

UOL 5854 79580

Declaration of Covenants, Conditions and Restrictions  
of Sutton Place Phase Five, Section One & Section Two  
A Subdivision in Bell County, Texas  
Filed on October 5, 2005  
Cabinet D, Slide 73B and Slide 73C

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BELL

Parker & Sutton, L.P. By Its General Partner Parker & Sutton Management L.L.C. acting by and through its duly authorized officers, being sole owner of the following described property, does hereby subdivide the hereinafter described land into lots and blocks to be known as Sutton Place Phase Five Section One & Section Two, to the City of Harker Heights, Bell County, Texas; approved by the City Council of the City of Harker Heights, Bell County, Texas; and Parker & Sutton, L.P. By Its General Partner Parker & Sutton Management L.L.C. , does hereby adopt said plat of Sutton Place Phase Five, Section One & Section Two, as an addition to the City of Harker Heights, Bell County, Texas, and for the purpose of selling lots and blocks of land with reference thereto and for proper development of said land by its owner and for all purpose; and does hereby dedicate to the City of Harker Heights, all streets, avenues, roads, drives and alleys shown on said plat, the same to be used as public thoroughfares and for installation and maintenance of public utilities, when and as authorized by the City of Harker Heights; said land described as follows:

Lots 1-15, Block 1, Section One  
Lots 1-4, Block 2, Section One  
Lots 19-41, Block 3, Section One  
Lots 5-16, Block 2, Section Two  
Lots 1-18, Block 3, Section Two  
Lots 1-16, Block 4, Section Two

Sutton Place Phase Five, Harker Heights, Bell County, Texas.

The utility easements shown on said plat are dedicated to the City of Harker Heights for installation and maintenance of any and all public utilities which said City may elect to install and maintain or permit to be installed and maintained.

That Parker & Sutton, L.P. By Its General Partner Parker & Sutton Management L.L.C. does hereby adopt the following declaration of covenants, conditions and restrictions which are to run with the land.

The aforementioned property will be restricted in accordance with the present City of Harker Heights Zoning Ordinance.

Article I  
Architectural Control

1. The Architectural Control Committee is composed of Robert D. Sutton, Billy D. Parker, Ronald L. Parker and Adam R. Parker; 606 North 10<sup>th</sup> Street, Killeen, Texas. A majority of the committee may designate a representative to act for it. In the event of death or resignation of any member of the committee the remaining members shall have full authority to designate a successor. Neither the members of the committee nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. At any time the then record owners of a majority of the lots shall have the power through duly-recorded written instrument to change the membership of the committee or to withdraw from the committee or to restore to it any of its powers and duties.

The committee approval or disapproval as required in these covenants shall be in writing. In the event the committee, or its designated representatives, fails to approve or disapprove within thirty days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

2. No building shall be erected, placed or altered on any lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the Architectural Control Committee as to the quality of workmanship and materials, harmony of external design with existing structures, and as to the location with respect to topography and finish grade elevation.

Article II  
Single Family Residential Construction

No building or structure will be erected, altered or permitted to remain on any lot other than one single-family residential dwelling not to exceed 2 stories, exclusive of basement, in height and a private enclosed attached or enclosed detached garage for no less than 2 cars. Any enclosed detached or enclosed attached garage will be constructed of permanent materials that will be the same as the residence erected on the lot in question. No other detached structures of any kind will be allowed except as specifically approved by the ACC. Approval of all structures will require written consent of the ACC. The attached or detached garage on any lot may not be enclosed or altered to provide additional residential dwelling space.

