

RESTRICTIONS OF CANYON LAKE VILLAGE WEST UNIT NO. 5

TOM J. SHERIDAN PROPERTIES, INC., to the PUBLIC.

THE STATE OF TEXAS Ø

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF COMAL Ø

That TOM J. SHERIDAN PROPERTIES, INC., a Texas corporation, acting herein by and through its President, TOM J. SHERIDAN, owner of CANYON LAKE VILLAGE WEST, UNIT NO. 5, a subdivision in Comal County, Texas, as recorded in Volume 4, Pages 91-95, Map and Plat Records of Comal County, Texas, do hereby impress all of the property known as LOTS 662 through 919, inclusive, save and except LOTS 541 through 546 and LOTS 585 through 587, inclusive, included in such subdivision with the following restrictions:

1. All lots shall be used solely for residential purposes, unless otherwise designated.

2. No building other than a single family residence containing not less than 1400 or 1000 square feet, as hereinafter indicated, exclusive of open porches, breezeways, car ports and garages, shall be erected or constructed on any residential lot, and no garage may be erected except simultaneous with or subsequent to erection of residence. All buildings must be completed not later than six months after laying foundation, and no structures or house trailers of any kind may be moved onto the property; servants quarters and guest houses may be constructed on the rear one-third of said lots after completion of permanent residence:

On Lot Nos. 866 through 871, and 905 through 915 inclusive shall be restricted to not less than 1,400 square feet.

3. No improvements shall be erected or constructed on any lots nearer than fifteen feet to the front property line, nor nearer than five feet to the side property line, except that in the case of a corner lot, no improvement shall be erected or constructed within ten feet of said property lines adjacent to streets. In lots 100 feet or less in depth, the setback may be ten feet.

4. No building or structure shall be erected or constructed on any lot until the building plans, specifications, plot plans and external design have first been approved in writing by the corporation, or by such nominee or nominees as it may designate in writing.

5. Roof level of structures not to exceed seventeen feet above center line of road easement on lots restricted to one-story construction. The following Lots apply:

Lots 566 through 587, 866 through 876 and 905 through 912 inclusive are hereby being restricted to one-story construction.

6. No building or structure shall be occupied or used until the exterior thereof is completely finished with not less than two coats of paint. No outside toilet shall be installed or maintained on any premises and all plumbing shall be connected with a sanitary sewer or septic tank approved by the State and Local Departments of Health.

7. An assessment of two dollars (\$2.00) per month per lot (which may be paid annually, semi-annually or monthly in advance), shall run against each lot in said subdivision. Such assessment shall be and is hereby secured by a LIEN on each lot respectively, and shall be payable to the corporation or assigns. In cases where one owner owns more than one lot there will be only one assessment for such owner, provided, however, that if such an owner shall sell one or more of his lots to a party who theretofore did not own property in subdivision then said lot or lots so transferred shall thereafter be subject to the lien provided for herein.

8. No noxious, offensive, unlawful or immoral use shall be made of the premises.

9. All lots are subject to easements and restrictions of record and are subject to any applicable zoning rules and regulations.

10. The corporation reserves to itself, its successors and assigns, an easement or right-of-way over a strip along the side, front and rear boundary lines of the lot or lots for the purpose of installation or maintenance of public utilities, including but not limited to gas, water, electricity, telephone drainage and sewerage, and any appurtenances to the supply lines therefore, including the right to remove and/or trim trees, shrubs or plants. This reservation is for the purpose of providing for the practical installation of such utilities as and when any public or private authority or utility company may desire on said lots with no obligation to corporation to supply such services.

11. No water wells will be allowed to be drilled or dug on any part of said premises without written approval of the corporation and the corporation reserves the right to reject any applications to drill or dig wells on said premises.

12. That an assessment, for the purpose of bringing water to each lot of \$350.00, shall run against each lot and part thereof in said subdivision, and an assessment on the same basis shall run against each tract of land sold in said subdivision by metes and bounds description. Such assessment shall be, and is hereby secured by a LIEN on each lot or tract respectively; and if and when corporation, its successors or assigns, shall construct a water main in the street and/or easement, running by said lot or tract and water is made available to same, said assessment aforesaid shall become DUE and PAYABLE to corporation, its successors and assigns, at the time the water supply is made available to said property. Said assessment may be arranged on a satisfactory monthly payment basis.

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

14. All covenants and restrictions shall be binding upon the Purchaser, or his successors, heirs and assigns. Said covenants and restrictions are for the benefit of the entire subdivision.

15. The term "corporation" in the preceding restrictions being TOM J. SHERIDAN PROPERTIES, INC., and the term "Purchaser" in the preceding restrictions meaning anyone purchasing a lot from the corporation, in this subdivision.

IN TESTIMONY WHEREOF, TOM J. SHERIDAN PROPERTIES, INC., has caused this instrument to be signed by its President, attested and the corporate seal hereunto affixed this 12th day of August, 1976.

