

**Declaration of Restrictive Covenants  
67.439 Acres  
1900 Hartfield Road  
Fayette County, Texas**

THE STATE OF TEXAS \*

\* **KNOW ALL PERSONS BY THESE PRESENTS:**

COUNTY OF FAYETTE \*

Emile J. Schwarz, Jr. the current owner ("Current Owner") of a tract of land containing 67.439 acres situated in the John Shaw No. 92, Fayette County, Texas, noted as Tract number 39737 on the tax records of Fayette County, Texas, and further described on Exhibit "A" Plat, which is attached hereto (the "Land").

**WHEREAS**, Current Owner intends by this Declaration (a) to impose upon the Land certain deed restrictions and restrictive covenants as further enumerated herein, and (b) to establish a method for the administration, maintenance, preservation, use, enjoyment and enforcement of the restrictions herein;

**NOW THEREFORE**, Current Owner hereby declares that the Land shall be held, sold and conveyed subject to the following restrictions, covenants and conditions which shall run with the Land and shall be binding upon all parties having any right, title, or interest in and to the Land or any part thereof, their heirs, legal representatives, successors, assigns and occupants.

**Restrictions**

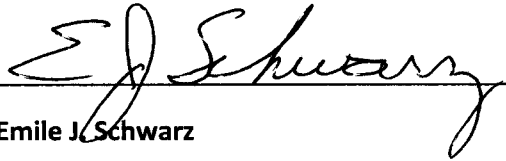
1. No mobile homes, "fifth" wheels, eighteen-wheel trucks, bob-tail, and/or trailers or similar such vehicles shall be permanently located on the Land except in a structure or free from view of from Hartfield Road. A motor home is allowed subject to the viewing restrictions noted above. No "hook ups" for electricity or sewer shall be provided for commercial rental purposes. Temporary location of such vehicles on the Land shall be allowed for visitors or to load or unload such vehicles.
2. No commercial swine, poultry, feed lot or other animal raising/selling operations are permitted on the Land. Cattle and horses are restricted to the number that may be sustained on the Land in accordance with County and State agricultural guidelines. It is the responsibility of each owner or Occupant to maintain the original 76+/- acre perimeter fence, to the extent such fence is located on owner or Occupant's property in a safe manner. Any interior fence necessary within the original boundary fence shall be the responsibility of the then owner or Occupant of the property desiring to erect such fencing. No swine shall be present on the Land.

3. No commercial business may be located on the Land other than a business operated by the owner or Occupant out of a residence. Customers may not come to the residence on a regular and continuing basis. "Occupant" shall mean and refer to a person who is occupying the Land or structure on the Land pursuant to a lease or other agreement from the then owner.
4. No junk shall be allowed to accumulate on the Land. "Junk" shall mean and refer to used iron, metal, furniture, tires, appliances, building materials and other similar items openly discarded or abandoned on the property.
5. No car parts or vehicles that are inoperable or that do not have current state operating permits, license and inspections shall be stored or kept on the Land except in a structure or free from view of Hartfield Road.
6. To the extent the Current Owner has the right to restrict such operations, no oil and gas operations will be permitted on the surface of the Land.
7. No dumpsters may be placed on the Land except behind an enclosed structure. No shipping storage containers can be left on the property longer than two 2 weeks and then only for the purpose of loading and unloading. No more than one shipping storage container may be on the property at one time.
8. No noise, music or amplified sounds shall be permitted of such a nature so as to restrict or diminish the use and peaceful enjoyment of land adjoining the Land and shall be considered an annoyance or nuisance.
9. In the event Current Owner sells a portion of the Land then no structure shall be erected or located on the Land closer than Fifty Feet (50 ') from the westerly boundary line of the property sold.
10. No commercial or recreational hunting shall be permitted on the Land. Discharging a center fire weapon shall be allowed against a wild pig, coyote, bobcat, big cat (cougar), snakes or such other animals that are a danger, if allowed by law, and always using necessary caution to prevent any discharge from crossing property boundary lines. No permanent shooting or target ranges are permitted, and shooting shall be on a very limited basis during daylight hours.

