

AMENDED AND RESTATED
PROPERTY RESTRICTIONS AND RESERVATIONS

FOR

**TONKAWA SPRINGS, TONKAWA VILLAGE,
TONKAWA VILLAGE – SECTION TWO
AND TONKAWA LAKE**

STATE OF TEXAS

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KNOW ALL PERSONS BY THESE PRESENTS

COUNTY OF WILLIAMSON

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THAT THESE AMENDED AND RESTATED PROPERTY RESTRICTIONS AND RESERVATIONS are hereby made and set forth by the Tonkawa Springs Homeowners Association to amend, supersede and replace in their entirety all previously recorded Property Restrictions for the subdivisions set forth below. These Amended and Restated Property Restrictions and Reservations (the “Property Restrictions and Reservations”) shall be effective as of the date they are filed of record in the Williamson County, Texas real property records.

WHEREAS, Property Restrictions were established by Tonkawa Springs, Inc., a Texas corporation for the Tonkawa Springs, Tonkawa Village, Tonkawa Village - Section Two and Tonkawa Lake subdivisions; and

WHEREAS said Property Restrictions are filed of record in the Williamson County, Texas real property records as set forth in Attachment “A” attached hereto and made a part hereof for all purposes; and

WHEREAS the Tonkawa Springs Homeowners Association (“TSHOA”) as successor to Tonkawa Springs, Inc. has the power and authority to implement and enforce said Property Restrictions as set forth in that certain Articles of Incorporation dated July 12, 1981, and filed with the Office of the Secretary of State of Texas; and

WHEREAS the TSHOA may by a majority vote of its members revise, replace, amend and modify the Property Restrictions as it deems necessary or appropriate;

NOW THEREFORE the TSHOA does hereby make and file the following declarations, reservations, covenants, limitations, conditions and restrictions governing the use, development, improvement and occupancy of the tracts or lots located in the Tonkawa Springs, Tonkawa Village, Tonkawa Village-Section Two and Tonkawa Lake subdivisions (collectively, the “Tonkawa Springs subdivisions” shown in the plats included in Attachment “A”), the structures to be placed thereon, and the development of the platted areas in their entirety as follows:

1. Property Use: Each lot or tract shown on the Tonkawa Springs subdivisions plats (hereinafter each a "Lot" and collectively, the "Lots") shall be used only for single family residential purposes and, except as otherwise provided herein, shall only be used for the construction of a detached, single-family residential structure. As used herein, the phrase, "single family residential purposes" shall mean the use and occupancy of a detached single-family residential structure as a residence by: (i) the Owner(s) of the Lot and/or the Lot Owners' family member(s); or (ii) an Owner's renter or lessee as a temporary residence for a period or term of not less than six (6) months. Rental or leasing of single-family residences in Tonkawa Springs subdivisions for a period or term of less than six (6) months is prohibited.

Upon written request from the TSHOA Board of Directors (the "TSHOA Board" or "Board"), an Owner renting or leasing their residence must provide: (i) the contact information (name, phone number, email address) of the person(s) inhabiting the residence; and (ii) the commencement date and term of their lease.

No part of any Lot may be used as a stand-alone site or location for a business or for commercial activity to which the general public is invited. Anything in this Paragraph 1 to the contrary notwithstanding, an Owner may conduct "discrete business activities" within the residence on their Lot so long as: (i) the existence or operation of the business activity is not apparent or detectable from outside the residence; (ii) the business activity does not involve regular visitation from third-parties to the residence; and (iii) the business activity does not violate any other term or provision of these Property Restrictions and Reservations.

2. Resubdivision: In no event shall any Lot be subdivided or apportioned into two or more smaller lots, provided however that with the prior written approval of the TSHOA Board, a Lot may be subdivided: (i) in the event that it is to be added to, or used in conjunction with, an adjoining Lot or Lots; or (ii) a Lot greater than or equal to two (2) acres in area may be subdivided into Lots of not less than one (1) acre in area.

