

No. 9573

W.E. White

To

Restrictions

The State of Texas, County of Harris: Whereas, the undersigned W.E. White, is the sole owner of all of the lots and properties situated in Cresmere Place, an Addition to the City of Houston, in Harris County, Texas, per map of said Addition recorded in Volume 998, page 193 of the Deed Records of said County and is also the sole owner of all of the lots and properties situated in West Ormond Place Addition to the City of Houston, Harris County, Texas, map of which addition is recorded in Volume 855, page 725, Deed Records of said County, save and except the lots in said West Ormond Place fronting on North Boulevard, said two additions being in Lot 2 of the Obedience Smith Survey in said County; and, Whereas, the lots in said additions are so owned by the undersigned are about to be put on the market for sale and it is desired that a uniform plan of restrictions be adopted and placed of record with respect to said lots. Now, therefore, I, the said W.E. White, also sometimes written as E.A. White, hereby declares that from henceforth the following restrictions shall apply with respect to said lots in said additions and said lots shall from henceforth be subject to said restrictions as herein more fully set out.

(a) That there shall never be erected, permitted, maintained or carried on upon any of the said property any saloon, or place for the sale or manufacture for sale of malt, vinous or spirituous liquors, any foundary, brick yard, cemetery, any establishment for the care or cure of persons afflicted with any disease or any institution for the care or restraint of the mentally impaired, or any detention home, reform school, asylum or any institution of like or kindred nature,

nor any slaughter house or tannery or any noxious interest, trade or business. (b) That no part of said property fronting on Banks or Milford Streets shall ever be used for any type business business houses or stores. (c) That no part of said property shall be sold, conveyed, rented or leased in whole or in part to any person of the African or Mongolian races, or to any person not of the white or Caucasian race.

(d) That unless especially permitted in writing by a majority of the whole number of lot owners in said additions there shall be no prospecting, mining or drilling for or producing of oil, gas or other hydrocarbon or mineral products or mineral substances in, on or upon any of the said property. (e) Houses on Banks and Milford Streets shall have a set back of not less than 25 feet.

No houses to be built on Milford Street in Creasmere Place to cost less than \$6,000.00. No houses to be built on Banks Street in Creasmere Place to cost less than \$5500.00 except Lots 1 and 2, in Block 1, and Lots 1 and 2, in Block 2 to cost not less than \$4,500.00. No houses to be built on Milford and Bart's Streets in West Ormond Place to cost less than \$6,500.00. No apartments or duplexes are to be constructed on either Milford or Banks Streets. No one story dwellings are to be constructed on Milford Street.

No garage or outhouse shall be built within less than 80 feet of the front property line of Banks or Milford Streets. No house on Milford or Banks Streets shall be less than 5 feet from side property lines.

No fence or hedge paralleling the front property lines of Hazards and Banks Streets shall be nearer said front line than 25 feet. No fence on or paralleling side lines of any lots shall be nearer than 25 feet from front property line and no fence shall exceed five feet in height with regards to Banks and Milford Streets. No temporary dwellings are to be constructed on any part of properties fronting on Banks or Milford Streets to be occupied prior to construction of main dwelling.

In furtherance of the plan for the improvement and sale of the above described property the foregoing basic restrictions are hereby declared to be in full force and effect with respect to said lots and shall remain in full force and effect fifty (50) years dating from February 1, 1937, provided, however that after the lapse of fifty years from said date these restrictions can be extended, modified or abolished by written consent of 50% of the property owners then residing on the property herein described. Executed this the 24th day of February, A.D. 1937.

W.E. White

The State of Texas, County of Harris: Before me, the undersigned authority, this day personally appeared W.E. White, 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 23rd day of February, A.D. 1937.

