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WHEREAS, deed restrictions were volunteered in conjunction with a request for an MF-1 Multiple Family District zoning which was approved by the City Council on February 17, 1982, on Zoning Case #Z801-355/5634-N on property on the east side of Montfort Drive, north of Preston Oaks Road; and

WHEREAS, application was made to amend said deed restrictions; and

WHEREAS, the City Council at a public hearing on January 27, 1988, after a public hearing and recommendation by the City Plan Commission on August 20, 1987, approved the request in conjunction with Zoning File Z801-355/5634-Na; and

WHEREAS, application was made to amend the deed restriction instrument accepted by the City Council on January 27, 1988; and

WHEREAS, the City Council at a public hearing on February 26, 1992 approved the amendment to the deed restrictions in accordance with the recommendation of the City Plan Commission involving Zoning File #Z912-132/5634-N; and,

WHEREAS, application has been made to amend the deed restriction instrument accepted by the City Council on February 26, 1992; and

WHEREAS, the City Council at a public hearing on December 9, 1992 approved the amendment to the deed restriction instrument in accordance with the recommendation of the City Plan Commission involving Zoning File #Z912-132/5634-Na; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the attached amended deed restriction instrument be and is hereby accepted by the City Council of the City of Dallas, Texas, to be used in conjunction with the development of property zoned an MF-1(A) Multiple Family District as described in Ordinance #17300.

Section 2. That said instrument shall be filed in the Deed Records of Dallas County, Texas.

Section 3. That this resolution shall take effect from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED BY  
CITY COUNCIL

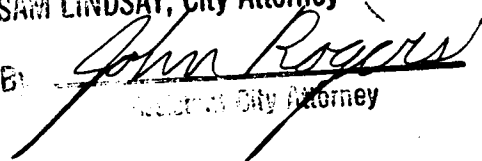
DEC 9 1992



City Secretary

Approved as to form:  
SAM LINDSAY, City Attorney

By



Assistant City Attorney

APPROVED

HEAD OF DEPARTMENT

APPROVED

DIRECTOR OF FINANCE

APPROVED

CITY MANAGER

**DEED RESTRICTIONS**

THE STATE OF TEXAS §  
                                  §  
COUNTY OF DALLAS §

**KNOW ALL PERSONS BY THESE PRESENTS:**

**I.**

That the undersigned:

NationsBank of Texas, N.A., successor to NCNB Texas National Bank, successor to First RepublicBank Dallas, N.A. (successor to First National Bank in Dallas) Independent Executor and Trustee under the Wills of Hattie Louise Browning and Suzanne B. Browning, Deceased;

Jane Holland Browning, Michael G. Starnes and NationsBank of Texas, N.A., successor to NCNB Texas National Bank, successor to First RepublicBank Dallas, N.A. (successor to First National Bank in Dallas), Co-Trustees under the Will of William Webb Browning, Jr., Deceased; and

NationsBank of Texas, N.A., successor to NCNB Texas National Bank, successor to First RepublicBank Dallas, N.A. (successor to First National Bank in Dallas), Independent Executor and Trustee under the Will of Harold Jeffreys Browning, Deceased; and

Averille B. Dawson, Kathryn B. Cook, William W. Browning, III, and Fallon B. Vaughn,

("the Owners") are the Owners of the following described property (the "Property") situated in Dallas County, Texas, being in particular a tract of land out of the Thomas Garvin Survey, Abstract No. 524, City Block 8168, City of Dallas, Dallas County, Texas, and being that same tract of land conveyed to Owners by:

First National Bank in Dallas, Independent Executor and Trustee under the Will of Harold Jeffreys Browning, Deceased, which Will was admitted to probate in Dallas County, Texas, in Cause No. 78-105-P, and filed of record in Volume 277, Page 0178, in the Probate Records of said County;

First National Bank in Dallas, Independent Executor and Trustee under the Will of Hattie Louise Browning, Deceased, which Will was admitted to probate in Dallas County, Texas, in Cause No. 78-2250-C/P2, and filed of records in Volume 139, Page 1240, in the Probate Records of said County;

First National Bank in Dallas, Independent Executor and Trustee under the Will of Suzanne B. Browning, deceased, which Will was admitted to probate in Dallas County, Texas, in Cause No. 78-1804-C/P, filed of record in Volume 285, Page 0220, in the Probate Records of said County; and

Michael Starnes, Jane Browning and First National Bank in Dallas, Co-Trustees under the Will of William Webb Browning, Jr., Deceased, which Will was admitted to probate in Dallas County, Texas, in Cause No. 76-2773-P, and filed of records in Volume 258, Page 0809, in the Probate Records of said County;

and being more particularly described as follows:

Beginning at the northeast intersection of Montfort Drive and Sunny Rock Road;

Thence N 6° 53' 20" along the northeast line of Montfort Drive (50 ft. street) 302.0 ft. to angle point;

Thence N 31° 53' 20" W 86.0 ft. to corner;