3. Structures and Improvements: The TSHOA subdivisions Architectural Control Committee (the "ACC"), operating in accordance with Article V of the TSHOA Bylaws, shall have the exclusive right and authority to review and grant or deny in writing proposed plans for the construction or placement of structures or improvements on a Lot for compliance with these Property Restrictions and Reservations. The ACC shall also have the right and authority to review and grant or deny in writing any request for a variance from these Property Restrictions and Reservations, provided however that the ACC shall inform the Board, and obtain Board concurrence, prior to approving or denying any variance request. Any denial by the ACC of a request to approve the construction or placement of structures or improvements on a Lot, or any denial by the ACC of a request for a variance from these Property Restrictions and Reservations, must comply with the applicable requirements in the TSHOA Hearing Policy. An Owner may

appeal any such denial by the ACC to the TSHOA Board and the TSHOA Board will conduct a hearing in accordance with the TSHOA Hearing Policy. Any language in this Paragraph 3 to the contrary notwithstanding, the ACC may, at its discretion, transfer any variance request to the Board for the Board's review and decision.

Prior to beginning construction or placement of any structure(s) or improvement(s) of any nature or kind on a Lot which may materially affect the use, condition or appearance of the Lot, the Lot Owner must provide written notice to the ACC describing in detail the proposed construction or placement activities, including any request for a variance from the Property Restrictions and Reservations, for ACC review for compliance with these Property Restrictions and Reservations. Construction or placement of structures or improvements requiring ACC review include, but are not limited to: (i) construction of a residence; (ii) addition to, or expansion of, a residence; (iii) conversion of a garage to living space; (iv) construction or placement of separate living quarters, guest house or detached garage; (v) construction or installation of storage sheds; (vi) swimming pool installation; and (vii) fences.

4. Permanent Residences: All permanent residences constructed on a Lot and any subsequent additions or improvement thereto, must be of new construction of a quality and nature compatible with the nature of the Tonkawa Springs subdivisions and with the value and quality of the other homes therein and constructed in compliance with the requirements in this Paragraph 4 and any other applicable requirements set forth in these Property Restrictions and Reservations. The residence on each Lot must be constructed facing the front of the Lot as indicated on the applicable subdivision plat. All homes, garages, outbuildings or other structures built or placed on a Lot shall be limited to, and not exceed, two standard stories in height.

All one-story residences must contain a minimum of 1800 square feet of living area, excluding garages and porches. Two-story residences must contain a minimum of 2100 square feet of living area, exclusive of garages and porches. A minimum of 75% of the exterior of any residence in the Tonkawa Springs subdivisions must be constructed and comprised of brick, stone or masonry. Windows and door openings are excluded from the exterior walls area calculation for purposes of compliance with this requirement.

Variances from the construction requirements of this Paragraph 4 may be granted in individual cases where: (i) construction or improvements of equal or greater value, aesthetic appeal and attractiveness are planned; and (ii) with the express and prior written approval of the ACC after review as provided in Paragraph 3 above.

5. Garages: All garages must be constructed as "side-entry" garages to minimize and avoid, to the extent possible, garage openings facing a street. Variances from this requirement may be granted in situations where Lot size, configuration or topography preclude construction of a side-entry garage with the express and prior written approval

of the ACC as provided herein. Garage capacity shall be limited to holding no more than four (4) cars and shall not exceed two standard stories in height.

6. Separate Structures: Any guest house or other detached building constructed on a Lot must be constructed of the same building material as the main residence, or of building material of equal quality and aesthetic appeal and be compatible in appearance with the main residence on the Lot and with the nature and quality of the residences in the Tonkawa Springs subdivisions. Any detached buildings constructed on a Lot shall not exceed two standard stories in height. Construction or placement of any separate structure on a Lot is subject to prior ACC review and approval as specified in Paragraph 3 herein.

Small, commercially custom-built or manufactured tool or garden storage sheds of quality construction and appearance may also be placed or installed on a Lot for the residents' use subject to ACC review as specified in Paragraph 3 herein. Any such storage or garden sheds shall be limited to one-story in height. Owner constructed tool or garden storage sheds are prohibited, provided however that a variance from this prohibition may be granted prior with ACC review and approval as specified herein.