Article III  
Use restriction

The subdivision will be occupied and used only as follows:

1. No lot shall be used except for residential purposes only.
2. Except herein provided, no activity, whether for profit or not, will be carried on any lot which is not related to single-family residential purposes. No noxious or offensive activity of any sort will be permitted nor will anything be done on any lot that may be or become an annoyance or a nuisance to the neighborhood.
3. No sign, notice, advertisement or billboard of any kind or make will be displayed to public view on a lot without the prior written consent and approval of the ACC, except customary name and address signs; professionally prepared signs not to exceed 2 feet by 2 feet advertising the property for sale or rent; signs used by a builder to advertise the property during the construction and sales period.
4. No activities shall be permitted which will unreasonably disturb the quiet enjoyment of the Owners and their guests, invitees, and tenants.
5. No exterior lighting of any sort will be installed or maintained in a lot where the light source is offensive or a nuisance to neighboring property (except reasonable landscape lighting) No exterior speakers, horns, whistles, bells or other sound devices (except security devices used exclusively to protect the lot and the improvements thereon) will be placed or used upon any lot without the approval of the ACC. Telephones will be allowed outdoors.
6. No animals, livestock, poultry, or exotic or dangerous animal of any type may be raised, bred or kept on any lot within the Subdivision, except for cats, dogs, or other generally recognized household pets. An "Exotic or Dangerous Animal" is an animal that may pose a safety or health threat to Owners of the Subdivision, their guests, invitees, or tenants. No pet may be bred, kept or maintained for any commercial purpose on a lot.  
  
All Pets must be kept in strict accordance with all local and state laws and ordinances (including leash laws).
7. No rubbish, trash, garbage, or other waste material may be kept or permitted in any lot, except in sanitary containers located in appropriate areas concealed from public view. Rubbish, trash, garbage or other waste material will not be placed for collection more than 12 hours prior to the scheduled collection time. Any trash containers must be removed and returned to their place of storage within 12 hours of collection.

During construction of the home, the builder will keep the lot clean and clear of unused building materials, rubbish, trash, garbage, or other waste material. The builder will make arrangements to have the construction material debris removed from the property within a reasonable period of time.

No owner or builder may dump unused building materials, construction debris, rubbish, trash, garbage, or other waste material on any lot within the Subdivision.

8. No owner may store, on the lot, quantities of building materials in excess of the building materials customarily used by an owner for its particular home improvement project.

9. No building or structure of any kind, including but not limited to mobile homes or manufactured homes, may be permanently moved on to or placed on any of the lots.

10. No fence, wall, hedge, or shrub plant, which obstructs sight lines at elevations between two and six feet above roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the property line and a line connecting them at points 25 feet from the intersection of the street lines, or in case of a rounded property corner, from the intersection of the street property lines extended. The same sight line limitations shall apply on any lot within ten feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain with such distances of such intersection unless foliage line is maintained at sufficient heights to prevent obstruction of such sight lines.

11. No commercial vehicles, buses, boats, motor homes, or trailers may be left parked on the street or roadway in front of any lot except for construction and repair equipment/vehicles while a residence or residences are being built or repaired in the immediate vicinity, or a delivery vehicle while making a delivery to a residence during its normal course of business. All of an owner's commercial vehicles, buses, boats, motor homes or trailers will be parked behind front of house and surrounded by privacy fence or enclosed in a garage in the lot and will not be visible from the street or roadway.

12. No boats, trailers, travel trailers, inoperative automobiles, campers, motor homes or vehicles of any kind are to be semi-permanently or permanently stored in the street or on driveways. Permanently and semi-permanently storage of such items and vehicles must be screened from public view behind front of house.

13. Trucks with tonnage in excess of  $\frac{3}{4}$  ton shall not be permitted of any size which normally transports inflammatory or explosive cargo may be kept in this subdivision at any time.

14. 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 structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

15. No individual water-supply system shall be permitted on any lot unless such system is located, constructed and equipped in accordance with the requirements, standards, and recommendations of the City of Harker Heights. Approval of such system as installed shall be obtained from such authority.

16. No individual sewage disposal system shall be permitted on any lot unless such system is designated, located and constructed in accordance with the requirements, standards and recommendations of the City of Harker Heights, approval of such system as installed shall be obtained from such authority.