Thence N 73° 44' 40" E along the southeast line of the Southern Hospitalities, Inc. tract and the C.V. Slagle tract 618.56 ft. to corner;

Thence S 15° 40' 20" E along the southwest line of Block B/8166, Third Replat of Preston Oaks on the Creek, an addition to the City of Dallas, Texas, according to the plat thereof recorded in Volume 80192, at Page 0992, of the Deed Records of Dallas County, Texas, 158.0 ft. to angle point;

Thence S 4° 42' 10" E 190.0 ft. to corner;

Thence S 88° 31' W along the north line of Block B/8166, 200.0 ft. to corner;

Thence S 2° 34' E along the west line of Block B/8166, Third Replat of Preston Oaks on the Creek 180.0 ft. to corner;

Thence S 86° 18' 40" W along the north line of the Pa-Key Development Corporation tract and continuing along the north line of Sunny Rock Road (29 ft. road) a total distance of 378.0 ft. to PLACE OF BEGINNING and containing 5.3114 acres (231,364 sq. feet) of land.

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## II.

That the above described property hereinafter referred to as "the Property" was impressed with the original deed restrictions shown in the instrument dated March 12, 1982, and recorded in Volume 82051, Page 680 of the Deed Records of Dallas County, Texas, said restrictions being terminated and amended by that instrument filed of record on February 1, 1988, in Volume 88020, Page 2612, which document also impressed the Property with revised deed restrictions.

That the Owners of the Property do hereby terminate both the original deed restrictions recorded in Volume 82051, Page 680, Deed Records, Dallas County, Texas, and the revised deed restrictions recorded in Volume 88020, Page 2616, Deed Records, Dallas County, Texas. This document also terminates the deed restrictions recorded in Volume 92051, Page 3617, Deed Records, Dallas County, Texas. These three deed restriction documents no longer apply to the Property.

That the amendments created herein and imposed hereby were made following notice and public hearing before the City Plan Commission and the City Council of the City of Dallas, as required in the instrument of deed restrictions, and notice of such public hearing was given as would have been required by law for a zoning change on the Property.

That the undersigned Owners furthermore do hereby impress the Property with the following deed restrictions:

- (1) Development on the Property shown as Tract A on Exhibit D which is attached to and made part of this instrument for all purposes is limited to no more than 143 dwelling units.
- (2) Before a building permit may be issued for any structure on Tract B, a 24 foot wide access drive must be constructed, according to City of Dallas Public Works standard construction details, across Tract A, also shown on Exhibit D, from the east property line of Tract A westward to Montfort Road; provided, however, that if a building permit is issued for the development of Tracts A and B as one platted lot by February 26, 1993, the restrictions contained in this subparagraph (2) shall not apply.

## III.

These restrictions shall continue in full force and effect for a period of twenty (20) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless terminated in the manner specified herein.

## IV.

These restrictions must not be altered, amended, or terminated without a public

924319

hearing before the City Plan Commission and the City Council. Notice of such public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owners must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination becomes effective.

## V.

The restrictions contained herein are not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

## VI.

These restrictions inure to the benefit of the City of Dallas, and the undersigned Owners hereof do hereby grant to the City of Dallas the right to enforce these restrictions by any lawful means, including filing an action in a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction. The City of Dallas may withhold the Certificate of Occupancy necessary for the lawful use of the Property until such restrictions described herein are fully complied with. If the City substantially prevails in a legal proceeding to enforce these restrictions, the Owners agree that the City shall be entitled to recover damages, reasonable attorney's fees, and court costs. The right of the City to enforce these restrictions shall not be waived expressly or otherwise.

## VII.

As long as Owners are the owners of the Property, the Owners agree to defend, indemnify, and hold harmless the City from and against all claims or liabilities arising out of or in connection with the provisions of this document.

## VIII.

The provisions of this document are hereby declared covenants running with the land and are fully binding on all successors, heirs, and assigns of the Owners who acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this document.

## IX.

Unless stated otherwise in this document, the definitions and provisions of Chapter 51A, "Part II of the Dallas Development Code," as amended, apply and are

incorporated into this document as if recited in this document.

X.

The Owners understand and agree that this document shall be governed by the laws of the State of Texas.

XI.

The invalidation of any provision in this document by any court shall in no way affect any other provision, which shall remain in full force and effect, and to this end the provisions are declared to be severable.

EXECUTED this the 2nd day of December, 1992.

NATIONSBANK OF TEXAS, N.A., successor to  
NCNB TEXAS NATIONAL BANK ("NCNB"),  
a national banking association Trustee under  
the Wills of Hattie Louise Browning,  
Susanne B. Browning, and Harold Jaffreys  
Browning and Co-Trustee under  
the Will of William Webb Browning, Jr.