7. Mobile or Manufactured Housing: No mobile homes or manufactured housing of any kind may be installed, erected or placed on any Lot in the Tonkawa Springs subdivisions at any time.
8. Temporary Structures: No campers, camper trailers, shacks, barns, tents, or other outbuildings of a temporary character may be permanently or temporarily installed or erected for residential use on any Lot in the Tonkawa Springs subdivisions at any time.
9. Setback Requirements: No buildings or structures may be located on any Lot closer than fifty (50) feet from the front Lot property line, nor closer than ten (10) feet to any Lot side or back property line. Variances from the setback requirements in this paragraph may be granted with the express and prior written approval of the Tonkawa Springs subdivisions ACC.
10. Time for Completion: Construction of any residence or other structure or building on a Lot must be performed with reasonable diligence and construction of any such structure must be completed as to its exterior no later than six (6) months from the commencement date of said construction. Building materials may not be placed or stored on a Lot more than two weeks before the scheduled construction commencement date. Variances or exceptions to these requirements may be granted with the written approval of the Tonkawa Springs subdivisions ACC as provided herein.
11. Driveways: All houses in the Tonkawa Springs subdivisions shall be constructed with a driveway of either concrete or asphalt at least ten (10) feet in width running from the

street to the garage. Construction of circular driveways requires prior ACC review and approval as provided under Paragraph 3 herein.

12. Swimming Pools: Subject to ACC review as provided by Paragraph 3 herein, in-ground pools of concrete, pebble or similar coating and construction may be constructed or installed on any Lot.

Subject to ACC review and approval as provided by Paragraph 3 herein, above-ground pools may be installed provided the design and construction of the above-ground pool is compatible in quality and appearance with the residence on the Lot and with the residences in the Tonkawa Springs subdivisions; said design and construction may include, but not be limited to, decking, fencing or enclosures of a quality and nature as is permitted under these Property Restrictions and Reservations.

13. Fences: All fencing must be of quality construction compatible with the quality of the homes in the TSHOA subdivisions. Fence height shall be limited to six (6) feet, provided however that fences of greater height may be constructed with the prior written approval of the ACC as provided by Paragraph 3 herein. Acceptable fencing material includes, cedar, redwood, composite wood, chain link, welded wire grid, plank, or rail or such other similar type that will add to and enhance the appearance the residence. Fence color shall be limited to white, black, or natural-wood colors only. Brick or masonry fences are prohibited, provided however, that brick or masonry fence posts are permitted subject to ACC review. Fences constructed of farm or ranch type fence posts and/or fencing, including, but not limited to, T-posts and barbed wire, are prohibited. No fencing may be constructed in violation of the setback requirements set forth herein provided, however, that in the event compliance with the setback requirements are impractical due to Lot size or configuration, a variance from setback requirements may be granted with the prior written approval of the ACC.

14. Mailboxes: All mailboxes must be of a type and design that is compatible with the appearance and construction of the residence it serves and placed at the front property line of the Lot.

15. Roof Vents, Satellite Dishes and Antennas: All roof vents (other than ridge vents) should be located to the rear of the roof ridge line and/or gable of the structure on the Lot on which they are installed and not extend above the highest point of the structure so as not to be visible from the street the residence faces. Unless impracticable, any satellite dish, electronic antenna, or similar device of any type, including, but not limited to, an antenna or satellite dish for receiving radio and television signals installed at any structure on a Lot should be installed at the rear of the structure and not be visible from the street the residence faces.

16. Repair and Upkeep: All residences, detached structures, fences, mailboxes, yards, shrubs, flower beds, trees and lawns must be upkept and maintained in a proper state

of repair and condition as necessary to preserve the appearance and attractiveness of the residences and neighborhoods in the Tonkawa Springs subdivisions. This Paragraph 16 will be enforced in accordance with the provisions of Paragraph 33 herein.

