THE STATE OF TEXAS ‡

COUNTY OF TARRANT ‡

1000 03797 9.00 M D 01/28/86

On the 28th day of November, 1952, Ernest Grissom, et ux, conveyed by Deed to Fred Scharf, property in the Southwest portion of Tarrant County, Texas, situated within the limits of the B. R. Lacy Survey, Abstract No. 1907, the W. A. Hunter Survey, Abstract No. 1795, and the Charles Miller Survey, Abstract No. 1016. This Deed was filed for record on the 10th day of December, 1952 and recorded at the County Records Building, Tarrant County, Texas, in Volume 2505, Page 67. Then on the 1st day of June, 1953, Fred Scharf, dba Scharf Properties, Inc. filed a plat of BENBROOK LAKESHORE ESTATES out of the 2nd and 4th tracts of the aforementioned deed (2505-67). Scharf recorded this plat in Volume 388/V, Page 55, and imposed certain Deed Restrictions with this dedication. Said Deed Restrictions were added to, or amended under the following: Vol. 2584, Page 575; Vol. 3314, Page 227; and Vol. 4130, Page 153. More plats followed in this area and certain lots and blocks were vacated and returned to acreage. The remainder of Scharf property was conveyed by metes and bounds descriptions of which was referenced the said Vol. 388/V, Page 55, Deed Restrictions and or amended restrictions on some of them. Other tracts he placed specific deed restrictions and/or specified a paragraph within said deeds "subject to any and all restrictions affecting it."

WHEREAS, Fred Scharf who died in October, 1973 and his Will was filed in Probate Court and recorded in Volume 929, Page 542, Probate Records, Tarrant County, Texas, wherein Ethel Scharf was appointed Independent Executrix of his Estate. Ethel Scharf, upon her death in March, 1979, and whose Will was filed in Probate Court and recorded in Volume 1156, Page 941, said Probate Records, left her daughter, Ruby Blankenship as sole beneficiary, legatee and devisee of all her property.

NOW WHEREAS, the heirs of Fred Scharf are now residing in the State of California and have no longer any residential development or real estate office remaining in the Tarrant County area, and by their direct actions have made the decision not to review or participate in any such action regarding said Deed Restrictions he recorded in Volume 388/V Page 55, said County Plat Records which Deed Rectrictions contain the following paragraphs, to-wit:

> "in order to secure the erection of private residences on said lots, and in order to insure uniformity and harmony in the character of buildings, and to maintain the suitableness of the neighborhood for residential purposes, and to carry out a general plan for the protection, benefit, use and convenience of every purchaser of a lot, or lots, in said Addition, I do hereby adopt the following protective covenants;"
>
> "These covenants are to run with the land, and shall be binding on all parties and persons claiming under them until May 1st, 1983, at which time said Covenants shall be automatically extended for successive periods of ten years unless by a vote of the then owners of a majority of the lots it is agreed to change said covenants in whole or in part."

WHEREAS, on the 15th day of September, 1984, the first annual meeting of the BENBROOK LAKESHORE NEIGHBORS ASSOCIATION, a Texas corporation, was held and it was agreed at that time to draft additional amendments to said covenants to satisfy present day conditions and to revise the original restrictions as amended to conform to 1984 entities. Then by a majority vote in November, 1985, the existing homeowners (which was tabulated by a certified public accountant's office) elected to up-date and adopt the following restrictive covenants as herein set forth, which shall for all legal purposes be conclusively deemed to be part of each deed or conveyance of any lot, tract or parcel of land or portion thereof in said addition, as outlined in opening paragraph of this instrument.

These covenants are to run with the land and shall be binding on all parties and persons claiming under them for a period of Ten (10) years from the date these amended covenants are recorded, after which time said covenants shall be automatically extended for successive periods of Ten (10) years unless an instrument signed by a majority (51%) of the then owners, all of which were notified ahead of time and given an opportunity to vote, then recording said instrument in Deed Records of Tarrant County, Texas, agreeing to change said covenants in whole or in part.

Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

VOL 8440 PAGE 1977

ACS/TRC TARRANT Doc: 000003797 Date: 01/28/1986 Vol: 0008440 Page: 01977 Page: 1 Of 5

Invalidation of any of these covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

(1)

The following numbered lots and blocks were outlined under these covenants and designated as residential lots, except lots 1 through 5, Block 4, which are reserved for business purposes:

Lots 6 thru 17, Block 4;
Lots 1 thru 7, Block 6;
Lots 1 thru 11, Block 8;
Lots 1 thru 7, Block 12;
Lots 1 thru 12, Block 13;
Lots 1 thru 20, Block 14;
Lots 9 thru 11, and Lots 22 thru 63, Block 16;
Lots 2 thru 6, Block 17;
Lots 1 thru 19, Block 18;
Lots 1 thru 12, Block 19;
Lots 1 thru 13, Block 20;
Lots 1 thru 8, Block 21;
Lots 1 thru 33, Block 22;
Lots 7 thru 36, Block 23;
Lots 1 thru 5, Block 24; and

any and all lots, tract or parcels of land to which Fred Scharf and/or Scharf Properties, Inc.,conveyed title by Deed with further restrictive covenants and conditions of record at said County Records Building, Tarrant County, Texas, situated within the limits of the aforementioned 2nd and 4th tracts of said Deed recorded in Volume 2505, Page 67. These Restrictions shall be binding and enforceable as to any and all subsequent grantees.

No structures shall be erected, placed, altered or permitted to remain on any residential building plot other than one detached single family dwelling and outbuildings used in connection therewith; the term "outbuilding" shall include only a garage either attached or detached, servant's quarters detached from the building, and a barn, said barn to be constructed of masonry, frame or metal construction, and to be maintained upon said permises in a sightly manner so as not to detract from the neighborhood, and except as herein set out, no other outbuildings may be located upon such residential plot or premises, excepting, however, children's play houses or buildingsof like nature, used for the convenience and pleasure of the occupants of the dwelling.

(2).

No building shall be erected, placed or altered on any lot until the construction plans and specifications an a plan showing the location of the structures have been approved by the Architectural Review Committee as to quality of workmanship and materials, harmony of external design with existing structure and as to location with respect to property lines, topography and finish floor elevations.

The Architectural Review Commitee shall be appointed by the Board of Directors of BENBROOK LAKESHORE NEIGHBORS ASSOCIATION and no member of the Committee shall be entitled to any compensation for services performed pursuants to this covenant.

The committee's approval or disapproval as required in these covenants shall be in writing. In the event the Committee fails to approve or disapprove within thirty (30) days after plans and specifications have been submitted to it, or in any event, if no suitto enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants as shown hereon shall be deemed to have been fully complied with.

(3).

No dwelling shall be located nearer to the front line of any lot nor nearer to the side line than the minimum setback line as shown on the recorded plat of record. In any event, no building shall be located on any lot nearer than 25 feet to the front lot line nor nearer than 10 feet to any side lot line, except those lots being on corners, in which event, no structure shall be located nearer to the side street than 15 feet. All side lot dimensions are exclusive of eaves, patios, porches, or steps and are not considered as a part of the building, provided said eaves, patios, porches, or steps do not encroach on another lot.

No residence, dwelling or other building may be removed from outside of said BENBROOK LAKESHORE ESTATES ADDITION onto any lot or premises in said addition.

VOL 8440 PAGE 1978

ACS/TRC TARRANT Doc: 000003797 Date: 01/28/1986 Vol: 0008440 Page: 01977 Page: 2 Of 5

(4).

No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become any annoyance or nuisance to the neighborhood. No outbuildings or residence or any residential lot shall be used for commercial purposes whatsoever, except lots 1 thru 5, Block 4, as specified in Section "1'.

(5).

No trailer, mobile home, basement, tent, shack, garage, barn, or other outbuildings erected in the addition shall at any time be used as a residence temporarily or permanently, except when a mobile home is being used as a field office for construction purposes, nor shall any structure of a temporary character be used as a residence, and no structure other than the main residence shall be rented out, and no structure shall be occupied until the main dwelling is completed. Nothing in this clause shall prevent the erection of a servant's house, or use or occupancy of the same by full time servants of the occupant of the dwelling on any lot.

(6).

The minimum ground floor area permitted in the main structure, exclusive of the one-story open porches and garages, in single-family dwellings shall be as hereinafter set forth. The exterior wall area of each structure shall be atleast the percent as shown hereon for glass, stucco, or masonry, other than hollow tile of any kind.

