

HIGH GABRIEL ESTATES

AMENDED AND CONSOLIDATED DEED RESTRICTIONS FOR ALL PLATTED SECTIONS

Revised October, 2022

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: The residential community known as High Gabriel Estates Subdivision, in Williamson County, Texas, consisting of the five Sections, intends to see the development of this property serve the maximum benefit and pleasure of the owners of tracts therein and maintain the property values thereof, and in order to bring about and maintain uniformity in the regulation of said residential community, has adopted the following “consolidated” declarations, reservations, protective covenants, limitations, conditions and restrictions regarding the use of tracts located in High Gabriel Estates, the structures to be placed thereupon, and the development of the area in its entirety. The following document provides a single source for the consolidation of the individual sets of recorded Deed Restrictions, for all subdivision sections, including all Amendments that have been made and recorded over time to those Deed Restrictions. All original documents utilized in this set of consolidated Deed Restrictions are recorded and filed with the Deed Records of Williamson County, Texas. Source documents, with their recorded identifications, are as follows:

High Gabriel East, Section One a subdivision in Williamson County, Texas, according to the map or plat of said subdivision of record in Plat Book 7, Page 4, of the Plat Records of Williamson County, Texas. The Original Deed Restrictions for said High Gabriel East, Section One, were adopted by the developer, High Gabriel Development Co., Inc., which owned more than fifty-one percent (51%) of the property of said High Gabriel East, Section One, said Original Deed Restrictions being recorded in Volume 552, Page 439 of the Deed Records of Williamson County, Texas. The owners of fifty-one percent (51%) or more have heretofore amended these restrictions one time, said amendment being recorded in: Volume 564, Page 403 of the Deed Records of Williamson County, Texas.

High Gabriel East, Section Two a subdivision in Williamson County, Texas, according to the map or plat of said subdivision of record in Plat Book B, Page 296 of the Plat Records of Williamson County, Texas. The Original Deed Restrictions for said High Gabriel East, Section Two were adopted by the developer, High Gabriel Development Co., Inc., which owned more than fifty-one percent (51%) of the property of said High Gabriel East, Section Two, said Original Deed Restrictions being recorded in Volume 569, Page 489 of the Deed Records of Williamson County, Texas. The owners of fifty-one percent (51%) or more have heretofore amended these restrictions one time, said amendment being recorded in: Volume 855, Page 277 of the Deed Records of Williamson County, Texas.

High Gabriel East, Section Three a subdivision in Williamson County, Texas, according to the map or plat of said subdivision of record in Cabinet C, Slide 24 of the Plat Records of Williamson County, Texas. Deed Restrictions for High Gabriel East, Section Three, were not filed with the Deed Records of Williamson County, Texas.

High Gabriel West, Section One a subdivision in Williamson County, Texas, according to the map or plat of said subdivision of record in Plat Book 6, Page 26, of the Plat Records of Williamson County, Texas. The Original Deed Restrictions for said High Gabriel West, Section One, were adopted by the developer, High Gabriel Development Co., Inc., which owned more than fifty-one percent (51%) of the property of said High Gabriel West, Section One, said Original Deed Restrictions being recorded in Volume 554, Page 606 of the Deed Records of Williamson County, Texas. The owners of fifty-one percent (51%) or more have heretofore amended these restrictions two times, said amendments and/or supplementation being recorded respectively in: Volume 554, Page 316; and Volume 564, Page 403 of the Deed Records of Williamson County, Texas.

High Gabriel West, Section Two a subdivision in Williamson County, Texas, according to the map or plat of said subdivision of record in Plat Book 6, Pages 85 - 86, of the Plat Records of Williamson County, Texas. The Original Deed Restrictions for said High Gabriel West, Section Two, were adopted by the developer, High Gabriel Development Co., Inc., which owned more than fifty-one percent (51%) of the property of said High Gabriel West, Section Two, said Original Deed Restrictions being recorded in Volume 552, Page 435 of the Deed Records of Williamson County, Texas. The owners of fifty-one percent (51%) or more have heretofore amended these restrictions five times, said amendments and/or supplementation being recorded respectively in: Volume 564, Page 403; Volume 855, Page 279; Volume 1143, Page 832; Volume 1250, Page 898; and Document Number 2009021020 of the Deed Records of Williamson County, Texas.