17. Septic Tanks and Water Wells: All residences in the Tonkawa Springs subdivisions must be served with a septic system designed and installed in compliance with all applicable requirements of the State of Texas, the Williamson County and Cities Health District (WCCHD), and generally accepted engineering standards applicable at the time of septic system installation. Water wells must be installed and constructed by a State of Texas licensed and permitted water well driller and the water well must be registered with the Texas Water Development Board.
18. Drainage Structures and Ditches: Drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of stormwater runoff from typical rain events without backwater. Such structures, where needed, are to be installed at the expense of the Lot Owner. Natural and existing drainage patterns in the TSHOA subdivisions shall not be altered or disturbed without the prior written approval of the ACC. A ten (10) foot drainage easement is reserved from any and all street right-of-way lines and five (5) feet on either side of certain common Lot lines for each of the respective subdivisions comprising the Tonkawa Springs subdivisions. No fence, shrubs, trees, hedges or structures shall be placed or allowed to remain within any drainage right-of-way designated herein which would impede or interfere with the free flow of drainage or with the maintenance of drainage. Common Lot line drainage easements specific and applicable to each of the individual Tonkawa Springs subdivisions are set forth in Attachment "B" attached hereto and made a part hereof for all purposes.
19. Parking: Automobiles and other passenger vehicles owned and/or registered to the Owner or any resident of any Lot must be parked in the garage or on a driveway constructed, at a minimum, in accordance with the requirements of Paragraph 10 herein. No automobiles or other passenger vehicles may be parked on or along the street of any street in the Tonkawa Springs subdivisions except temporarily when no off-street parking is available on the Lot and for a period not to exceed five (5) consecutive days.
20. Boats, Trailers and Recreational Vehicles: Except as otherwise provided in this Paragraph 20, no boat, trailer, golf cart, recreational vehicle, camping unit, bus, commercial vehicle, self-propelled or towable equipment or machinery of any kind or nature may be stored or parked on any street in the Tonkawa Springs subdivisions or allowed to remain in the driveway, front yard, or any other location on a Lot in which it is visible from the street the residence faces, for more than five (5) consecutive days.

Any vehicle or equipment subject to this Paragraph 20 that an Owner intends to remain on the Lot for periods greater than one week may only be stored behind a gate or fence

constructed of opaque or visually impervious material that is positioned no closer to the street the residence faces than the front corner of the residence. Construction of such fences or gates are subject to the requirements of Paragraph 13 and Paragraph 3 herein. During the construction of improvements on a Lot the requirements in this Paragraph 20 will not apply to necessary construction vehicles or equipment which may be parked on a Lot during the time necessary to complete the improvements.

21. Unused Cars: Cars or other motorized vehicles may not be stored on any Lot except as otherwise provided herein, nor shall any car or motorized vehicle that is not in running condition and regularly used be allowed to remain on any Lot for more than one (1) week. No repairing of motor vehicles beyond routine maintenance is permitted on any Lot.
22. Pets and Animals: Dogs, cats or other common household pets may be kept on a Lot so long as they are not kept, bred, or maintained for any commercial purpose. Any allowable pets must be confined to its Owner's Lot by a backyard fence, leash or within the residence. No pet or animal is permitted to run freely from its Owner's Lot and must be always controlled with a leash when it is not on its Owner's Lot. Chickens (excluding roosters) and rabbits for personal use only, and not for any commercial purpose, may also be kept on a Lot. Keeping of large animals on a Lot, including, but not limited to, horses, sheep, goats, cattle, pigs and geese is prohibited at all times.

Pets and animals kept or present on any Lot must be always maintained in a healthy and sanitary condition, and any constant or frequent barking, crowing, noise, dust, odors or other unsanitary or offensive conditions that may constitute a nuisance to neighbors or other Tonkawa Springs subdivisions residents will not be allowed or maintained. To the extent that animal control laws and regulations of the City or Round Rock and/or Williamson County are more restrictive than this provision; those laws and regulations shall apply to the Owners and residents of the Tonkawa Springs subdivisions.

