

170257 - 03:00

JAMES HEADERS ESTATES

THE STATE OF TEXAS)
) KNOWN ALL WERE BY THESE PRESENTS,
COUNTY OF DALLAS)

That the undersigned, JULIUS C. HERLONG, the owner of the following lots:

Lots 1, 2, 3, 4, 5 and 5-A in the Re-Subdivision of Lots 1 through 5 in Block A/55th of James Headers Estates, according to the Plat of said Re-Subdivision recorded in Volume 31, page 209, of the Dallas County Map Records;

Lots 6 through 16 in Block A/55th of James Headers Estates, according to the Plat thereof recorded in Volume 31, page 103, of the Map Records of Dallas County, Texas;

do hereby restrict all of the above property as hereinafter set out, which said restrictions shall be binding upon the owners or any purchaser of said lot, their heirs, administrators or assigns, and which said restrictions shall be in the nature of covenants running with the land, and enforceable by any owner of any property, which in a parcel of the above, in a Court of Competent Jurisdiction; said restrictions being as follows:

- 1) All of the lots in this tract shall be known and described as residential lots and no structure shall be erected other than single family dwellings and in no event to exceed 1 story in height.
- 2) No dwelling shall be erected on said property of materials other than brick, stone, brick-veneer, or stone-veneer, and the above named materials shall constitute 75% of the outside walls of the structure.
- 3) If servants quarters are separate from the main house they shall be located to the rear of the lot and shall be of brick, stone, brick-veneer, or stone-veneer construction and the above named materials shall constitute 75% of the outside walls of the structure.
- 4) There shall be no garage detached from the main house nor any attached or detached carports and no garage shall face the street; that is, no garage door shall open onto the street.
- 5) Each house constructed on the above described lots shall have a minimum of 3,000 square feet of ground floor area, exclusive of garages, porches or breezeways which may be attached to the main structure.
- 6) No building shall be erected nearer than 50 feet from the front property line, and no building shall be erected nearer than 10% of the front footage to any side lot line.
- 7) All building plans for new houses or for additions or major improvements to existing structures shall be approved by the developer, Julius C. Herlong.
- 8) The Building Inspector of the City of Dallas is hereby authorized to refuse to issue a building permit for any house to be constructed on any part or parcel of the above described property, unless the plans and specifications comply with all the restrictions set out in this instrument.
- 9) All easements and alleys shown on the recorded plat for the purpose of installation and maintenance of utilities and all such easements and alleys hereafter granted for such purpose shall be observed by each lot owner and shall not be in any manner obstructed, so as to hinder or defeat any such easements or alleys.
- 10) The foregoing building and use restrictions which are hereby made conditions subsequent running with the land, shall remain in full force and effect

until January 1st, 1956, at which time the same shall be automatically extended for successive periods of ten years, unless a majority vote of the then property owners of the lots in said subdivision shall then agree in writing to change said conditions, covenants and restrictions in whole or in part, provided, however, that such removal or restrictions and covenants, if any, is accomplished, same shall not affect the residential zoning of said property.

11) Said property shall be used and occupied by white persons only except these covenants shall not prevent occupancy by domestic servants of a different race or nationality in the employ of a tenant.

12) No temporary dwelling shall be erected on said property to be used as a residence.

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

14) The foregoing covenants and agreements are made for the mutual benefit of the persons acquiring any part or parcel of this property, as it is intended to develop the entire tract for residential purposes. This instrument, when filed of record in the Deed Records of Dallas County, Texas, so that all purchasers or owners of property may be put on notice of these conditions and restrictions.

WITNESS MY HAND this the 19th day of July, 1956.

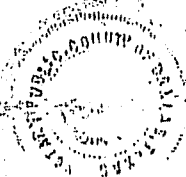
Julius C. Herlong
Julius C. Herlong

THE STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, the undersigned authority, on this day personally appeared Julius C. Herlong, 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 19th day of July, 1956.



EDWARD ROBBINS

Edward Robbins
Notary Public, Dallas County, Texas

Filed for Record on the 26 day of July
Recorded this the 7 day of
Instrument No. 175-67

Scyk
Oct.

By *Edward Robbins*

AFFIDAVIT

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02/08/01 2504744 611.00
Deed

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DALLAS

BEFORE ME, the undersigned authority, on this day personally appeared Joe Hafertepe ("Affiant"), known to me to be the person whose name is subscribed below, and who, being by me first duly sworn, did on his oath state that, to the best of Affiant's knowledge and belief, Affiant is a competent adult, has personal knowledge of the matters set forth herein and the following statements are true:

1. This Affidavit is given to evidence and confirm of record in the Real Property Records of Dallas County, Texas (the "County Records") the execution and delivery of a certain amendment (the "Amendment") dated July 16, 2000, amending certain restrictions (the "Restrictions") recorded as Instrument No. 170267 in the County Records, a copy of which Amendment is attached hereto as Exhibit A and made a part hereof for all purposes. The Amendment was executed by John W. Vilbig III and Mollye Vilbig, Rosalyn Bell and Alan Bell, Rudolph B. Garcia III and Polly Bell, Joe Hafertepe and Maureen Hafertepe, Carol Lee Downs, Suzy Portnoy Cowles, Larry Mahaffey and Martha P. Mahaffey, Walter Young and Jenise Young, W.W. Fisher, Frank Northway and Joan Northway, Jack McJunkin and Barbara McJunkin, Stephen L. Merani and Kathy Merani, Gabriel Klein and Minnette Klein, Randall Joslen, and John D. Sipes and Margret Cupaioli, the respective current owners (the "Owners") of certain property located within the James Meaders Estates in the City of Dallas, Dallas County, Texas, which property is subject to the Restrictions and which property includes Lots 1 through 5 in the Re-Subdivision of Lots 1 through 5 of Block A/5514 of James Meaders Estates, according to the Re-Subdivision recorded in Volume 31, Page 205 of the Dallas County Map Records (the "Map Records"), and Lots 6 through 11 and Lots 13 through 16 in Block A/5514 of James Meaders Estates, according to the Plat thereof recorded in Volume 31, Page 103 of the Map Records.