CONSOLIDATED COVENANTS, CONDITIONS AND RESTRICTIONS

1. **Property Use**: All tracts shall be used for single-family residential purposes only and no part of any tract shall ever be used for a business or commercial purpose or for carrying on a trade or profession, with the exceptions described herein. Tracts 18 and 19 of East Section Two may be utilized for business, commercial or professional purposes. Tracts 17 and 20 of East Section Two and Tracts 61, 62 and 63 of West Section Two may be used for multi-family, duplex or apartment purposes)., And, with further exception of Tracts 28 and 29 of West Section Two, which said two tracts may be used for commercial purposes that do not violate existing or future State or Federal Law or regulation or Williamson County Ordinance or regulation.

2. **Resubdivision**: No tract shall be resubdivided or cut into smaller parcels or tracts without the prior written approval of the Architectural Control Committee. In no event shall any tract in East Section One or East Section Two ever be re-subdivided or cut into a tract or tracts containing less than twenty-one thousand square feet (21,000 sq. ft.) each, nor shall any tract in West Section One or West Section Two ever be re-subdivided or cut into a tract or tracts containing less than ten thousand square feet (10,000 sq. ft.) each. Only one (1) single-family dwelling shall be erected or placed on any one (1) tract with the exception of those tracts designated for other use in Paragraph 2 herein. Any person owning two (2) or more adjoining tracts may combine said tracts for building purposes.

3. **Mobile Homes**: No mobile homes will be permitted on any tract.

4. **Permanent Homes**: All homes built shall be permanent type and must be of all new construction. Homes built shall contain a minimum of twelve hundred square feet (1,200 sq. ft.) of living area, exclusive of garages, carports and porches, and a minimum of fifty-one percent (51%) of the outside construction shall be of brick, stone or masonry, with the following exceptions: Homes built in East Section Two and Tracts 14 through 38 of West Section Two shall contain a minimum of fifteen hundred square feet (1,500 sq. ft.) of living area, exclusive of garages, carports and porches, and a minimum of seventy-five percent (75%) of the outside construction shall be of brick, stone or masonry.

5. **Architectural Control Committee**: No dwelling, residence, garage, barn, shed, storage or other building shall be erected, placed, or altered on any building site until the construction plans and specifications and a plan showing the location of the structures have been approved by the Architectural Control Committee as to quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. A single Architectural Control Committee shall serve the tract owners of all subdivision sections in High Gabriel Estates.

6. **Separate Structures**: Any detached building, garage, carport, shed, barn or structure or addition to first residence must be of all new material and be of equal construction and architectural design as the residence. Any variation from this restriction must have prior approval of the Architectural Control Committee.

7. **Setback Requirements**: Except for fences, no building or structures of any nature shall be located on any tract closer than 25 feet to any tract property line which abuts a street or closer than 10 feet to any side or back property line, with the exceptions described herein. Tracts in East Section Two and Tracts 5 through 31 in East Section One shall require a setback no closer than 100 feet to any tract property line which abuts a street, nor closer than 20 feet to any side or back property line. Corner lot homes shall face the street which the lot number sign located on the property faces. Variations from these requirements may be granted in individual cases where tract size or topography make these requirements impractical but any such variation must have the prior approval of the Architectural Control Committee.

8. **Time For Completion**: Any dwelling commenced shall be completed with reasonable diligence and in all events shall be completed as to its exterior within six (6) months from the commencement of construction. No building material of any kind shall be placed or stored upon any lot until the owner is ready to commence construction.

9. **Driveways**: All houses shall be constructed with a driveway of either concrete or asphalt at least 10 feet in width running from the street to the improvements.

10. **Temporary Structures**: No trailer, tent, shack, garage, barn or other outbuilding shall be at any time used as a residence or dwelling, either temporarily or permanently.

11. **Sewage**: No residence shall be permitted in the subdivision unless it is served by a septic system meeting the requirements of and approved by the State of Texas and the Williamson County Health Department.

12. **Repair and Upkeep**: All residences, barns, sheds, and other buildings and all fences must be kept in a good state of repair, and must be painted when necessary to preserve the attractiveness thereof.

13. **Drainage Structures**: Drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater. Such structures, where needed, are to be installed at the expense of the tract owner. Natural drainage shall not be disturbed without prior written approval of the High Gabriel Estates Property Owner's Association Board of Directors. Such alterations of natural drainage must be reported to governing authorities, and be in compliance with existing rules and regulations.

