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WESTMINSTER ADDITION  
RESTRICTIONS

BY *Deborah Russell*  
DEPUTY

THE STATE OF TEXAS  
COUNTY OF SMITH

I  
I  
I

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, EDWIN RUSSELL, individually and as Agent and Attorney-in-Fact for Janet Russell Mathis, and DICK HIGHTOWER, of Smith County, Texas, being the owners of the property shown on the plat of Westminster Addition to the City of Tyler, Smith County, Texas, recorded in Volume 9, Page 160 of the Plat Records of Smith County, Texas, do hereby impress said property with the following restrictive covenants and conditions for the purpose of providing a uniform building program upon said property and to insure the present and future owners that said subdivision will be developed into a desirable residential section:

I.

Westminster Addition shall be used exclusively as a residential district, and no trade, business or profession of any description shall be conducted upon any portion thereof.

II.

Each lot in said Addition shall be restricted to a single one-family dwelling house, with garage and other customary outbuildings.

III.

Each dwelling house constructed upon any lot in said Addition shall be constructed at least 25 feet from the property line of the street upon which said residence faces. The residence on any corner lot shall face the street upon which the lot has the shortest frontage, provided, the undersigned or their heirs or personal representatives, may, by written instrument, permit a residence to be constructed on a corner lot facing either direction, but the set-back line on the other or side street shall conform with the set-back provisions for other houses on such street.

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## IV.

No dwelling containing less than 2,500 square feet of floor space, exclusive of porches, breezeways, terraces, garages and other attached outbuildings, shall be constructed or permitted on any lot in said Addition.

## V.

The following standards must be met in the construction of improvements on each lot in said subdivision:

- A. No structure which is more than two stories in height (excluding garages and basements) shall ever be erected on any lot.
- B. The exterior walls of each dwelling house, garage, and outbuilding shall be constructed of at least sixty (60%) percent brick, brick veneer or stone, except that native rock or stucco shall not be used on the exterior walls of any structure on any lot in the subdivision without the written permission of the Building Committee.
- C. The roof of each residence, garage or other outbuilding shall be constructed of wood shingles except that other types of material may be used in lieu of wood shingles if same results in at least a twenty-five (25) year bonded roof.
- D. No garage shall be constructed on any lot closer than fifty (50) feet to the street upon which the lot fronts without the written approval of the Building Committee. All approaches on all drives shall be constructed of concrete.
- E. No old homes or other structures shall be moved onto any lot in said subdivision and house trailers, mobile homes, barns, stables, poultry houses and other structures of like character shall not be permitted on any of said lots; provided, however, that neatly constructed pens and quarters may be placed to the rear of the dwelling house for small family pets such as dogs and cats. Boat trailers, recreation vehicles and motor homes belonging to residents of the Addition must be parked, housed or stored to the rear of the lot or inside the garage.

## VI.

No residence, garage, servants' quarters, or other outbuildings shall ever be constructed on any lot in said subdivision without the approval of the plans and specifications of such structure by the Builders' Committee hereinafter designated, such approval to be by written recordable instrument. The undersigned shall act as the Builders' Committee and the acts of any

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one of said Committee shall be regarded as the acts of the entire Committee. If one of the members of said Committee should die, the surviving members may, by written instrument, appoint another person to fill the place of the decedent on such Builders' Committee. If one of the undersigned should dispose of all of his interest in the subdivision, he may continue to act as a member of said Committee, or he may appoint some other person to succeed himself as a member thereof.

## VII.

These covenants and restrictions shall run with the land and shall be binding upon the parties hereto and all persons claiming under them until twenty (20) years from date hereof, at which time such restrictions shall be automatically extended for successive periods of ten (10) years unless by vote of a majority of the owners of the lots in said subdivision at that time it is agreed to change said restrictions in whole or in part. Any breach of the foregoing conditions or restrictions, or any of them, shall have the effect of forfeiting the title of the owner of the property upon which such breach occurs and title to such property shall automatically revert to the undersigned, or their heirs and legal representatives; provided, however, that a breach of any of the foregoing conditions and restrictions or any reversion by reason of such breach shall not defeat, impair or render invalid the lien of any mortgagee, deed of trust or other valid encumbrance made in good faith for value as to such affected property.

If any portion of these restrictions shall be declared invalid by judgment or court order, it shall not affect the validity of any other provision or portion thereof.

EXECUTED this the 7<sup>th</sup> day of <sup>September</sup>~~August~~, 1979.

Edwin Russell  
EDWIN RUSSELL, individually  
and as Agent and Attorney-in-  
Fact for Janet Russell Mathis

Dick Hightower  
DICK HIGHTOWER

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THE STATE OF TEXAS                    I  
COUNTY OF SMITH                    I

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared EDWIN RUSSELL, individually, and as Agent and Attorney-in-Fact for Janet Russell Mathis, and DICK HIGHTOWER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that they signed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 7th day of September, 1979.



Barbara White  
Notary Public, Smith County, Texas

FILED AT 10:00 CLOCK A.M. ON THE 28 DAY OF Nov. 1979  
RECORDED AT 3:47 CLOCK P.M. ON THE 5 DAY OF Dec. 1979  
MARY MORRIS, COUNTY CLERK, BY Wanda Vance DEPUTY