23. Signs and Displays: Small, temporary signs of a size not more than 24 inches by 30 inches: (i) advertising a residence for sale or rent; (ii) advertising a contractor or builder performing work on a Lot; (iii) reflecting school activities or events; or (iv) displaying social, civic or political affiliations or messages may be installed or displayed on a Lot.
24. Utility Easement: An easement ten (10) feet in width along all front Lot lines or street right-of-way lines and five (5) feet on either side of all rear Lot lines is expressly reserved for the installation and maintenance of water lines, electric power lines, telecommunication lines and any other necessary lines and related appurtenances as may be necessary to provide and supply any public or private utility service to Tonkawa Springs subdivisions Lots.
25. Channel Easement: A channel and flowage or lake easement is reserved 125 feet from the centerline of the creek bed on all Lots abutting, joining or having a property

boundary line on, the water bodies designated, known as, or depicted on maps as, "Beaver Creek", "Beaver Lake" or "Brushy Creek". No permanent improvement, structures or devices may be placed or constructed in said easement which would impede, interfere with or have a deleterious effect on, the free flow of water in and along the easement. The language in this Paragraph 25 to the contrary notwithstanding, no channel easement shall be reserved for Lots 1, 2 and 3 in the Tonkawa Springs subdivision.

No septic tank or system shall be placed or constructed within the channel easement reserved in this Paragraph 25 or placed or constructed in such a manner that drainage or seepage from such septic tank or system would drain or seep into the above-referenced lake or creeks. No changes or alterations on dams located within the easement reserved herein shall be made without the express and prior written consent of the TSHOA Board.

26. Community and Shared Areas, Facilities and Features: Activities and uses of Tonkawa Springs subdivisions community areas, features, or facilities shall be regulated and managed by the TSHOA Board for the use, enjoyment and benefit of TSHOA subdivisions Owners and residents. Community areas or facilities subject to TSHOA Board management and regulation include, but are not limited to, the park, tennis courts, and the water bodies designated, known as, or depicted on maps as, "Beaver Creek", "Beaver Lake" or "Brushy Creek". Removal of water from the community water bodies for use on a Lot or for any personal use whatsoever is expressly prohibited. Fishing in the community water bodies specified in this Paragraph 26 is permitted only for Tonkawa Springs subdivisions residents and guests. Fishing is limited to recreational use. Catching and removing fish or other aquatic life from the water bodies specified in this Paragraph 26 for personal consumption or use by any means or method is prohibited.

Shared features are features located within the boundaries and confines of the TSHOA subdivisions and which are: (i) bordered by, immediately adjacent to, contiguous with, or located on, two or more Lots, and;(ii) readily accessible to two or more Lot Owners or residents. Shared features within the Tonkawa Springs subdivisions shall be regulated and managed by the TSHOA Board for the use, enjoyment and benefit of the Owners or residents whose Lots border, are adjacent to, contiguous with, or include any such shared feature. Shared features subject to regulation and management by the TSHOA Board include, but are not limited to, ponds, creeks, springs, channels and any other permanent or perennial water body. Any action or activity by a resident or Owner which will or may materially alter or affect (i) the condition of a shared feature; (ii) the use and enjoyment of a shared feature by the other Lot Owners or residents; or (iii) access of other Lot Owners or residents sharing the feature, requires the prior written approval of the TSHOA Board. Actions or activity requiring prior written TSHOA approval include, but are not limited to: (i) placing fill material in a pond; (ii) constructing barriers or structures in a pond, creek or channel; (iii) pumping or removing

water from a pond, spring, creek or channel; (iv) damming, obstructing, excavating or diverting a creek or channel; or (v) plugging, obstructing or impeding flow from a spring. Placing debris, rubbish, trash or animal waste in or on a shared feature is expressly prohibited.

27. Public Nuisance: No public nuisance may be created, allowed or maintained on any Lot in the Tonkawa Springs subdivisions. For purposes of these Property Restrictions and Reservations, a public nuisance shall be as defined in sections 343.002 and 343.011 of Texas Health & Safety Code Chapter 343. Activities which are public nuisances prohibited under Chapter 343 include, but are not limited to: (i) accumulation of unenclosed garbage, rubbish or debris; (ii) allowing unsanitary conditions that may attract vermin, mosquitoes or other undesirable animals or insects; and (iii) uncontrolled weed growth. Assessment and enforcement of public nuisances will be conducted in accordance with the provisions of Paragraph 33 herein.

If an Owner has not abated or begun to abate a public nuisance within a reasonable time, not to exceed ten (10) days, after a final determination of a public nuisance under Paragraph 33 herein, the TSHOA Board may avail itself of any remedies set forth herein, Texas Health & Safety Code Chapter 343, or otherwise available at law or equity, to enforce this prohibition of nuisances. The TSHOA Board also reserves the right to undertake such actions as are reasonably necessary to abate the nuisance and recover the costs of such abatement from the Owner.

