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SCRIVINERS AFFIDAVIT

Date: November 17, 2017

Affiant: Lee R. Roper

Property:

All that certain tract or parcel of land lying and being situated in Comal County, Texas being known and designated as EL DORADO HEIGHTS, UNIT 1 according to map or plat recorded in Volume 12, Pages 91-92, Comal County, Texas Map and Plat Records; and

Affiant on oath swore that the following statements are true and are within the personal knowledge of affiant:

1. Affiant has personal knowledge of the execution of that one certain map or plat, filed March 6, 1997, executed by Lee R. Roper, President and developer of El Dorado Heights, establishing the subdivision known as El Dorado Heights, Unit 1; said map or plat being recorded as designated hereinabove.
2. Affiant being the developer who executed the plat, and examined the notes on the plat regarding minimum building set back lines.
3. The plat sets out that the minimum front building setback line is 50 feet. Minimum side building setback line is 20 feet. An easement of 20 feet in width along the front, and 10 feet in width along the sides and rear are reserved for drainage and utility unless otherwise noted. By error or mistake the restrictions filed under DOC# 9706004653 on March 6, 1997 omitted the side set back. When in fact the Restrictions for El Dorado Heights Unit 1 should have reflected the same setbacks as stated in the Plat for El Dorado Heights, Unit 1.

This affidavit is executed for the purpose of documenting the true intent of the Declarant, Rothchild Investment Corporation and the developer, Lee R. Roper, was and remains that the setbacks as described on the plat map for El Dorado Heights, Unit 1 are the true and correct setbacks.

Further affiant sayeth naught.

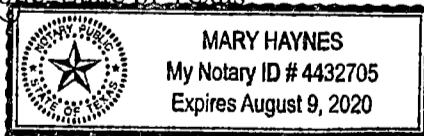
Rothchild Investment Corporation

Lee R. Roper
Lee R. Roper, President

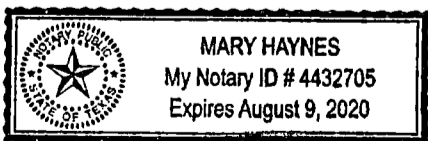
SWORN TO AND SUBSCRIBED before me LEE R. ROPER, President of Rothchild Investment Corporation on this the 17 day of November, 2017.

Mary Haynes
Notary Public, State of Texas

STATE OF TEXAS §
§
COUNTY OF COMAL §



This instrument was acknowledged before me by LEE R. ROPER, President of Rothchild Investment Corporation on this the 17 day of November, 2017.



Mary Haynes
Notary Public, State of Texas

**RESTRICTIONS, ASSESSMENTS AND EASEMENTS OF
EL DORADO HEIGHTS, PHASE 1**

**ROTHCHILD INVESTMENT CORPORATION, a Texas Corporation
TO THE PUBLIC**

STATE OF TEXAS

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¶ KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF COMAL

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THAT ROTHCHILD INVESTMENT CORPORATION, a Texas Corporation, owner of EL DORADO HEIGHTS, PHASE 1, a subdivision in Comal County, Texas, as shown on a plat recorded in Volume 12, Pages 91-92, of the Map and Plat Records of Comal County, Texas, does hereby impress all the property included in such subdivision with the following restrictions:

1. The property herein described shall be used solely for new single family residential purposes, and only one single family residence may be constructed on each lot. No tract may be subdivided.
2. No building, fence or structure of any type shall be erected, placed or altered on any lot until the design and construction plans and specifications and a plat showing the location of the structure on said lot have been approved by the Architectural Control Committee as to quality of workmanship and materials, harmony of external design with respect to topography and finish grade elevation under ordinary topographical circumstances the building will be required to be set back 50 feet from the roadways bordering the tract. Any deviation from this must first be approved in writing by the Architectural Control Committee. Said Architectural Control Committee shall be initially composed of LEE ROY ROPER, CHARLES S. BEESON and STEVEN L. ROPER. After the developer no longer owns a majority of the lots in the subdivision, the owners of a majority of the lots (with one vote per tract) may appoint a new Architectural Control Committee by written instrument filed with the Clerk of Comal County. A majority of the committee may designate a member to act in its behalf. In the event of death or resignation of any member, the remaining members shall have full authority to designate a successor or any two (2) of these members may relieve the remaining one of his or her duties in connection with the Architectural Control Committee. The Committee's approval or disapproval as required in these covenants shall be set out in writing and in the event the committee or its designated representatives fail to approve or disapprove plans within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required and the related covenants shall be deemed to be fully complied with.
3. No building, other than a single family residence containing not less than 1500 square feet, exclusive of open or screen porches, breezeways, carports, garages and patios, shall be erected or constructed on the tract conveyed herein, and no garage may be erected except simultaneously with or subsequent to erection of a residence. All buildings must be completed not more than fourteen (14) months after laying foundations and no house trailers or mobile homes of any kind may be moved onto the property. Servant's quarters and guest houses may be constructed to the rear of a permanent residence. All buildings must be completely enclosed from the ground level to the lower portion of outside walls so as to maintain a neat appearance and remove posts or piers (except those supporting raised porches) from outside view.
4. No material of any kind shall be placed or stored on any tract except for construction materials after construction of a permanent building has begun. The Architectural Control Committee may notify the record owner of the tract by Certified U.S. Mail of such violations, and if the violation is not corrected and the subject materials not removed within ten days after the mailing of such notice, the Architectural Control Committee may remove said material from the property, dispose of such material, and charge the record

