

jurisdiction shall in no way affect the validity of any of the other provisions or restrictions, which shall remain in full force and effect.

3. No dwelling of less than 1800 square feet of floor space exclusive of porches and garages shall be constructed within all Lots contained in Block 1, Lot 1 of Block 2, Lots 1 and 10 of Block 3 and Lots 1 through 18 of Block 4 and no less than 1500 square feet of floor space exclusive of porches and garages shall be constructed within Lots 2 through 9 of Block 2, Lots 2 through 9 of Block 3 and Lots 19 through 25 of Block 4 of the subdivision. The exterior shall be at least sixty percent (60%) masonry with 80% masonry and glass required of the building facing any road. For purposes of this restriction, "hardie plank" or any like type of manufactured fiber cement product does not qualify as masonry. Dwelling shall be no closer than twenty-five feet (25') to the front property line or ten feet (10') to any other property line.

4. Each dwelling constructed in this subdivision shall be required to have an attached or detached two-car garage.

5. All out buildings constructed in this subdivision shall conform to the same basic exterior design as the main house.

6. No building shall be moved into the subdivision. Each building is to be of new construction and using new materials.

7. No mobile or temporary homes shall be allowed to be located, used or maintained within the subdivision.

8. No commercial operation, including livestock, poultry or swine feeding lots, trading lots, trucking yards, heavy equipment operation of storage, caliche pits, and no wrecking yards or any other commercial operations, or retail or wholesale businesses shall be permitted to be operated within the subdivision.

9. There shall be no towers capable of generating electricity. There shall be no windfarms, windmills capable of generating electricity.

10. No permanent camping of any nature will be allowed within the subdivision.

11. All driveways are to be constructed of concrete.

12. No vehicle, trailer, trailer house, trailer, motor home, boat or personal watercraft shall remain parked for a period of time in excess of ten (10) days on the public streets or in front of the building setback line on any lot within the property. No inoperable, derelict or abandoned vehicles, trailers, boats, personal watercraft, equipment, structures, machinery, or similar objects shall be left within the view of the private public roads and any such object shall be deemed an unsightly nuisance and shall not be permitted to remain within the subdivision.

13. Trucks with tonnage in excess of one ton shall not be permitted to park on the public streets overnight and no vehicle of any size which normally transports inflammatory or explosive cargo shall be kept in this subdivision at any time.

14. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste. Rubbish, trash, garbage or other waste shall not be kept except in sanitary containers.

15. No Elk hunting or commercial hunting or hunting leases will be allowed within subdivision.

16. No sign of any kind shall be displayed to the public view on any tract other than the owner's name, personalized tract, or small real estate sign, which will be permitted in the subdivision.

17. It is permissible for persons owning said lots to engage in noncommercial gardening and beautification; provided, however, no owner shall maintain, board, or otherwise keep any animal or animals except small domestic pets.

18. All property lines and cross fences shall be constructed out of new materials. No barb wire or hog panels or similar fence allowed.

19. No more than one house shall be on each tract. Detached garages are permitted.

20. All dwellings constructed in this subdivision shall be single family dwellings. No building shall be erected, altered or permitted to remain on any lot other than one detached single family dwelling with a private garage and appropriate outbuildings typical for normally accepted family uses. No multiple family dwellings, apartments or condominiums shall be allowed. This restriction shall not prevent the construction any guest or "mother-in-law" quarters which are intended to be used primarily for the lot owner's guests or family.

21. All dwellings shall have vertical wall sections of at least eight feet (8') from the foundation and no A-frame or dome construction shall be allowed.

22. Dedicators hereby grant unto the public a Utility Easement of ten feet (10') in width adjoining all boundary lines of subject tracts for use for the purpose of electrical, telephone, cable, sewer, water and gas service.

23. All electric service to the dwellings or outbuildings located on each lot shall be underground service.

24. The maximum height of any fence on a Tract shall not exceed ten feet (10'). All fences must be constructed of new material. No privacy fence shall be closer to the front boundary line of a tract than the front line of the house.

25. Every residence must provide a masonry mailbox of similar material of the residence and to be placed at the corner of the property lines next to the curb where indicated on the plat as approved by the local Post Master.

26. In the event owner or owners of any property in said subdivision shall lease or rent his or her property to others, it will be the responsibility of said owner or owners to inform such lessee of these restrictions, and further, it shall be said owner or owners responsibility to see that such lessee complies with same.

THIS INSTRUMENT SHALL BE BINDING UPON THE DEDICATORS, their heirs, successors or assigns forever.

NOTE CONCERNING REVISION AND CORRECTION: This instrument is made as a third revised and corrected PLAT, DEDICATION, RESTRICTIONS AND UTILITY EASEMENTS OF ELK RIDGE ESTATES IN ERATH COUNTY, TEXAS in substitution of the original instrument bearing the same title dated July 18, 2008 and recorded in Volume 1391, Page 946 of the real property records of Erath County, Texas, and in substitution of a first amended instrument bearing the name REVISED AND CORRECTED PLAT, DEDICATION, RESTRICTIONS AND UTILITY EASEMENTS OF ELK RIDGE ESTATES IN ERATH COUNTY, TEXAS dated August 7, 2008 and recorded in Volume 1394, Page 524 of the real property records of Erath County, Texas, and in substitution of a second amended instrument bearing the name SECOND REVISED AND CORRECTED PLAT, DEDICATION, RESTRICTIONS AND UTILITY EASEMENTS OF ELK RIDGE ESTATES IN ERATH COUNTY, TEXAS dated October 21, 2008 and recorded in Volume 1403, Page 48 of the real property records of Erath County, Texas to amend and correct the scope of property covered by these covenants and restrictions and to correct and amend the square footage requirements previously stated. Exhibit A attached to the original filing is hereby replaced by the attached Exhibit A which defines the properties specifically bound by the covenants and restrictions contained in this instrument. Other than the stated corrections, this instrument is intended to restate in all respects the terms and conditions of the original and first and second amended instruments, and the effective date of this revised and corrected instrument relates back to the effective date of the original PLAT, DEDICATION, RESTRICTIONS AND UTILITY EASEMENTS OF ELK RIDGE ESTATES IN ERATH COUNTY, TEXAS.

WITNESS OUR HANDS, THIS _____ day of January, 2009 to certify which witness our hands.

ATTEST:

ELK RIDGE SUBDIVISION, INC.

BY: _____
ANDY HANSEN, PRESIDENT