14. **Storage of Trash and Weeds**: No tract shall ever be used for outside, unenclosed storage of any nature, nor shall any tract or part thereof be used or maintained as dumping ground for rubbish or debris or junk. Trash, garbage or other wastes shall not be permitted except in sanitary containers. All incinerators or cans or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition and behind tract improvements so they are not readily visible from the street. Each tract shall be kept free and clean of weeds and tall grass such as will be in keeping with the other property and development at a particular time.

15. **Parking**: No parking of automobiles or any type vehicles will be allowed within the 50-foot right of way of any street or road in the subdivision at any time.

16. **Trucks and Construction Equipment**: No tractor trailer type trucks or dump trucks or other similar large commercial type trucks or construction machinery or equipment or vehicles shall be parked on any tract at any time except temporarily while such vehicles are being used in the construction of improvements on premises within the subdivision.

17. **Unused Cars**: Cars or other vehicles may not be stored on any tract in the subdivision nor shall any car or vehicle that is not in running condition and regularly used be allowed to remain on any tract for more than one (1) week. No repairing of motor vehicles shall be permitted on any tract.

18. **Livestock and Pets**: No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept, provided they are not kept, bred, or maintained for any commercial purpose, with the exceptions described herein. Any pen, corral, hutch, structure or enclosure of any kind must be constructed out of all new material and must be approved as to size and location, in writing, by the Architectural Control Committee. Such improvements must be kept neat and clean in appearance, consistent with the requirements herein specified for home improvements on the property. All such improvements must be located in the rear of the residence located thereon and not closer than 20' to any property line without specific prior written permission of the Architectural Control Committee. In East Section One, personal pleasure horses may be kept as well as a limited number of chickens (not to exceed six (6) excluding roosters), provided they are not kept, bred, or maintained for any commercial purpose, and, an FFA or club calf or similar project (other than pigs) may be kept so long as the same is not offensive to neighbors and is kept in a pen consistent in appearance with other improvements on the property, as specified herein. In East Section Two, personal pleasure horses, not to exceed three (3) in number, may be kept, as well as small numbers of poultry (excluding roosters), rabbits, or an FFA or club project such as a calf or lamb, provided that they are not kept in a manner that causes a nuisance to neighbors or property owners in the area. In West Sections One and Two, a limited number of chickens (not to exceed six (6) excluding roosters) may be kept.

19. **Fences**: No fence of barbed wire may be erected. All fencing shall be chain link, wood, or such other similar type that will not detract from the appearance of the development. Except for tracts in West Section Two, no fence or wall will be permitted nearer any street line than 25 feet, nor higher than 4 feet unless the Architectural Control Committee, at its discretion, approves such fence or wall in writing, prior to its erection. All fences must be approved as to material prior to erection by the Architectural Control Committee.

20. **Signs**: Except for one sign of not more than two square feet advertising the property for sale, no signs of any kind shall be displayed to the public view from any tract. However, signs used by a contractor or other builder to advertise the property during the course of construction and for a reasonable sales period thereafter, may be displayed on said tract.

21. **Utility Easement**: An easement is expressly reserved in, on, over, under and through those portions of the tracts as shown on said plat and map of High Gabriel Estates, to the extent of ten (10) feet from any and all tract lines and from any and all street lines, for the purpose of constructing conduits, telephones, and electric light poles, towers and other equipment necessary to supply any public or

private utility service. Tracts in West Section One shall reserve a five (5) foot easement from any and all tract lines and from any and all street lines for said purposes.

22. Noxious Activity: No noxious or offensive activity shall be carried on or maintained on any tract in said High Gabriel Estates, nor shall anything be done thereon which may be or become a nuisance in the neighborhood.

23. Firearms: The use or discharge of firearms is expressly prohibited within the subdivision or Nature Trail or Park.

24. Boats and Trailers: No boats, boat trailers, travel trailers or other similar property shall be allowed to remain on any tract in full view of the street. Such property in East Section Two shall be located on the rear of the tract behind the main residence and in a way as to be as inconspicuous as possible from the street.

25. Mail Boxes: All mail boxes shall be of a type and design and placed in a location approved by the United States Postal Service.

26. Nature Trail and River Park: All tract owners and members of their families (and guests when accompanied by an owner) shall have exclusive access to and through and have the exclusive right to enjoy and use the areas designated "Bridle Path," "Nature Trail" and "River Park" as shown on the plat of High Gabriel Estates. This provision applies to the owners of tracts of all sections in High Gabriel Estates. Ownership, maintenance and operation of the common properties is dedicated and assigned to the High Gabriel Estates Property Owner's Association.