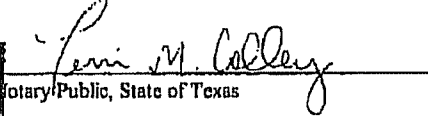
2. Paragraph 10 of the Restrictions provides, in pertinent part, that the Restrictions may be amended by a majority vote of the owners of the lots within the subdivision affected by the Restrictions. The Owners constitute a majority of the owners of the lots within such subdivision, being the owners of a total of fifteen (15) of the seventeen (17) lots within such subdivision.

AFFIANT:


Joe Hafertepe

SUBSCRIBED AND SWORN TO BEFORE ME by the said Joe Hafertepe, on this 5th day of February, 2001.



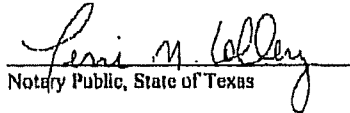

Notary Public, State of Texas

STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on this the 5th day of February, 2001, by Joe Hafertepe.




Notary Public, State of Texas

James Meaders Estates

The State of Texas)
County of Dallas)

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, the owners of the following lots:

Lots 1, 2, 3, 4, 5, and 5-A in the Re-Subdivision of lots 1 through 5 in block A/5514 of James Meaders Estates, according to the Re-Subdivision recorded in Volume 31, Page 205, of the Dallas County Map Records;

Lots 6 through 16 in Block A/5514 of James Meaders Estates, according to the Plat thereof recorded in Volume 31, Page 103, of the Map Records of Dallas County, Texas;

do hereby amend restrictions filed on September 26, 1956 and recorded in the Deed Records of Dallas County, Texas, as Instrument Number 170267 on October 1, 1956 as follows:

Item 1. Shall be replaced to declare:
All of the lots in this tract shall be known and described as residential lots and no structure shall be erected other than single family dwellings and in no event to exceed two stories in height.

Item 7. Shall be deleted.

Item 11. Shall be deleted.

The foregoing amendments to the covenants and agreements are made for the mutual benefit of the persons acquiring any part or parcel of this property, it is intended to continue to develop the entire tract for single family residential purposes. This instrument when filed of record in the Deed Records of Dallas County, Texas, so that all purchasers or owners of property may be put on notice of these conditions and restrictions.

Witness by our hand this the 16 day of July, 2001

Lot / Block: 01 / A 5514
John W. Meador & Malley
Owner of Record
10232 DARIA DR.
Address

Lot / Block: 02 / A 5514
Kocher & Alan Bell
Owner of Record
11222 Daria
Address

Lot / Block: 03 / A 5514
Aly Bell
Owner of Record
10212 Daria Dr.
Address

Lot / Block: 04 / A 5514
Maureen Fertig
Owner of Record
10150 DARIA
Address

Lot / Block: 05 / A 5514
Coal Hill Ranch
Owner of Record
10120 DARIA
Address

Lot / Block: 06 / A 5514
Portney Cowles
Owner of Record
10111 Daria Dr.
Address

Lot / Block: 07 / A 5514
Martha P. Mahaffey
Owner of Record
10231 Daria Place
Address

Lot / Block: 08 / A 5514
Jennie Youn
Owner of Record
10131 Daria place
Address

Lot / Block: 09 / A 5514
W.W. Fisher
Owner of Record
10141 Daria Place
Address

Lot / Block: 10 / A 5514
10151 Daria Pl
Owner of Record
V. Shankle
Address

Lot / Block: 11 / A 5514
Paula M. Johnson
Owner of Record
10161 Daria Pl.
Address

Lot / Block: 12 / A 5514
10171 DARIA *
Owner of Record
Address

Lot / Block: 13 / A 5514
Steph L. Huan
Kathryn A. Menhu
10181 Daria Place, Dallas TX 75229
Address

Lot / Block: 14 / A 5514
10215 DARIA
Owner of Record
Meredith - Murrelle Klein
Address

Lot / Block: 15 / A 5514
Randy Hill
Owner of Record
10225 Daria
Address
Daria, TX - 75229

Lot / Block: 16 / A 5514
James Meaders
Owner of Record
10231 Daria
Address

Lot / Block: 05A / A5514
10110 DARIA

2001027 04299

GOPIRE REALTY
Jenkins & Gilchrist
A PROFESSIONAL CORPORATION
1445 ROSS AVE - SUITE 2200
DALLAS, TEXAS 75202-2799

Record and Review to:

GOPIRE REALTY
COUNTY CLERK, Dallas County, Texas
FEB 8 2001

Any individual herein who provides the name, initials, or use of the
name of the County Clerk of Dallas County, Texas, in any
manner, shall be liable for the same. This instrument was filed on the
State of Texas. I certify that this instrument was filed on the date and
time stated herein by me and the County Clerk of Dallas County, Texas.
I hereby certify that this instrument was filed on the date and time
stated herein by me and the County Clerk of Dallas County, Texas.
I hereby certify that this instrument was filed on the date and time
stated herein by me and the County Clerk of Dallas County, Texas.

2001 FEB -0 11 31 04
COUNTY

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