNTY, TEXAS

Filed for Record Aug. 2, 1956 at 4:20 o'clock AM

Recorded Sept. 4, 1956 at 11:48 o'clock AM

W. D. MILLER, Clerk County Court Harris County, Texas

Charles W. Miller Deputy

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AUG 27 1998

ATTEST:
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Sally S. Zuniga Deputy
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