

**TERMINATION OF RESTRICTIONS**

WHEREAS, Hubert H. Vestal, dba U.S. Land Development Company, filed restrictions under Clerk's File No. 7709711 in the Real Property Records of Montgomery County, Texas, in conjunction with each original property sale in the **BIG TREE ESTATES SUBDIVISIONS, Section Two**, Montgomery County, Texas ("Original Restrictions"); and

WHEREAS, the Big Tree Estates Architectural Control Committee attempted to amend and extend those restrictions referenced above on December 12, 1995, by executing a "Renewal, Amendment and Extension of Restrictions" (hereinafter "Renewal") under Montgomery County Clerk's File No. 9568853 as to Big Tree Estates Subdivision, Section Two; and

WHEREAS, we the undersigned property owners have chosen to have this document filed evidencing the termination of the above referenced restrictions on our respective properties by a "majority of the Owners of lots subject to such covenants" in Section Two, as set forth in the Renewal as set forth below; and

WHEREAS, the Original Restrictions are hereby terminated in their entirety as set forth below:


- (1) The documents referenced above allow for the termination of the restrictive covenants provided "These restrictive covenants may only be amended or terminated by a document amending or terminating such covenants which must be signed by a majority of the of the Owners of lots subject to such covenants and filed for record prior to an Amendment Date" (See *Renewal, amended Paragraph Seventeen*). The Renewal defined the Amendment Date as January 1, 2016 (See *Renewal, amended Paragraph Seventeen*). Therefore, this document shall become effective to officially **TERMINATE** the restrictive covenants previously affecting the property upon completion of the following events:
  - (A) adoption by a majority of the members of the **OWNERS** as shown by their acknowledge signatures on the original ballots attached hereto as Exhibit "A" and incorporated herein for all purposes;
  - (B) recordation of this document in the Real Property Records, Montgomery County, Texas. The date this document is filed for record shall become its Effective Date for all purposes.
- (2) Therefore, pursuant to the Renewal, the termination of restrictive covenants for all Owners in this Section 2 is effective as of the date of recordation of this Termination.

All of the property affected by this "Termination of Restrictions" is property located in one certain 272 acre tract of land out of the John N. Thomas Survey, A-549, Montgomery County, Texas, being also known and described as Big Tree Estates, Section Two, an unrecorded subdivision. Such property is described in a document recorded at Volume 956, Page 139 in the Deed Records of Montgomery County, Texas.

The Affidavit of Robert D. Banzhaf is attached hereto and incorporated herein for all purposes, along with ballots of majority ownership electing to terminate said restrictions.

SUBMITTED BY:

Big Tree Estates, LLC, a Texas Limited Liability Company

By:   
 Name: Robert D. Banzhaf  
 Title: Manager

STATE OF TEXAS

COUNTY OF Montgomery

This instrument was acknowledged before me on this 22<sup>nd</sup> day of October

2015, by Robert D. Banzhaf, Manager, Big Tree Estates, LLC, a Texas Limited Liability Company.

  
 Notary Public - STATE OF TEXAS

My commission expires:



**Affidavit of Robert D. Banzhaf**

**Date:** October 21, 2015

**Affiant:** Robert D. Banzhaf

Affiant on oath swears that the following statement is true and is within the personal knowledge of Affiant:

My name is Robert D. Banzhaf and I am a Manager of Big Tree Estates, LLC, a Texas Limited Liability Company owning the following real property in Big Tree Estates, Section Two as specified below:

**\*BIG TREE ESTATES PROPERTY\***

On or about July 31, 2015, a ballot proposing to terminate the restrictions placed upon Big Tree Estates, Section Two, was mailed to all of the property owners in Section Two as specified on the mailing list attached hereto as Exhibit "B".

As stated in the filing, I received 16 original notarized ballots (attached hereto as Exhibit "A") electing to Terminate the restrictions constituting 16 of 28 lots which represents 57% percent (\*PERCENTAGE\*) of the ownership in Section Two which constitutes a majority of owners.

There is no Architectural Control Committee or other organization currently administering the property the subject of this matter.

A true and correct copy of this Termination of Restrictions has been sent, via Certified Mail, to the current property owners as specified by the Montgomery County Tax Appraisal District, and specified on the attached mailing list Exhibit "C."



Robert D. Banzhaf

SUBSCRIBED AND SWORN TO before me on October 21, 2015, by Robert D. Banzhaf.



Notary Public, State of Texas