27. Operational Fund: Expenses associated with the maintenance, taxes and insurance of community properties within High Gabriel Estates, as well as the operational expenses necessary for the High Gabriel Estates Property Owner's Association and its Architectural Control Committee shall be provided for by owners of tracts located herein through a monthly assessment of three dollars (\$3.00) per month per tract. The High Gabriel Estates Property Owner's Association, through its Board of Directors, may adjust the assessment from time to time as provided for in the By-Laws of the Association. Said Operational Fund shall be placed in a trust account and administered by the duly elected Board of Directors of the High Gabriel Estates Property Owner's Association. Property owners shall be provided with an annual accounting of the status and disbursement of said Operational Fund. Such assessments will be secured by lien against each tract then sold in High Gabriel Estates, but such lien shall automatically be secondary and inferior to such other liens then existing or that may thereafter be created by a tract owner.

28. Amendments: At any time the owners of the legal title of fifty-one percent (51%) of the lots in High Gabriel Estates (as shown by the records of Williamson County, Texas) may amend the restrictions, covenants, conditions and matters set forth herein by filing an instrument containing such amendment in the Office of the County Clerk of Williamson County, Texas.

29. Future Purchasers: Without regard to whether or not such are recited in conveyance or referred to in conveyances, these covenants, conditions and restrictions shall be deemed covenants running with the land and shall be binding upon owners of tracts in High Gabriel Estates, and their successors or assigns unless amended as herein provided for and filed of record in the Deeds of Records of Williamson County, Texas.

30. Enforcement of Conditions and Restrictions: If any person or persons shall violate or attempt to violate these covenants, conditions and restrictions, or any of them, it shall be lawful for High Gabriel Estates Property Owner's Association, or any person owning any interest in any of the tracts in said subdivision, including a mortgage interest, to prosecute proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant, condition or restriction, either to prevent or to correct such violation, and to recover damages or other relief for such violation. In addition, if a tract is not maintained in an orderly and clean condition, or is otherwise maintained in violation of these restrictions, High Gabriel Estates Property Owner's Association reserves the right to enter upon and clean the tract or otherwise correct the violation of conditions if a tract owner fails to do so within ten (10) days of written notice thereof. All expenses incurred by High Gabriel Estates Property Owner's Association for correcting property restriction violations shall be paid for in full by the tract owner or his assigns and may be recovered in the proper court of law if such expense is not paid in full within ten (10) days of written demand, plus a reasonable attorney's fee where filing of suit is necessary.

31. Invalidation: If any of the foregoing covenants, conditions and restrictions shall be invalidated by any judgement or other court order, the remaining covenants, conditions and restrictions shall not be affected thereby and they shall remain in full force and effect.

32. Property Owner's Association: The interests and rights of property owners in High Gabriel Estates (all Sections) shall be represented by the High Gabriel Estates Property Owner's Association and it's duly elected Board of Directors. The Association shall be

a non-profit corporation organized and existing under the laws of the State of Texas charged with the duties and vested with the powers prescribed by law and set forth in the Articles of Incorporation, the By-Laws of the Association and these deed restrictions and covenants, as they may be amended from time to time. Every person or entity who is a record owner of the fee interest of a tract shall be a member of the Association, and membership shall be appurtenant to and may not be separated from the ownership of a tract. The acceptance of a deed to a tract shall constitute acceptance of membership to the Association as of the date of incorporation, or as of the date of recording of the deed, whichever occurs last. Property owners, whether one or more of each recorded tract in High Gabriel Estates, are entitled to one vote in the Association for each recorded tract so owned. Without limitation of such other powers and rights as the Association may have, the Association shall be deemed a beneficiary, to the same extent as tract owner, of the various covenants set forth within this document, and shall have the right to enforce the covenants to the same extent as a tract owner.

Board of Directors Signatures:

_____	_____	_____
Chairperson (printed)	Chairperson (signature)	Date
_____	_____	_____
Vice Chairperson (printed)	Vice Chairperson (signature)	Date
_____	_____	_____
Secretary (printed)	Secretary (signature)	Date
_____	_____	_____
Treasurer (printed)	Treasurer (signature)	Date
_____	_____	_____
Board Member (printed)	Board Member (signature)	Date
_____	_____	_____
Board Member (printed)	Board Member (signature)	Date
_____	_____	_____
Board Member (printed)	Board Member (signature)	Date