### ARTICLE III

#### Residence, Garage, and Outbuilding Construction

1. No building will be located on any lot nearer to the front or rear lot line, or nearer to the side street or roadway line, than shown on subdivision plat. Setback requirements for Section One and Section Two are 6' sideline and 20' rear; Setbacks reflected on plat will be observed on front of all lots and on corner lots sideline setbacks reflected on plat will be observed.

2. No driveways will be constructed without provisions for drainage of surface water along the designated right of way, nor without concrete or brick paving being installed between the street or paved road and the garage slab. No dirt, gravel or road base driveways will be permitted from the street or roadway to the garage slab. No building will be constructed on any lot until provisions have been made for drainage of surface water to off site areas, which minimize draining across adjacent property and/or lots; drainage shall be into the street or road area, or into natural drainage areas wherever possible.

3. Any permanent garage that may be erected upon the property must be constructed of permanent materials of the same type as that used for construction of the residence on that lot. Garages may be detached or attached to the residence or to breezeways or covered porches attached to the residence. A garage may not be enclosed or altered to provide additional dwelling space.

4. No window air-conditioning apparatus or evaporative cooler will be attached to any front wall or front window of a residence or at any location where such would be visible from any street or roadway.

5. All outbuildings or storage buildings must be of new construction, from the ground up. Any outbuilding or storage building constructed on a lot within the subdivision must be of a type, design and material matching the residence and approved by the ACC prior to construction. No portable building, metal, plastic or 'Morgan building', may be moved onto any lot within the Subdivision.

6. No fence shall be constructed or allowed to remain in front of the minimum building setback line, and shall be of all wood, brick veneer or wrought iron construction unless waived by the ACC. On all wood fences the bottom of the fence must be approximately 2 inches above finished grade of yard. On all brick veneer or masonry fences block outs at ground level must be sufficient to provide proper drainage to not impede drainage of surface water. No drainage easement may be fenced in unless approved by the ACC.

7. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat.

8. Any residence constructed in Section One, Block 1 Lots 1-15, Block 2 Lots 1-4 and Block 3 Lots 19-41 must have no less than 2000 square feet of living area exclusive from porches and garages. Any residence constructed in Section Two Block 2 Lots 5-16, Block 3 Lots 1-18 and Block 4 Lots 1-16 must have no less than 1600 square feet of living area exclusive from porches and garages.

9. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed two stories in height. Exterior walls of one story dwellings and exterior walls of first floor on two story dwellings shall be no less than 75% Brick, Rock Veneer, or Stucco (collectively "Masonry") unless otherwise approved in writing by the ACC.

10. No add-on patio covers or carports may be constructed on any lot, unless approved by the ACC.

11. Roof pitches are to be a minimum of 7/12, unless approved by the ACC.

#### ARTICLE 4 Additional Provisions

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 25 years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or part.

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Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant, either to restrain violation or to recover damages.

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

Witness the execution hereof on this the 7th day of October, 2005.

Parker & Sutton, L.P. By Its General Partner Parker & Sutton Management L.L.C.

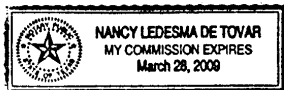
By Ronald L. Parker  
Ronald L. Parker, Vice-President

STATE OF TEXAS

COUNTY OF BELL

BEFORE ME, the undersigned, a Notary Public, on this day personally appeared Ronald L. Parker of PARKER & SUTTON, L.P. BY ITS GENERAL PARTNER PARKER & SUTTON MANAGEMENT L.L.C. known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledging to me that same was the act and deed of the said PARKER & SUTTON, L.P. BY ITS GENERAL PARTNER PARKER & SUTTON MANAGEMENT L.L.C. and that he executed same as the act of such partnership for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 7<sup>TH</sup> day of October, 2005.