owner of the tract with removal and disposition costs, and the Architectural Control Committee shall have no liability to said owner of the tract by virtue of the exercise of such right to removal.

5. No mobile homes or house trailers, modular homes or modular houses, or other such structures shall be placed on any tract at any time. No tent, garage, barn or other outbuilding erected on the tract shall at any time be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as residence, except that camping trailers with sanitary facilities may be used for weekend and vacation camping up to a maximum of seventeen (17) consecutive days prior to construction of a building on the property.
6. No outside toilet shall be installed or maintained on the tract and all plumbing shall be connected with a sanitary sewer or septic tank approved by the State and local Department of Health. No removal of trees or excavation of any materials other than for landscaping, construction of buildings, driveways, etc., will be permitted without the written permission of the Architectural Control Committee.
7. No noxious, offensive, unlawful or immoral use shall be made of the tract.
8. No livestock of any kind shall be raised, bred, or kept on the tract, except one horse and one cow per acre. Dogs, cats, or other household pets may be kept. No animals may be kept, provided, however, that they are not kept, bred or maintained for any commercial purpose and do not constitute a nuisance to other property owners in the subdivision, all phases.
9. The tract shall not be used or maintained as a dumping ground for rubbish and no trash other than brush cleared from that tract shall be burned on any tract. Trash, garbage or other waste shall be kept in sanitary containers. No junk, wrecking or auto storage yards shall be located on the tract, and no heavy equipment, dump truck, material (except material to be used in construction of the residence on the lot or tract) or non-operating automobiles shall be stored on (or parked in the roadway in front of) the tract.
10. No sign of any kind shall be displayed to the public view on any vacant lot. One sign of not more than five (5) square feet, advertising the property for sale or rent, may be erected on any lot improved with a single family residence.
11. All lots are subject to easements and restrictions now of record and is subject to any applicable rules and regulations of Comal County.
12. These covenants shall be binding for a period of thirty (30) years from the date they are filed for record in the Deed Records of Comal County, Texas, unless changed or amended as provided herein. Said covenants shall be automatically extended, upon the expiration of said term, for successive periods of ten years each. The record owners of legal title of fifty-one (51%) of the lots as shown by the Deed Records of Comal County, Texas, may amend or change said covenants in whole or part at any time. Any change or amendment shall be set forth and evidenced by a successor instrument bearing the signatures of the requisite number of record owners and the recording of same in the office of the County Clerk of Comal County, Texas.
13. Failure to comply with any one of these covenants or restrictions or invalidation of any one of these covenants or restrictions by judgment of any Court shall in no-wise affect any of the other provisions which shall remain in full force and effect. An uncorrected violation of one of these restrictions by one or more lot owners in the subdivision shall not invalidate restrictions with respect to future violations of that restriction.
14. If the parties hereto or any of them or their heirs or assigns shall violate any of the covenants herein, it shall be lawful for any other person or persons owning any real estate

RESTRICTIONS, ASSESSMENTS AND EASEMENTS OF
EL DORADO HEIGHTS, PHASE 1

ROTHCHILD INVESTMENT CORPORATION, a Texas Corporation
TO THE PUBLIC

STATE OF TEXAS

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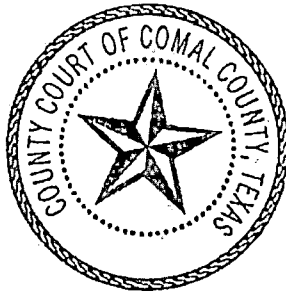
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This page has been added to comply with the statutory requirement that the clerk shall stamp the recording information at the bottom of the last page.

This page becomes part of the document identified by the file clerk number affixed on preceding pages.

Filed and Recorded
Official Public Records
Bobbie Koepf, County Clerk
Comal County, Texas
11/20/2017 11:19:01 AM
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Bobbie Koepf