Claude I. Boddicker, Notary Public, Harris County, Texas. (Seal)

Filed for record Mar. 1, 1937 at 4:20 o'clock P.M. Recorded Mar. 3, 1937 at 10:40 o'clock A.M. Walter W. Luskley Clerk County Court, Harris County, Texas. By W. S. Luskley Deputy

071-74-1598

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EXTENSION AND MODIFICATION  
OF RESTRICTIONS

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THE STATE OF TEXAS §  
COUNTY OF HARRIS §

WHEREAS, by instrument dated February 22, 1937, recorded in Volume 1041, Page 8, of the Deed Records of Harris County, Texas, (the "1937 Restrictions") certain restrictions, reservations and covenants (the "Covenants") were created and established on the following described property:

- 1. Cresmere Place, an addition in the City of Houston, Harris County, Texas, according to the map of said Addition, recorded in Volume 998, Page 193, of the Deed Records of Harris County, Texas; and
- 2. West Ormond Place, an addition in the City of Houston, Harris County, Texas, according to the map of said addition recorded in Volume 855, page 725, of the Deed Records of Harris County, Texas, SAVE AND EXCEPT the lots in said West Ormond Place fronting on North Boulevard.

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The above described property covered by the Covenants is hereinafter referred to as the "Restricted Lots."

WHEREAS the undersigned, representing at least fifty percent of the property owners now residing on the Restricted Lots, desire pursuant to the terms of the 1937 Restrictions to extend the Covenants beyond the initial term ending February 1, 1987, to modify the Covenants in part and to provide for their further extension and modification.

NOW, THEREFORE for and in consideration of the mutual benefits derived and to be derived from continuing to subject the Restricted Lots covered by the 1937 Restrictions to a uniform set of restrictions, the undersigned, representing at least fifty (50) percent of the property owners now residing on the Restricted Lots agree as follows:

February 1, 2017, at which time all of such provisions shall be automatically extended for successive periods of ten (10) years, each, unless prior to the expiration of any such period of ten (10) years, at least fifty percent of the property owners then residing on the Restricted Lots shall have executed and recorded an instrument changing in whole or in part, the Covenants as hereby or from time to time in the future amended pursuant to this instrument. The provisions of any such instrument to become operative at the time designated in such instrument.

2. The Covenants as extended above shall be modified as follows:

a. Provision (b) of the 1937 Restrictions shall be deleted in its entirety and the following substituted in lieu thereof: "That no part of said property shall ever be used for any type business, business houses or stores, but shall be used for residential purposes only."

b. Provision (c) of the 1937 Restrictions creating certain racial restrictions shall be deleted in its entirety to conform to the applicable law prohibiting such racial restrictions.

c. A new provision (f) shall be added to the Covenants, which shall read as follows:

No buildings erected on the Restricted Lots shall exceed three stories in height. All buildings erected on Banks or Milford Street shall face on such streets and shall not face on Hazard Street.

d. A new provision (g) shall be added to the Covenants, which shall read as follows:

No property facing on Banks or Milford Street shall have a width of less than fifty (50) front feet on Banks or Milford and all such property on Banks or Milford shall also extend completely through from the street to the centerline of the rear easement, which is the dividing line between blocks in the subdivision. No building shall be erected, altered, placed or permitted to remain on any such property other than a single family dwelling and detached garage. No town-houses, zero lot line residences, patio homes or homes with similar building plans shall ever be

consent of 50% of the property owners then residing on the Restricted Lots.

- f. To the extent any of the Covenants in the 1937 Restrictions are no longer valid by reason of non-enforcement, it is agreed that they are hereby reinstated. Any non-conforming matters in existence on the effective date of this instrument may remain but all new construction and alterations shall be subject to the Covenants as hereby extended and modified.