[Signature]  
Notary Public, State of Texas

DECLARATION OF COVENANTS, CONDITIONS, AND  
RESTRICTIVE COVENANTS - SUTTON PLACE PHASE FIVE

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045201

FILED FOR RECORD

2005 OCT 7 PM 2 45

CLERK OF DISTRICT COURT  
COUNTY OF TARRANT TEXAS  
*[Signature]*

**RONALD L. PARKER**  
State Certified  
Residential Real Estate Appraiser  
License # TX-1321451-R

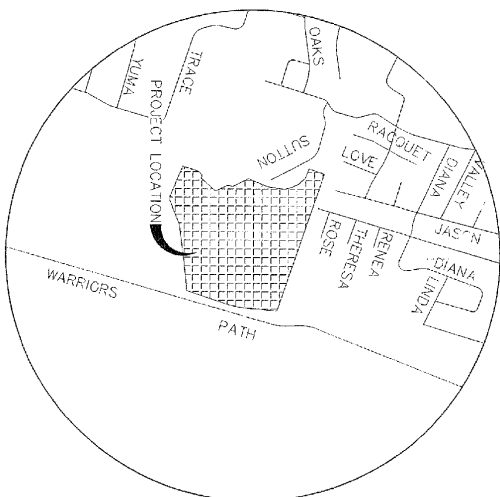
254-526-5567  
Mobile 254-290-0055

006 N. TOMIST.  
P. O. Box 1180  
Killeen, Tx. 76540

*Call when ready*

*Cash  
25.00  
Pd*



VICINITY MAP  
N.T.S.

To: East County Tax Assessor, 20011, 1st. Ave. and 1st. St. in San Diego, Calif. 92111. Please send money order, payable to me, for amount of \$2,000.00 on the property described by info. below.

Parcel No. 123456 City of San Diego County of San Diego, Cal.

East County Tax Assessor, 20011, 1st. Ave. and 1st. St. in San Diego, Calif. 92111.

*Edw. J. Jones*

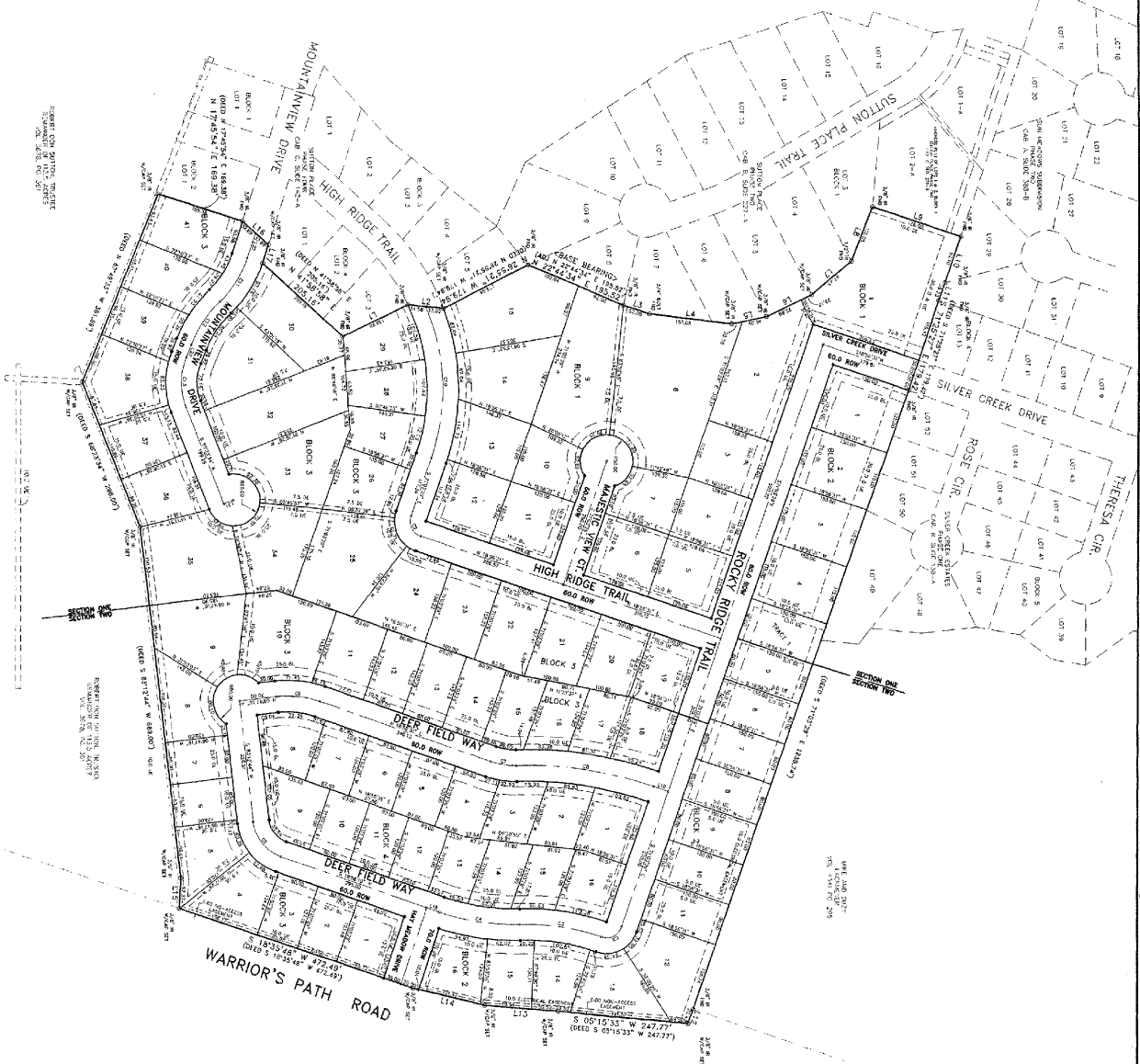
[illegible]