RESTRICTION AREA	LOTS	BLOCK	MINIMUM GROUND FLOOR AREA (S.F.)	PERCENT OF MASONRY CONST.
"A"	11 and 12	4	900	50%
	1	8		
	1 thru 7	12		
	1 thru 12	13		
	1 thru 20	14		
"B"	9 thru 11	16	1000	60%
	22 thru 63	16		
	2 thru 6	17		
	1 thru 19	18		
	1 thru 12	19		
	1 thru 13	20		
	1 thru 8	21		
	1 thru 33	22		
	7 thru 20	23		
"C"	6 thru 10	4	1500	70%
	13 thru 17	4		
	1 thru 7	6		
	2 thru 11	8		
"D"	21 thru 36	23	1600	80%
"E"	1 thru 5	4	BUSINESS LOTS	100%

(7).

Easements are reserved for utility installation and maintenance as shown on the plats of said addition, but nothing herein contained shall operate to require such utility installment to be confined to such easements, and the right is hereby reserved to locate all utility installations, including gas mains, water mains, telephone and electric wire and poles, in streets and road right-of-way.

(8).

Upon the completion of any dwelling, the owner thereof shall construct a Septic Tank & Lateral Lines meeting the requirements of the City of Fort Worth, to serve the dwelling and other buildings and no outside toilets shall be permitted in said addition.

(9).

No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste and shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition, and all sanitary equipment for storage and/or disposal shall meet county specifications.

VOL 8440 PAGE 1979

ACS/TRC TARRANT Doc: 000003797 Date: 01/28/1986 Vol: 0008440 Page: 01977 Page: 3 Of 5

(10).

No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between 2 and 6 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property line and a line connecting them at points 20 feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the street property lines extended. No trees shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstructions of such sight lines.

(11).

No sign of any kind shall be displayed to the public view on any lot except one sign of not more than nine (9) square feet advertising this property for sale or rent, or signs used by a builder to advertise the property during the construction and sale period.

(12).

No animals or livestock of any kind with the exception of cattle, horses, sheep, and poultry shall ever be raised, bred or kept on any lot, parcel or tract, except that dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purposes. As specified above, for each head of livestock and/or each ten (10) head of poultry, there must be provided for them a minimum area of 15,000 square feet of land. No swine, pigs, or hogs shall ever be kept, raised, boarded, bred, or otherwise allowed on any lot, parcel, or tract of land within said addition or areas as outlined in Section "1".

(13).

No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in, any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in, any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

EXECUTED this 27th day of January, A. D. 1986.

ATTEST:

BENBROOK LAKESHORE NEIGHBORS ASSOCIATION

Lucy Beth Kisor
Lucy Beth Kisor, Secretary

BY: Wm E Hackney
Wm. E. Hackney, President

BY: C G Welch
C. G. Welch, Vice-President

STATE OF TEXAS §

COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, on this day personally appeared WM. E. HACKNEY, as President, and C. G. WELCH, as Vice-President, of BENBROOK LAKESHORE NEIGHBORS ASSOCIATION, a Texas corporation, known to me to be the persons whose name are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and considerations 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 the 27th day of January, A. D. 1986.

Notary Public, in and for the State of Texas

My commission expires 4-8-87

ACS/TRC TARRANT Doc: 000003797 Date: 01/28/1986 Vol: 0008440 Page: 01977 Page: 4 Of 5

Restrictions

Benbrook Lakeshore Neighborhood Association

to

The Public

FILED
'86 JAN 28 A10:26
MARY LOUISE GARCIA
COUNTY CLERK
BY

Return To:
Wm. E. Hackney
Rt. 5, Box 275H
Ft Worth, Tx. 76126

FILED FOR RECORD
JAN 28 1986
Mary Louise Garcia
COUNTY CLERK
TARRANT COUNTY, TEXAS
COUNTY OF TARRANT
STATE OF TEXAS
I hereby certify that this instrument was FILED ON THE date and at the time stamped hereon by me and was duly RECORDED in the Volume and Page of the named RECORDS of Tarrant County, Texas, as stamped hereon by me
JAN 28 1986
COUNTY CLERK
TARRANT COUNTY, TEXAS