By: Howard Compton  
Name: HOWARD COMPTON  
Its: VICE PRESIDENT

By: Colette A. Frederick  
Name: COLETTE A. FREDERICK  
Its: VICE PRESIDENT

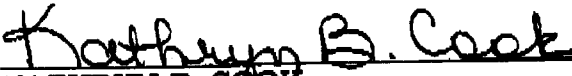
By: Donald R. Harris  
Name: DONALD R. HARRIS  
Its: VICE PRESIDENT

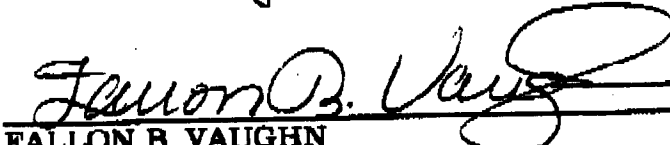
Jane Holland Browning  
JANE HOLLAND BROWNING,  
Co-Trustee under the Will of  
William Webb Browning, Jr.

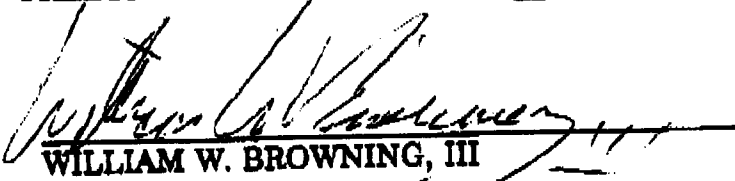
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MICHAEL G. STARNES,  
Co-Trustee under the Will of  
William Webb Browning, Jr.

  
AVERILLE B. DAWSON

  
KATHRYN B. COOK

  
FALLON B. VAUGHN

  
WILLIAM W. BROWNING, III

924319

THE STATE OF TEXAS §  
§  
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 2<sup>nd</sup> day of December, 1992, by Theresa Loyton on behalf of NATIONSBANK OF TEXAS, N.A. under the Wills of Hattie Louise Browning and Suzanne B. Browning, and the Wills of Harold Jeffreys Browning, and the Will of William Webb Browning, Jr.



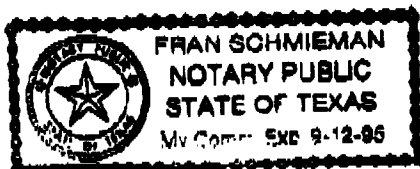
Fran Schmieman  
Notary Public in and for  
The State of Texas

FRAN SCHMIEMAN  
Printed Name of Notary

My Commission Expires: 9-12-95

THE STATE OF TEXAS §  
§  
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 2<sup>nd</sup> day of December 1992, by Collette Ludwick on behalf of NATIONSBANK OF TEXAS, N.A. under the Wills of Hattie Louise Browning and Suzanne B. Browning, and the Wills of Harold Jeffreys Browning, and the Will of William Webb Browning, Jr.



Fran Schmieman  
Notary Public in and for  
the State of Texas

FRAN SCHMIEMAN  
(Printed Name of Notary)

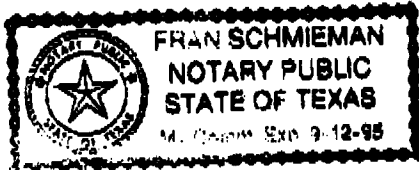
My commission expires: 9-12-95

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THE STATE OF TEXAS §  
§  
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 2nd day of December, 1992, by South H. Harris, on behalf of NATIONSBANK OF TEXAS, N.A. under the Wills of Hattie Louise Browning and Suzanne B. Browning, and the Wills of Harold Jeffreys Browning, and the Will of William Webb Browning, Jr.

Fran Schmieman  
Notary Public in and for  
the State of Texas



FRAN SCHMIEMAN  
(Printed Name of Notary)

My commission expires: 9-12-95

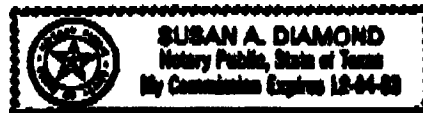
THE STATE OF TEXAS §  
§  
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 1 day of December, 1992, by JANE HOLLAND BROWNING, co-trustee under the Will of William Webb Browning, Jr.

Susan A. Diamond  
Notary Public in and for  
the State of Texas

SUSAN A. DIAMOND  
(Printed Name of Notary)

My commission expires: 12-04-93



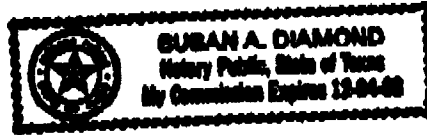
THE STATE OF TEXAS §  
§  
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 1 day of December, 1992, by MICHAEL G. STARNES as co-trustee under the Will of William Webb Browning, Jr.

Susan A. Diamond  
Notary Public in and for  
the State of Texas

SUSAN A. DIAMOND  
(Printed Name of Notary)

My commission expires: 12-04-93



THE STATE OF TEXAS §  
§  
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 1 day of December, 1992, by AVERILLE B. DAWSON.

Susan A. Diamond  
Notary Public in and for  
the State of Texas

SUSAN A. DIAMOND  
(Printed Name of Notary)

My commission expires: 12-04-93