  
Gary W. Mitchell  
Registered Professional  
Land Surveyor, No. 4982



Case	Age	Sex	Site	Pathologic	Survival
1	44	M	Stomach	Adenocarcinoma	10.0
2	45	M	Stomach	Adenocarcinoma	10.0
3	46	M	Stomach	Adenocarcinoma	10.0
4	47	M	Stomach	Adenocarcinoma	10.0
5	48	M	Stomach	Adenocarcinoma	10.0
6	49	M	Stomach	Adenocarcinoma	10.0
7	50	M	Stomach	Adenocarcinoma	10.0
8	51	M	Stomach	Adenocarcinoma	10.0
9	52	M	Stomach	Adenocarcinoma	10.0
10	53	M	Stomach	Adenocarcinoma	10.0
11	54	M	Stomach	Adenocarcinoma	10.0
12	55	M	Stomach	Adenocarcinoma	10.0
13	56	M	Stomach	Adenocarcinoma	10.0
14	57	M	Stomach	Adenocarcinoma	10.0
15	58	M	Stomach	Adenocarcinoma	10.0
16	59	M	Stomach	Adenocarcinoma	10.0
17	60	M	Stomach	Adenocarcinoma	10.0
18	61	M	Stomach	Adenocarcinoma	10.0
19	62	M	Stomach	Adenocarcinoma	10.0
20	63	M	Stomach	Adenocarcinoma	10.0
21	64	M	Stomach	Adenocarcinoma	10.0
22	65	M	Stomach	Adenocarcinoma	10.0
23	66	M	Stomach	Adenocarcinoma	10.0
24	67	M	Stomach	Adenocarcinoma	10.0
25	68	M	Stomach	Adenocarcinoma	10.0
26	69	M	Stomach	Adenocarcinoma	10.0
27	70	M	Stomach	Adenocarcinoma	10.0
28	71	M	Stomach	Adenocarcinoma	10.0
29	72	M	Stomach	Adenocarcinoma	10.0
30	73	M	Stomach	Adenocarcinoma	10.0
31	74	M	Stomach	Adenocarcinoma	10.0
32	75	M	Stomach	Adenocarcinoma	10.0
33	76	M	Stomach	Adenocarcinoma	10.0
34	77	M	Stomach	Adenocarcinoma	10.0
35	78	M	Stomach	Adenocarcinoma	10.0
36	79	M	Stomach	Adenocarcinoma	10.0
37	80	M	Stomach	Adenocarcinoma	10.0
38	81	M	Stomach	Adenocarcinoma	10.0
39	82	M	Stomach	Adenocarcinoma	10.0
40	83	M	Stomach	Adenocarcinoma	10.0
41	84	M	Stomach	Adenocarcinoma	10.0
42	85	M	Stomach	Adenocarcinoma	10.0
43	86	M	Stomach	Adenocarcinoma	10.0
44	87	M	Stomach	Adenocarcinoma	10.0
45	88	M	Stomach	Adenocarcinoma	10.0
46	89	M	Stomach	Adenocarcinoma	10.0
47	90	M	Stomach	Adenocarcinoma	10.0