TOM J. SHERIDAN PROPERTIES, INC.

By: Tom J. Sheridan
Tom J. Sheridan, President

ATTEST:

Elizabeth M. Schlichter
Elizabeth M. Schlichter, Secretary

THE STATE OF TEXAS
COUNTY OF BEXAR

BEFORE ME, the undersigned authority, on this day personally appeared TOM J. SHERIDAN, President of TOM J. SHERIDAN PROPERTIES, INC.; 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, in the capacity therein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 12th day of August, 1976

Diana L. Walker
Notary Public, Bexar County, Texas

DIANA L. WALKER
COMMISSION EXPIRES
AUGUST 22, 1978

Filed for Record April 27, A.D. 1977, at 10:40 o'clock A.M.
By Dorothy B. Laubach
Deputy County Clerk, Comal County, Texas

RESTRICTIONS OF CANYON LAKE VILLAGE WEST UNIT NO. 5
TOM J. SHERIDAN PROPERTIES, INC., to the PUBLIC

THE STATE OF TEXAS
COUNTY OF COMAL

KNOW ALL MEN BY THESE PRESENTS:

That TOM J. SHERIDAN PROPERTIES, INC., a Texas corporation, acting herein by and through its President, TOM J. SHERIDAN, owner of CANYON LAKE VILLAGE WEST, UNIT NO. 5, a subdivision in Comal County, Texas, as recorded in Volume 4, Pages 91-95, Map and Plat Records of Comal County, Texas, do hereby impress all of the property known as LOTS 541 through 625, inclusive, save and except LOTS 541 through 546 and LOTS 587 through 587, inclusive, included in such subdivision with the following restrictions:

1. All lots shall be used solely for residential purposes, unless otherwise designated.
2. No building other than a single family residence containing not less than 1000 square feet, exclusive of open porches, breezeways, car ports and garages, shall be erected or constructed on any residential lot, and no garage may be erected except simultaneous with or subsequent to erection of residence. All buildings must be completed not later than six months after laying foundation, and no structures or house trailers of any kind may be moved onto the property; servants quarters and guest houses may be constructed on the rear one-third of said lots after completion of permanent residence.
3. No improvements shall be erected or constructed on any lots nearer than fifteen feet to the front property line, nor nearer than five feet to the side property line, except that in the case of a corner lot, no improvement shall be erected or constructed within ten feet of said property lines adjacent to streets. In lots 100 feet or less in depth, the setback may be ten feet.
4. No building or structure shall be erected or constructed on any lot until the building plans, specifications, plot plans and external design have first been approved in writing by the corporation, or by such nominee or nominees as it may designate in writing.
5. Roof level of structures not to exceed seventeen feet above center line of road easement on lots restricted to one-story construction. The following Lots apply:

Lots 566 through 587, inclusive, are hereby being restricted to one-story construction.
6. No building or structure shall be occupied or used until the exterior thereof is completely finished with not less than two coats of paint. No outside toilet shall be installed or maintained on any premises and all plumbing shall be connected with a sanitary sewer or septic tank approved by the State and Local Departments of Health.
7. An assessment of two dollars (\$2.00) per month per lot (which may be paid annually, semi-annually or monthly in advance), shall run against each lot in said subdivision. Such assessment shall be and is hereby secured by a LIEN on each lot respectively, and shall be payable to the corporation or assigns. In cases where one owner owns more than one lot there will be only one assessment for such owner, provided, however, that if such an owner shall sell one or more of his lots to a party who theretofore did not own property in subdivision then said lot or lots so transferred shall thereafter be subject to the lien provided for herein.
8. No noxious, offensive, unlawful or immoral use shall be made of the premises.

9. All lots are subject to easements and restrictions of record and are subject to any applicable zoning rules and regulations.

10. The corporation reserves to itself, its successors and assigns, an easement or right-of-way over a strip along the side, front and rear boundary lines of the lot or lots for the purpose of installation or maintenance of public utilities, including but not limited to gas, water, electricity, telephone, drainage and sewerage, and any appurtenances to the supply lines therefore, including the right to remove and/or trim trees, shrubs or plants. This reservation is for the purpose of providing for the practical installation of such utilities as and when any public or private authority or utility company may desire on said lots with no obligation to corporation to supply such services.

11. No water wells will be allowed to be drilled or dug on any part of said premises without written approval of the corporation and the corporation reserves the right to reject any applications to drill or dig wells on said premises.

12. That an assessment, for the purpose of bringing water to each lot of \$350.00, shall run against each lot and part thereof in said subdivision, and an assessment on the same basis shall run against each tract of land sold in said subdivision by metes and bounds description. Such assessment shall be, and is hereby secured by a LIEN on each lot or tract respectively; and if and when corporation, its successors or assigns, shall construct a water main in the street and/or easement, running by said lot or tract and water is made available to same, said assessment aforesaid shall become DUE and PAYABLE to corporation, its successors and assigns, at the time the water supply is made available to said property. Said assessment may be arranged on a satisfactory monthly payment basis.