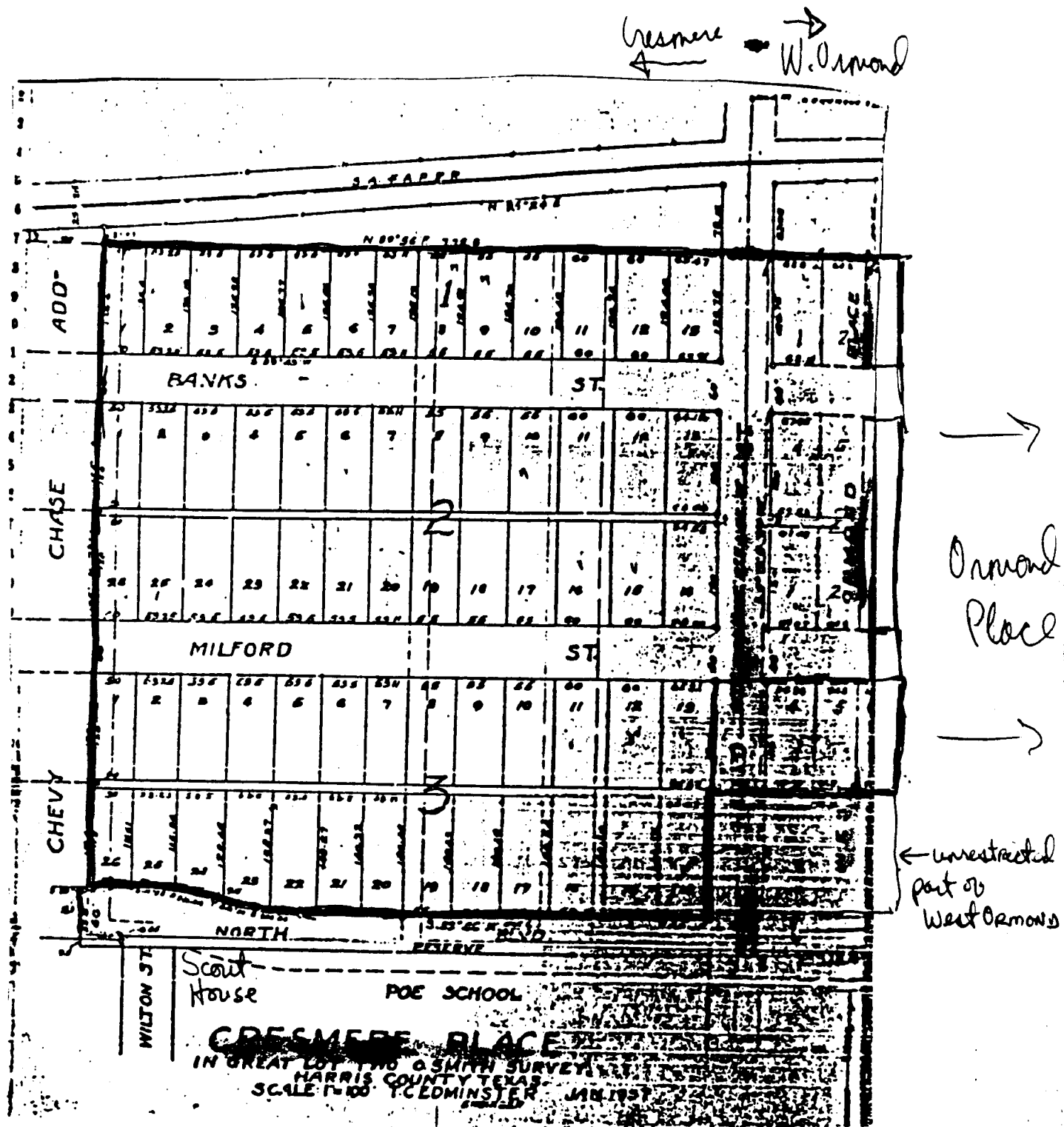
If, for any reason, any of the provisions herein or any of the Covenants in the 1937 Restrictions (other than the racial restrictions described above) are held invalid, then and in that event it is the intention of the undersigned that all other said Covenants are hereby extended and modified as above set out.

This instrument shall be binding upon and inure to the benefit of all of the owners of the Restricted Lots and their respective heirs, legal representatives, successors and assigns.

The recorded maps of Cresmere and West Ormond Place Additions and the 1937 Restrictions are incorporated by reference herein for all purposes as though fully set out herein.

This instrument may be executed in multiple counterparts, not all of which will necessarily be executed by all parties hereto, but the signature and acknowledgment pages from which may be combined to form one or more complete counterparts, each of which shall have the force and effect of an original.

SIGNATURES AND ACKNOWLEDGMENTS ARE  
ON THE FOLLOWING PAGE



1937

West Ormond Place is 3 lots wide east of Hazard from railroad right-of-way to North Blvd.; the area behind