28. Private Nuisance: Activities, actions or behavior which unreasonably interferes with another Owner's or resident's use or enjoyment of their property are prohibited. The ACC and TSHOA Board are authorized to determine what constitutes a violation of this provision in accordance with the provisions of Paragraph 33 herein.

If an Owner has not abated or begun to abate a private nuisance within a reasonable time, not to exceed ten (10) days, after a final determination of a private nuisance under Paragraph 33 herein, the TSHOA Board may avail itself of any remedies set forth herein, or otherwise available at law or equity, to enforce this prohibition of nuisances. The TSHOA Board also reserves the right to undertake such actions as are reasonably necessary to abate the nuisance and recover the costs of such abatement from the Owner.

29. Firearms: The discharge of firearms within the Tonkawa Springs subdivisions is expressly prohibited.

30. Oil, Natural Gas, Mineral and Mining Operations: No exploration or production operations of any kind for crude oil, condensate, natural gas or minerals of any kind or nature may be conducted upon any Lot or within the confines of the Tonkawa Springs subdivisions.

31. Maintenance Fund: A maintenance fund to manage, maintain, repair or improve the entrances, amenities and common areas in the Tonkawa Springs subdivisions shall be established by a majority vote of the TSHOA Board and maintained through a monthly assessment of \$15.00 per month on each Lot in the Tonkawa Springs subdivisions. Williamson County has responsibility for street maintenance in the Tonkawa Springs subdivisions.

The monthly maintenance assessment established by the TSHOA Board under this Paragraph 31 may be increased periodically by a majority vote of the TSHOA Board but may not exceed \$30.00 per month. The maintenance funds shall be placed in a trust account and be administered by the TSHOA Board. The maintenance fund assessments shall be secured by a continuing lien in favor of the TSHOA placed against each Lot and all improvements thereon.

32. Amendments: The Owners of valid legal title to 51% of the Lots in the Tonkawa Springs subdivisions may amend these Property Restrictions and Reservations or any conditions, restrictions or matters set forth therein by filing an instrument containing such amendments in the real property records of Williamson County, Texas.

33. Enforcement of Property Restrictions and Reservations: In the event any Owner or resident in the Tonkawa Springs subdivisions violates or demonstrates an intention to violate these Property Restrictions and Reservations, the Board, in accordance with the applicable requirements in Texas Property Code Chapter 209, shall inform the Owner or resident in writing of (i) the specific Property Restrictions and Reservations provision that has been or will be violated; (ii) any fines, penalties, damages or other enforcement actions that may result from the violation, and; (iii) a reasonable time period for the Owner or resident to cure or abate the violation and come into compliance with the Property Restrictions and Reservations. An Owner or resident disputing a violation finding by the Board may petition the TSHOA Board for a hearing in accordance with the applicable requirements of Texas Property Code Chapter 209 and the TSHOA Hearing Policy. The TSHOA Board will review the information presented in any hearing, and determine by a majority vote of the Board whether there is, or will be, a violation of these Property Restrictions and Reservations and, in the event of a Board determination of a violation, determine any action that must be taken to resolve, abate or remedy such violation. Any language in this Paragraph 33 or these Property Restrictions and Reservations to the contrary notwithstanding, and in accordance with Texas Property Code Chapter 209, the Board is not required to provide an Owner with a time period to cure a Property Restrictions and Reservations violation in the event the violation is not curable or presents a threat to the public health and safety.

