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## DIAMOND SIX ESTATES

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THE STATE OF TEXAS

COUNTY OF SAN JACINTO

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WHEREAS, ROY H. SCHILTZ, INC., a Texas Corporation, herein called Owners, are the record Owners of the following described property:

All of DIAMOND SIX ESTATES, a subdivision of 255.40 acres of land out of the Ralph Mc Gee Survey, Abstract 29 and of the Wm. Morris Survey, Abstract A-38, San Jacinto County, Texas; and,

WHEREAS, said Owners intend to subdivide the above land into tracts and parcels of land for the purpose of creating and carrying out a uniform plan for the improvements and sale of said property in said subdivision, the following restrictions upon the use of said property are hereby established and adopted and shall be made a part of each and every contract, deed and lease by Owners, and same shall be considered a part of each such contract, deed and/or lease, as though fully incorporated therein. And the restrictions hereinafter set forth, except as herein otherwise provided, shall be and are hereby imposed upon each lot or tract in said subdivision and same shall constitute covenants running with the land, and shall be binding upon and shall inure to the benefit of Owners, their successors and assigns, and all subsequent purchasers of said property, their heirs, executors, administrators, successors and assigns, and each such party, by virtue of accepting a contract, deed or lease covering said property shall be entirely subject to and bound by such restrictions as follows:

## I.

These covenants are to run with the land and shall be binding upon all parties and persons claiming under them until January 1, 1988, at which time said covenants shall be automatically extended for successive periods of ten (10) years, provided that a majority of the then owners of the tracts may amend, change or otherwise remove these covenants and restrictions in whole or in part at any time by signing and filing for record an instrument evidencing such action. If the parties hereto, or any of the, or their heirs, successors and assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for Owners, their successors or assigns, to enter and abate such violation without any liability; or their successors or assigns, and any other persons owning any property situated in said subdivision shall have the right to prosecute any proceedings at law or equity against the persons violating or attempting to violate such restrictions, and either to prevent them from doing, or to cause to be removed such violations, or to recover damages for such violations.

## II.

The violation of any restriction or covenant herein shall not operate to invalidate any mortgage, deed of trust or other lien acquired and held in good faith against said property or any part thereof, but such liens may be enforced against any and all property covered thereby, subject nevertheless to these restrictions.

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## III.

All conveyances are hereby made subject to the following restrictions, which shall be covenants running with the land:

- a. No tract shall be used for any obnoxious purposes nor permit any noxious or offensive odor.
- b. No swine or cattle shall be raised commercially on any tract.
- c. No tract shall be used in any manner that will cause the pollution of any ditch, creek or stream. Any septic tank or other sanitary facility or disposal system shall be installed in accordance with the proper Governmental Agency regulations.
- d. No tract shall be used as a dumping ground for rubbish, trash, garbage, or other debris, broken down automobiles, trucks, or trailers; nor shall any tract be used as a junk yard. Any equipment or articles of any kind shall be stored inside of a building or placed on the back of the property so that it will not be seen from the street.
- e. No tract shall be used for road purposes or for building a road through any tract without the written permission of Roy H. Schiltz Inc.
- f. All residences of Section 1, tracts 13 through 23 shall have a minimum of twelve hundred (1200) square feet.
  - (1.) All residences of the remaining tracts of Section 1 and 2 shall have a minimum of nine hundred (900) square feet. A mobile home may be placed on these remaining tracts, but mobile homes shall be in good condition and must be skirted within ninety (90) days of move-in.

No residences shall be built out of tin or have tarpaper siding. All residences or buildings shall be completed on the outside within a six (6) month period beginning with the date of construction.

- g. Any residence, building or mobile home shall be placed a minimum of one-hundred (100) feet back from the front property line and no closer than five (5) feet to either side line of any tract, except that such building set-back line shall not be applicable to those lots where a creek or other natural hazard prevents compliance with such building set-back requirements.
- h. All culvert pipe placed in ditches shall be a minimum of fifteen (15) inches in diameter and shall conform to San Jacinto County requirements.
- i. No hunting shall be allowed in this subdivision.
- j. No timber, sand or gravel shall be removed from any tract, except for building a homesite or driveway until the land has been fully paid for, unless the purchaser has written permission from ROY H. SCHILTZ, INC.

EXECUTED on this 19 day of Jan, 1979.

ROY H. SCHILTZ, INC.

By: Roy H. Schiltz  
ROY H. SCHILTZ, President

THE STATE OF TEXAS  
COUNTY OF MONTGOMERY

Before me, the undersigned authority, on this day personally appeared Roy H. Schiltz, President, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this the 19th day of January, A.D. 1979.

*[Signature]*  
Notary Public in and for  
Montgomery County, Texas

FILED FOR RECORD ON the 25th day of January  
DULY RECORDED THIS the 30th day of January  
FILE NO. 428 RECORDED:

A.D. 1979, at 11:10 o'clock A.M.  
A.D. 1979, at 10:45 o'clock A.M.  
VOL. 180 PAGE 806 et seq.

*[Signature]*  
COUNTY CLERK, SAN JACINTO COUNTY, TEXAS.