Enforcement of the restrictions and provisions herein provided shall be by proceedings in Fayette County, Texas, in law or in equity, against any person or persons violating or attempting to violate any covenant, restriction or condition herein, whether to restrain or abate any violations, or to recover damages from any owner or Occupant of the Land.

These restrictions shall remain in place for a term of 15 years from the Effective Date hereof.

Executed and made effective this 29 the day of March, 2021 ("Effective Date")

  
Emile J. Schwarz

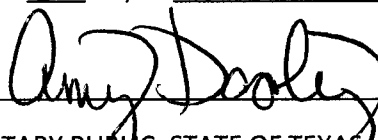
**ACKNOWLEDGEMENT**

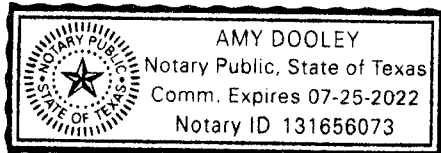
THE STATE OF TEXAS \*

\*

COUNTY OF FAYETTE \*

This instrument was acknowledged before me on the 29 day of March, 2021  
by Emile J. Schwarz.

  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS



# EXHIBIT "A"

INST. #:21-02154  
Vol:1986 Page:953

**EMILE J. SCHWARZ, JR.  
38.764 ACRES  
METES AND BOUNDS DESCRIPTION**

Being 38.764 acres of land situated approximately 14 miles northeast of the City of La Grange in the John Shaw League (Abstract No. 92) in Fayette County, Texas and being a part of that called 67.189 acre tract described in a Warranty Deed from Emile John Schwarz, Sr. to Emile J. Schwarz, Jr., executed January 31, 1997, recorded in Volume 980, Page 607 of the Fayette County Official Records. All deed references herein are to said Fayette County Official Records unless otherwise noted. Metes and bounds description of said 38.764 acres is as follows:

**BEGINNING** at a concrete monument found for the West corner of said 67.189 acre tract, same being the South corner of the Garnett M. Pampell 57.502 acre tract (Volume 1540, Page 390) and in the northeast line of the RT Lone Star Farm, LLC 12.89 acre tract (Volume 1888, Page 145), same also being the West corner of said 38.764 acres;

**THENCE** North 41° 06' 54" East (called North 43° East) with the line common to said 67.189 acre tract and said Pampell 57.502 acre tract, at 846.10 feet pass a concrete monument found for reference, for a total distance of 904.01 feet (called 332.3 varas or 923.06 feet) to the center of Shaw's Creek for the northwest corner of said 67.189 acre tract, same being the East corner of said Pampell 57.502 acre tract and in the South line of the Lloyd W. Graham and Kim Graham 82.755 acre tract (Volume 1703, Page 451), same also being the northwest corner of said 38.764 acres;

**THENCE** down the center of Shaw's Creek and with lines common to said 67.189 acre tract, said Graham 82.755 acre tract, and the Waak Windmill Ranch, LTD. 89.358 acre tract (Tract 1, Volume 1733, Page 843) the following eight (8) courses:

- 1) South 86° 04' 54" East 95.53 feet
- 2) South 82° 44' 11" East 180.95 feet
- 3) South 35° 37' 21" East 63.99 feet
- 4) South 56° 28' 58" East 42.66 feet
- 5) South 39° 19' 31" East 69.05 feet
- 6) South 68° 33' 16" East 71.82 feet
- 7) South 82° 38' 48" East 199.37 feet
- 8) North 83° 17' 32" East, a distance of 108.64 feet to a point in the center of said Shaw's Creek for the northeast corner of said 38.764 acres, same being the West corner of the 7.292 acres surveyed for Emile J. Schwarz, Jr. this day, from which a 5/8" steel rod with yellow plastic cap stamped "P. Matusek, RPLS #4518" set for reference bears South 48° 54' 14" East 32.39 feet;