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

14. All covenants and restrictions shall be binding upon the Purchaser, or his successors, heirs and assigns. Said covenants and restrictions are for the benefit of the entire subdivision.

15. The term "corporation" in the preceding restrictions being TOM J. SHERIDAN PROPERTIES, INC., and the term "Purchaser" in the preceding restrictions meaning anyone purchasing a lot from the corporation, in this subdivision.

IN TESTIMONY WHEREOF, TOM J. SHERIDAN PROPERTIES, INC., has caused this instrument to be signed by its President, attested and the corporate seal hereunto affixed this 12th day of August, 1978.

TOM J. SHERIDAN PROPERTIES, INC.

By: Tom J. Sheridan
Tom J. Sheridan, President

TESTEST:
Elizabeth M. Schlichter
Elizabeth M. Schlichter, Secretary

THE STATE OF TEXAS . . .
COUNTY OF BEKAR

BEFORE ME, the undersigned authority, on this day personally appeared TOM J. SHERIDAN, President of TOM J. SHERIDAN PROPERTIES, INC., 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, in the capacity therein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 12th day of August, 1978.

Diana L. Walker
Diana L. Walker
Notary Public, Bexar County, Texas
MY COMMISSION EXPIRES
AUGUST 12, 1978

Filed for record Nov. 9, A.D. 1978, at 1:38 o'clock P.M.
by Shirley S. Walker
Shirley S. Walker
County Clerk, Bexar County, Texas.

RETURN TO:
Canyon Lake Village West
Property Owners Association, Inc.
P. O. Box 1616
Canyon Lake, Texas 78130

220444

FILED FOR RECORD

RESTRICTIONS FOR LOTS 542 - 545 OF
CANYON LAKE VILLAGE WEST, UNIT 5

1983 JAN 20 AM 11:27

VOL 339 PAGE 222

TOM J. SHERIDAN
TO
THE PUBLIC

ROSE ROSENBERG
COUNTY CLERK COMAL COUNTY

BY Van D. Wood
W.S. 85

THE STATE OF TEXAS §
§
COUNTY OF COMAL §

KNOW ALL MEN BY THESE PRESENTS:

THAT TOM J. SHERIDAN, owner of Lots 542-545 of CANYON LAKE VILLAGE WEST, UNIT 5, a subdivision in Comal County, Texas, as recorded in Volume 4, pages 91-95, Map and Plat Records of Comal County, Texas, does hereby impress said Lots 542-545 with all restrictions recorded in Volume 250, Pages 201-202 of the Deed Records of Comal County, Texas, as if said lots had not been originally excluded from said restrictions.

Said Lots 542-545 shall therefore hereafter be subject to all restrictions, assessments, set-back lines and easements set forth in said document recorded in Volume 250, page 201 of the Deed Records of Comal County, Texas.

IN TESTIMONY WHEREOF, TOM J. SHERIDAN, has executed this instrument this 1st day of January, 1983.

Tom J. Sheridan
Tom J. Sheridan

THE STATE OF TEXAS §
COUNTY OF COMAL §

BEFORE ME, the undersigned authority, on this day personally appeared TOM J. SHERIDAN, 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 17th day of January, 1983.

Julie Erben
Notary Public, State of Texas

JULIE ERBEN
Notary Public, State of Texas
My Commission Expires September 26, 1984



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AMENDMENT TO RESTRICTIONS

FILED FOR RECORD

888 JUN 30 AM 10:50

HOSHE ROSENBERG
COUNTY CLERK COMAL COUNTY

[Signature]
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Reference is made to Item 5 of the Restrictions of Canyon Lake Village West Unit No. 5, recorded in Volume 219, Page 788 of the Deed Records of Comal County, Texas, which restricts structures on certain lots as follows:

"Roof level of structures not to exceed seventeen feet above center line of road easement on lots restricted to one-story construction."

It is the opinion of the Canyon Lake Village West Property Owners Association ("Association") and the Board of Directors of the Association that a portion of the said Item 5 should be amended by the deletion of any and all restrictions to one-story construction, but that the restriction that roof levels not exceed seventeen feet above the center line of the road easement remain in full force and effect.

Therefore, for and in consideration of the premises, and in accordance with the vote of the membership of the Association at a meeting held on December 2, 1988, and with the authority vested in the Board of Directors under the By-Laws of the Association, the said Item 5 is hereby amended to the extent noted hereinabove.

Done this 1st day of June, 1989.

ATTEST:

CANYON LAKE VILLAGE WEST
PROPERTY OWNERS ASSOCIATION, INC.

[Signature]
Joel Collins, Secretary

[Signature]
BY Karl Braddick, President