48	91	M	Stomach	Adenocarcinoma	10.0
49	92	M	Stomach	Adenocarcinoma	10.0
50	93	M	Stomach	Adenocarcinoma	10.0
51	94	M	Stomach	Adenocarcinoma	10.0
52	95	M	Stomach	Adenocarcinoma	10.0
53	96	M	Stomach	Adenocarcinoma	10.0
54	97	M	Stomach	Adenocarcinoma	10.0
55	98	M	Stomach	Adenocarcinoma	10.0
56	99	M	Stomach	Adenocarcinoma	10.0
57	100	M	Stomach	Adenocarcinoma	10.0
58	101	M	Stomach	Adenocarcinoma	10.0
59	102	M	Stomach	Adenocarcinoma	10.0
60	103	M	Stomach	Adenocarcinoma	10.0
61	104	M	Stomach	Adenocarcinoma	10.0
62	105	M	Stomach	Adenocarcinoma	10.0
63	106	M	Stomach	Adenocarcinoma	10.0
64	107	M	Stomach	Adenocarcinoma	10.0
65	108	M	Stomach	Adenocarcinoma	10.0
66	109	M	Stomach	Adenocarcinoma	10.0
67	110	M	Stomach	Adenocarcinoma	10.0
68	111	M	Stomach	Adenocarcinoma	10.0
69	112	M	Stomach	Adenocarcinoma	10.0
70	113	M	Stomach	Adenocarcinoma	10.0
71	114	M	Stomach	Adenocarcinoma	10.0
72	115	M	Stomach	Adenocarcinoma	10.0
73	116	M	Stomach	Adenocarcinoma	10.0
74	117	M	Stomach	Adenocarcinoma	10.0
75	118	M	Stomach	Adenocarcinoma	10.0
76	119	M	Stomach	Adenocarcinoma	10.0

NOTES:  
1. NO ACCESS EASTMENT RESIDENTS VEHICULAR TRAFFIC FROM ADJACENT'S PATH ROAD.  
2. A 15.0 ELECTRICAL ESTABLISHMENT IS LOCATED ON THE NORTH SIDE OF LOTS 3-12 OF BLOCK TWO AND TRACT 1.



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**MITCHELL & ASSOCIATES, INC.**  
ENGINEERING & SURVEYING  
102 N. COLLEGE STREET  
KILLEEN, TEXAS 75541  
PHONE: (254) 634-5541  
FAX: (254) 634-2141

ERIC NO.	DRAWN BY	DATE	SCALE	FB	LOTS 00	AREA
C4-128-0	HAL	OCT. 2003	1"=100'	3/4"X2 1/2"	81 SDC'S X 4	39.567 ACRES



SUTTON PLACE PHASE FIVE  
SECTION ONE & SECTION TWO  
HARKER HEIGHTS, BELL COUNTY, TEXAS

FINAL PLAT

5	8-9-05	REVISED EASEMENTS	REC
4	7-6-05	REVISED TRACT 1/200750 LOT	REC
3	10-12-24	EASEMENTS	FRB
2	5-7-04	CITY COMMENTS	LAM
1	4-7-01	CITY COMMENTS	LAM