

Section II

No. 54,949

STATE OF TEXAS
COUNTY OF HARRIS

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KNOW ALL MEN BY THESE PRESENTS:

THAT I, E. A. KELLY, TRUSTEE, owner of that certain Subdivision ~~known and described as~~ ROLLING HILLS COLONY, Section II, in Waller County, Texas, as shown by the plat of said Subdivision, recorded under County Clerk's File No. 54,451, in the records of the Office of the County Clerk of Waller County, Texas, do hereby create and establish the following restrictions, restrictive covenants and easements affecting the use and occupancy of the lots and tracts in said Subdivision:

PART ONE

- (1) These restrictions and restrictive covenants constitute a general plan for the improvement of all of the property in ROLLING HILLS COLONY and for the maintenance and preservation of its uniform desirable character and are to run with the land and shall be binding on all parties until September 1, 1984, at which time all such restrictions shall be automatically extended for consecutive periods of five (5) years each, unless, by vote of the then owners of the majority of the lots in such Subdivision, it is agreed to alter, amend or rescind the same in whole or in part.
- (2) These restrictions shall be binding upon the owners of all lots in said subdivision and on all persons holding or claiming any right of possession or other interest therein, each of whom shall be obligated and bound to observe such restrictions and restrictive covenants; and in the event of violation of any of such restrictions with respect of any of such lots it shall be the legal right of any other person owning any interest in any property in the Subdivision to institute and maintain any proceeding at law or in equity against the person, or persons violating or attempting to violate any of such restrictions; provided that no person or persons shall be liable in damages for any violation or breach of such restrictions, except in respect to violations or breaches committed during his or her ownership and control of said property. Failure to enforce any restriction herein contained shall not be deemed to be a waiver of the right to enforce such restriction at any time thereafter as to the same violation or breach or as to any other violation or breach occurring either prior or subsequent thereto.

PART TWO

- (3) All of the lots in said Section II are designated as residential lots and shall be used for residential purposes only as hereinafter more particularly provided.
- (4) Only one single family private dwelling unit or residence designed for the occupancy of one family and one appurtenant garage shall be erected on the front seventy (70) feet of any residential lot in said Subdivision. Such residence or dwelling unit shall contain not less than One Thousand (1,000) square feet of floor space; provided, however, that two hundred (200) square feet of such floor space may be in an open or screened porch, but not less than eight hundred (800) square feet of floor space shall be enclosed living area, exclusive of open or screened porches, breezeway or