**THENCE** South 48° 54' 14" East with the line common to said 7.292 acres and said 38.764 acres and crossing said 67.189 acre tract, at 32.39 feet pass said reference rod, at 604.84 feet pass a 5/8" steel rod with yellow plastic cap stamped "P. Matusek, RPLS #4518" set for the South corner of said 7.292 acres, same being the interior northerly corner of said 67.189 acre tract and the lower northwest corner of the Michael Schwarz 74.781 acre tract (Volume 861, Page 391 of the Fayette County Deed Records), and then continuing with the line common to said 67.189 acre tract and said Schwarz 74.781 acre tract, for a total distance of 636.05 feet to a 5/8" steel rod with yellow plastic cap stamped "P. Matusek, RPLS #4518" set for the northeast corner of said 38.764 acres, same being the upper northwest corner of the 16.900 acres surveyed for Emile J. Schwarz, Jr. this day;

**THENCE** South 41° 05' 46" West with a line common to said 38.764 acres and said 16.900 acres and crossing said 67.189 acre tract, a distance of 365.51 feet to a 5/8" steel rod with yellow plastic cap stamped "P. Matusek, RPLS #4518" set for the lower northwest corner of said 16.900 acres, same being the East corner of said 38.764 acres;

# EXHIBIT "A"

INST. #:21-02154  
Vol:1986 Page:954

**THENCE** South 24° 54' 14" East with a second line common to said 38.764 acres and said 16.900 acres and continuing across said 67.189 acre tract, at 969.88 feet pass a 5/8" steel rod with yellow plastic cap stamped "P. Matusek, RPLS #4518" set for reference in the North margin of a public road (Hartfield Road), and then crossing into said road, for a total distance of 980.95 feet the southeast corner of said 38.764 acres, same being the southwest corner of said 16.900 acres and in the South line of said 67.189 acre tract;

**THENCE** North 83° 24' 36" West (called North 81° 30' West) with the South line of said 67.189 acre tract and with said Hartfield Road, a distance of 611.77 feet to a point in said road for the South corner of said 67.189 acre tract, same being the southeast corner of the William M. Cies, et ux 2.0 acre tract (Volume 1710, Page 350) and the South corner of said 38.764 acres, from which a 5/8" steel rod with yellow plastic cap stamped "P. Matusek, RPLS #4518" set for reference in said North margin of Hartfield Road bears North 24° 54' 14" West 9.18 feet;

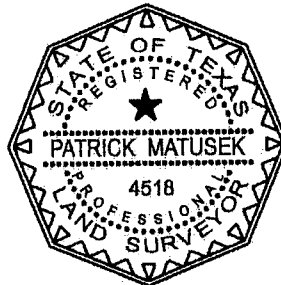
**THENCE** North 24° 54' 14" West (called North 23° West) with a line common to said 67.189 acre tract and said Cies 2.0 acre tract, at 9.18 feet pass said reference rod in North margin of Hartfield Road, for a total distance of 463.61 feet to a concrete monument found for the interior southwesterly corner of said 67.189 acre tract, same being the North corner of said Cies 2.0 acre tract and the interior southerly corner of said 38.764 acres;

**THENCE** North 63° 14' 14" West (called North 61° 20' West) with a second line common to said 67.189 acre tract and said Cies 2.0 acre tract, and passing the northwest corner of said Cies 2.0 acre tract, same being the East corner of said RT Lone Star 12.89 acre tract, and then continuing with the line common to said 67.189 acre tract and said RT Lone Star 12.89 acre tract, for a total distance of 1,352.40 feet (called 486.5 varas or 1,351.39 feet) to the **POINT OF BEGINNING**, containing 38.764 acres of land. All bearings are based on Grid North, Texas State Plane Coordinate System, NAD83 (2011) Texas South Central Zone No. 4204. The unit measure for all distances is US Survey Feet.

I hereby certify the foregoing metes and bounds description and attached survey plat was prepared from a survey performed on the ground under my supervision, and represents the facts found at the time of the survey.