In the event that the Board determines that an Owner or person residing in the Tonkawa Springs subdivisions or any person authorized by an Owner or resident of the Tonkawa Springs subdivisions violates, or demonstrates an intention to violate any provision of these Property Restrictions and Reservations and does not cease, remedy

or abate such violation, the TSHOA Board, acting on behalf of the TSHOA may, in addition to any other remedies set forth herein, avail itself of, seek, and pursue, any remedies available at law or equity to enforce these Property Restrictions and Reservations and ensure compliance therewith. Such remedies may include, but are not limited to an assessment of penalties against a Lot Owner for violations of these Restrictions and Reservations in accordance with a schedule of penalties promulgated by the TSHOA Board, or the Board may take actions necessary to remedy or abate the violation. Any penalties or fines assessed, or any costs incurred by the Board, to remedy or abate a violation of these Property Restrictions and Reservations, including, but not limited to actual abatement or remediation costs, court costs, attorneys' fees and litigation expenses may be assessed against a Lot Owner and secured by a continuing lien in favor of the TSHOA placed against their Lot and all improvements thereon. Failure to enforce any right, provision, restriction or condition herein shall not constitute a waiver of any such right, provision, restriction or condition.

Any person owning a property interest in a Lot in the Tonkawa Springs subdivisions, may enforce these Property Restrictions and Reservations or any provision therein by seeking redress from the TSHOA Board and/or by initiating legal proceedings in the county or district courts of Williamson County, Texas.

34. Covenants Running with the Land: These TSHOA Property Restrictions and Reservations are covenants running with the land and shall inure to the benefit of, and be binding upon, each and all Owners or any persons owning an interest in any Lot located in the Tonkawa Springs subdivisions and each and any of their heirs, successors and assigns. Filing of these Property Restrictions and Reservations in the real property records of Williamson County, Texas shall serve as constructive notice of these restrictions and reservations to any Lot Owner and their heirs, successors and assigns.

35. Choice of Law and Venue: These Property Restrictions and Reservations shall be interpreted in accordance with the laws of the State of Texas and any suit or legal action arising under or involving these Property Restrictions and Reservations shall be adjudicated under, and in accordance with, the laws of the State of Texas and proper venue for any such suit or legal action arising hereunder shall be the county or district courts of Williamson County, Texas.

36. Definitions: Defined terms used in these Property Restrictions and Reservations shall have the meanings ascribed to them in Texas Health & Safety Code Chapter 209, section 209.002 unless otherwise defined herein.

37. Invalidation and Severance: If any of the restrictions, reservations, conditions or provisions herein shall be deemed invalid by any court judgement or order, the remaining restrictions, reservations, conditions and provisions shall not be affected and shall remain in full force and effect.

ATTACHMENT "A"

**DOCUMENT RECORDING INFORMATION
AND SUBDIVISION PLATS**

Tonkawa Springs Property Restrictions
Recording Information

Tonkawa Springs Volume 672, Page 619, *et seq.*, in the Official Public Real Property Records of Williamson County, Texas.

Tonkawa Village Volume 712, Page 672, *et seq.*, in the Official Public Real Property Records of Williamson County, Texas.

Tonkawa Village-Section Two Volume 887, Page 596, *et seq.*, in the Official Public Real Property Records of Williamson County, Texas.

Tonkawa Lake Volume 893, Page 564, *et seq.*, in the Official Public Real Property Records of Williamson County, Texas.

Volume 1354, Page 691, *et seq.*, in the Official Public Real Property Records of Williamson County,

ATTACHMENT "B"

SUBDIVISION – SPECIFIC DRAINAGE EASEMENTS

Tonkawa Springs

A ten (10) foot easement is reserved on either side of the common Lot line between Lots 8 and 9, between Lots 12 and 13, and between Lots 15 and 16, for the purpose of constructing and/or maintaining drainage ways, ditches, or culverts.

Tonkawa Village

A five (5) foot easement is reserved on either side of the common Lot line between Lots K and J, between Lots L and I, between Lots B and C, between Lots I and H, between Lots L and M, and between Lots 4 and 5 for the purpose of constructing and/or maintaining drainage ways ditches, or culverts.

Tonkawa Village – Section Two

A five (5) foot easement is reserved on either side of the common Lot line beginning at the back or rear side of each cul-de-sac street and extending into Brushy Creek or Beaver Creek for the purpose of constructing and/or maintaining drainage ways, ditches, or culverts.

Tonkawa Lake

A five (5) foot easement is reserved on either side of the common Lot line beginning at the back or rear side of each cul-de-sac street and extending into Brushy Creek or Beaver Creek for the purpose of constructing and/or maintaining drainage ways, ditches, or culverts.