Patrick Matusek  
Registered Professional Land Surveyor  
Maverick Engineering, Inc., Firm # 100491-02  
License No. 4518, State of Texas  
Surveyed March 1, 2021



# EXHIBIT "A"

**EMILE J. SCHWARZ, JR.  
7.292 ACRES  
METES AND BOUNDS DESCRIPTION**

Being 7.292 acres of land situated approximately 14 miles northeast of the City of La Grange in the John Shaw League (Abstract No. 92) in Fayette County, Texas and being a part of that called 67.189 acre tract described in a Warranty Deed from Emile John Schwarz, Sr. to Emile J. Schwarz, Jr., executed January 31, 1997, recorded in Volume 980, Page 607 of the Fayette County Official Records. All deed references herein are to said Fayette County Official Records unless otherwise noted. Metes and bounds description of said 7.292 acres is as follows:

**BEGINNING** at a 5/8" steel rod with yellow plastic cap stamped "P. Matusek, RPLS #4518" set for the interior northerly corner of said 67.189 acre tract, same being the lower northwest corner of the Michael Schwarz 74.781 acre tract (Volume 861, Page 391 of the Fayette County Deed Records) and the South corner of said 7.292 acres, same also being in the upper northeast line of the 38.764 acres surveyed for Emile J. Schwarz, Jr. this day;

**THENCE** North 48° 54' 14" West (called North 47° West) with the line common to said 7.292 acres and said 38.764 acres and crossing said 67.189 acre tract, at 572.45 feet pass a 5/8" steel rod with yellow plastic cap stamped "P. Matusek, RPLS #4518" set for reference, for a total distance of 604.84 feet to the center of Shaw's Creek for the West corner of said 7.292 acres, same being the North corner of said 38.764 acres and in a northerly line of said 67.189 acre tract, same also being in a southerly line of the Waak Windmill Ranch, LTD. 89.358 acre tract (Tract 1, Volume 1733, Page 843);

**THENCE** down the center of Shaw's Creek and with lines common to said 67.189 acre tract and said Waak Windmill 89.358 acre tract the following nine (9) courses:

- 1) North 83° 17' 32" East 21.70 feet
- 2) North 49° 22' 13" East 60.22 feet
- 3) North 30° 15' 08" East 91.45 feet
- 4) North 64° 49' 58" East 142.36 feet
- 5) North 79° 40' 30" East 125.58 feet
- 6) South 88° 29' 22" East 198.12 feet
- 7) South 86° 39' 44" East 157.72 feet
- 8) North 73° 33' 42" East 200.32 feet
- 9) South 72° 40' 24" East, a distance of 85.54 feet to a point in the center of said Shaw's Creek for the northeast corner of said 67.189 acre tract, same being the upper northwest corner of said Schwarz 74.781 acre tract and the northeast corner of said 7.292 acres, from which a 5/8" steel rod with yellow plastic cap stamped "P. Matusek, RPLS #4518" set for reference bears South 41° 05' 45" West 31.75 feet;

**THENCE** South 41° 05' 45" West (called South 43° West) with a line common to said 67.189 acre tract and said Schwarz 74.781 acre tract, at 31.75 feet pass said reference rod, for a total distance of 820.30 feet to the **POINT OF BEGINNING**, containing 7.292 acres of land. All bearings are based on Grid North, Texas State Plane Coordinate System, NAD83 (2011) Texas South Central Zone No. 4204. The unit measure for all distances is US Survey Feet.

I hereby certify the foregoing metes and bounds description and attached survey plat was prepared from a survey performed on the ground under my supervision, and represents the facts found at the time of the survey.

*Patrick Matusek*

Patrick Matusek  
Registered Professional Land Surveyor  
Maverick Engineering, Inc., Firm # 100491-02  
License No. 4518, State of Texas  
Surveyed March 1, 2021



# EXHIBIT "A"

**EMILE J. SCHWARZ, JR.**  
**4.483 ACRES**  
**METES AND BOUNDS DESCRIPTION**

Being 4.483 acres of land situated approximately 14 miles northeast of the City of La Grange in the John Shaw League (Abstract No. 92) in Fayette County, Texas and being a part of that called 67.189 acre tract described in a Warranty Deed from Emile John Schwarz, Sr. to Emile J. Schwarz, Jr., executed January 31, 1997, recorded in Volume 980, Page 607 of the Fayette County Official Records. All deed references herein are to said Fayette County Official Records unless otherwise noted. Metes and bounds description of said 4.483 acres is as follows:

**COMMENCING** at a 5/8" steel rod with yellow plastic cap stamped "P. Matusek, RPLS #4518" set for the interior northerly corner of said 67.189 acre tract, same being the West corner of the Michael Schwarz 74.781 acre tract (Volume 861, Page 391 of the Fayette County Deed Records) and the South corner of the 7.292 acres surveyed for Emile J. Schwarz, Jr. this day, same also being in the upper northeast line of the 38.764 acres surveyed for Emile J. Schwarz, Jr. this day, thence as follows:

South 48° 54' 14" East (called South 47° East) with a line common to said 67.189 acre tract and said Schwarz 74.781 acre tract and with said upper northeast line of 38.764 acres, at 31.21 feet pass a 5/8" steel rod with yellow plastic cap stamped "P. Matusek, RPLS #4518" set for the upper northwest corner of the 16.900 acres surveyed for Emile J. Schwarz, Jr. this day, same being the northeast corner of said 38.764 acres, and then continuing with the northeast line of said 16.900 acres, for a total distance of 1,105.05 feet to a 5/8" steel rod with yellow plastic cap stamped "P. Matusek, RPLS #4518" set for the East corner of said 16.900 acres, same being the northwest corner of said 4.483 acres and the **POINT OF BEGINNING**;

**THENCE** South 48° 54' 14" East (called South 47° East) with said line common to 67.189 acre tract and said Schwarz 74.781 acre tract, at 906.71 feet pass a 5/8" steel rod with yellow plastic cap stamped "P. Matusek, RPLS #4518" set for reference in the North margin of a public road (Hartfield Road), and then crossing into said road, at 917.44 feet pass an angle corner in the southwest line of said Schwarz 74.781 acre tract, for a total distance of 934.39 feet to a point in said road for the southeast corner of said 67.189 acre tract, same being the southeast corner of said 4.483 acres;

**THENCE** North 83° 24' 36" West (called North 81° 30' West) with the South line of said 67.189 acre tract and with said Hartfield Road, a distance of 737.76 feet to a point in said road for the southwest corner of said 4.483 acres, same being the southeast corner of said 16.900 acres, from which a 5/8" steel rod with yellow plastic cap stamped "P. Matusek, RPLS #4518" set for reference in said North margin of Hartfield Road bears North 03° 06' 19" East 11.16 feet;

**THENCE** North 03° 06' 19" East with the line common to said 4.483 acres and said 16.900 acres and crossing said 67.189 acre tract, at 11.16 feet pass said reference rod in North margin of Hartfield Road, for a total distance of 530.31 feet to the **POINT OF BEGINNING**, containing 4.483 acres of land. All bearings are based on Grid North, Texas State Plane Coordinate System, NAD83 (2011) Texas South Central Zone No. 4204. The unit measure for all distances is US Survey Feet.

I hereby certify the foregoing metes and bounds description and attached survey plat was prepared from a survey performed on the ground under my supervision, and represents the facts found at the time of the survey.

*Patrick Matusek*

Patrick Matusek  
Registered Professional Land Surveyor  
Maverick Engineering, Inc., Firm # 100491-02  
License No. 4518, State of Texas  
Surveyed March 1, 2021



# EXHIBIT "A"

INST. #:21-02154  
Vol:1986 Page:957

**EMILE J. SCHWARZ, JR.  
16.900 ACRES  
METES AND BOUNDS DESCRIPTION**

Being 16.900 acres of land situated approximately 14 miles northeast of the City of La Grange in the John Shaw League (Abstract No. 92) in Fayette County, Texas and being a part of that called 67.189 acre tract described in a Warranty Deed from Emile John Schwarz, Sr. to Emile J. Schwarz, Jr., executed January 31, 1997, recorded in Volume 980, Page 607 of the Fayette County Official Records. All deed references herein are to said Fayette County Official Records unless otherwise noted. Metes and bounds description of said 16.900 acres is as follows:

**COMMENCING** at a 5/8" steel rod with yellow plastic cap stamped "P. Matusek, RPLS #4518" set for the interior northerly corner of said 67.189 acre tract, same being the lower northwest corner of the Michael S. Schwarz 74.781 acre tract (Volume 861, Page 391 of the Fayette County Deed Records) and the South corner of the 7.292 acres surveyed for Emile J. Schwarz, Jr. this day, same also being in the upper northeast line of the 38.764 acres surveyed for Emile J. Schwarz, Jr. this day, thence as follows:

South 48° 54' 14" East (called South 47° East) with a line common to said 67.189 acre tract and said Schwarz 74.781 acre tract and with said upper northeast line of 38.764 acres, a distance of 31.21 feet to a 5/8" steel rod with yellow plastic cap stamped "P. Matusek, RPLS #4518" set for the upper northwest corner of said 16.900 acres, same being the northeast corner of said 38.764 acres and the **POINT OF BEGINNING**;

**THENCE** South 48° 54' 14" East (called South 47° East) with said line common to 67.189 acre tract and said Schwarz 74.781 acre tract, a distance of 1,073.84 feet to a 5/8" steel rod with yellow plastic cap stamped "P. Matusek, RPLS #4518" set for the East corner of said 16.900 acres, same being the northwest corner of the 4.483 acres surveyed for Emile J. Schwarz, Jr. this day;

**THENCE** South 03° 06' 19" West with the line common to said 16.900 acres and said 4.483 acres and crossing said 67.189 acre tract, at 519.15 feet pass a 5/8" steel rod with yellow plastic cap stamped "P. Matusek, RPLS #4518" set for reference in the North margin of a public road (Hartfield Road), and then crossing into said road, for a total distance of 530.31 feet to a point in said road for the southeast corner of said 16.900 acres, same being the southwest corner of said 4.483 acres and in the South line of said 67.189 acre tract;

**THENCE** North 83° 24' 36" West (called North 81° 30' West) with the South line of said 67.189 acre tract and with said Hartfield Road, a distance of 611.76 feet to a point in said road for the South corner of said 16.900 acres, same being the southeast corner of said 38.764 acres, from which a 5/8" steel rod with yellow plastic cap stamped "P. Matusek, RPLS #4518" set for reference in said North margin of Hartfield Road bears North 24° 54' 14" West 11.07 feet;

**THENCE** North 24° 54' 14" West with a line common to said 16.900 acres and said 38.764 acres and crossing said 67.189 acre tract, at 11.07 feet pass said reference rod in North margin of Hartfield Road, for a total distance of 980.95 feet to a 5/8" steel rod with yellow plastic cap stamped "P. Matusek, RPLS #4518" set for the lower northwest corner of said 16.900 acres, same being the East corner of said 38.764 acres;

**THENCE** North 41° 05' 46" East with a second line common to said 16.900 acres and said 38.764 acres and continuing across said 67.189 acre tract, a distance of 365.51 feet to the **POINT OF BEGINNING**, containing 16.900 acres of land. All bearings are based on Grid North, Texas State Plane Coordinate System, NAD83 (2011) Texas South Central Zone No. 4204. The unit measure for all distances is US Survey Feet.

PAGE 5 OF 7

EXHIBIT "A"

I hereby certify the foregoing metes and bounds description and attached survey plat was prepared from a survey performed on the ground under my supervision, and represents the facts found at the time of the survey.

*Patrick Matussek*

Patrick Matussek  
Registered Professional Land Surveyor  
Maverick Engineering, Inc., Firm # 100491-02  
License No. 4518, State of Texas  
Surveyed March 1, 2021



PAGE 6 OF 7





This page has been added by the Fayette County Clerk's office to comply with the statutory requirement that the recording information shall be placed at the end of the record.

3/31/2021 3:15:13 PM

STATE OF TEXAS COUNTY OF FAYETTE  
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 OFFICIAL RECORDS  
of Fayette County, Texas as stamped hereon above time.

BRENDA FIETSAM, COUNTY CLERK

Stamp: 11 Page(s)

KH

