

749/315

No. 42189

Fred J. Stancliff et al

with

Thomas M. McDonald et al

Agreement

The State of Texas, County of Harris: Whereas, Fred J. Stancliff and wife, Florence Powers Stancliff, of the County of Harris and State of Texas, are at the present time the owners of Lot No. Twelve (12) in Block No. Three (3) of Ormond Place, an Addition to the City of Houston, in Harris County, Texas, according to a Map of said Addition of record in Vol. 6, page 43, of the Map Records of Harris County, Texas, which lot fronts approximately sixty two and one-half (62½) feet on the South side of North Boulevard; and, Whereas, Thomas M. McDonald, a single man, of Harris County, Texas, is at the present time the owner of a certain other lot or tract of land situated in the City of Houston, in Harris County, Texas, and lying immediately west of the above described Lot No. 12, in said Block No. 3 of said Ormond Place, the said tract so owned by the said Thomas M. McDonald fronting approximately one hundred and forty-eight (148) feet on the south side of said North Boulevard, and being the same tract of land conveyed to the said Thomas M. McDonald, by Mrs. Nora Barraco by deed recorded in Vol. 911, pages 262 et seq. of the Deed Records of Harris County, Texas, which said last described lot fronting as aforesaid one hundred and forty eight feet on North Boulevard shall for the purpose of this agreement be considered as two lots, neither of which shall have less than a 70 foot frontage on said North Boulevard; and Whereas, G. A. Brandt, W. A. Childress, J. M. Howe, R. W. Wier, R. S. Sterling, B. B. Gilmer and T. H. Monroe all of Harris County, Texas, Trustees of the Hermann Hospital Estate, a Charity trust created under the will of George H. Hermann, deceased, are in their capacity as such Trustees, at the present time the owners of two other lots, same being Lots Nos. One (1) and Two (2) of the Hermann Hospital Estate First Addition to the City of Houston, in Harris County, Texas, said two lots fronting approximately one hundred and twenty (120) feet on the south side of said North Boulevard; and, Whereas, the respective parties and the said respective owners of said five lots or tracts for the purpose of carrying out a uniform plan for the improvement and sale of said lands as residence property, have agreed among themselves to subject all of said five lots to the restrictions, conditions and limitations hereinafter set forth; Now, therefore, we, the said Fred J. Stancliff and wife, Florence Powers Stancliff, and the said Thomas M. McDonald, and the said Trustees of the Hermann Hospital Estate, acting in their capacity as such Trustees, for and in consideration of the benefits to accrue to our respective lots from subjecting same to a uniform set of restrictions, have agreed and do hereby agree among ourselves and each with other and/or others, that each and all of our said respective lots shall from the date hereof until January 1, 1961, be subject to the restrictions hereinafter set forth; it being understood, however, that nothing herein contained is intended, or shall operate to in any manner affect our respective titles to said lots, or the boundary, size or area of the said lots, or any of them, and that nothing herein contained shall make any of the parties to this instrument liable for any defaults or acts of any of the other parties hereto. Said restrictions shall be irrevocable and shall remain in force and effect as aforesaid until January 1, 1961, and this agreement embodying said restrictions, conditions and limitations shall forthwith be placed of record in the office of the Clerk of the County Court of Harris County, Texas, and each of the said parties hereto does hereby respectively agree to comply with and observe said restrictions, conditions and limitations, and each of said parties does hereby bind his, her or their heirs, legal representatives, assigns, assigns, grantees, tenants and lessees, and do hereby obligate and bind, so far as same may be legally done, to observe, and comply with said restrictions, limitations and conditions, but nothing herein contained shall impose or create any individual or personal liability upon or against any of the parties, either as individuals or as Trustees, or otherwise. The said restrictions, conditions and limitations hereby imposed upon each and all of the said

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1 any of the foregoing conditions, restrictions and limitations, it shall be lawful for any  
2 person owning any of said above described lots which are subject to the foregoing restrictions,  
3 limitations and conditions in respect to which default be made, to institute and prosecute proper  
4 proceedings, at law or in equity, for the wrong done, or attempted to be done.  
5 No violation or failure to observe, or comply with any of said restrictions, limitations or  
6 conditions, or any of them, shall ever be held to constitute a waiver of any of said restrictions  
7 limitations or conditions, No owner of any such lot shall be under any obligation or duty  
8 respecting said restrictions, conditions and limitations after he shall have conveyed or parted  
9 with his title or interest in such lot; neither shall any person or any future owner of any of  
10 said lots be under any obligation or duty to enforce said restrictions, conditions or limitations  
11 as to, or upon any other lot not owned by him; and nothing herein contained shall impose any  
12 liability upon any person except for his own defaults. Executed this the 14th day of  
13 December, A.D. 1935. Fred J. Stancliff Florence Powars Stancliff

14 Thomas M. McDonald Board of Trustees of Hermann Hospital Estate

15 By: G.A. Brandt, President, and By: W.A. Childress, Secretary.

16 The State of Texas, County of Harris; Before me, the undersigned authority, a  
17 Notary Public in and for Harris County, Texas, on this day personally appeared Fred J. Stancliff and  
18 Florence Powars Stancliff, wife of the said Fred J. Stancliff, known to me to be the persons  
19 whose names are subscribed to the foregoing instrument of writing, and severally acknowledged to  
20 me that they executed the same for the purposes and consideration therein expressed.  
21 And the said Florence Powars Stancliff, wife of the said Fred J. Stancliff, having been examined  
22 by me privily and apart from her said husband, and having the same by me fully explained to her,  
23 she, the said Florence Powars Stancliff, acknowledged such instrument to be her act and deed,  
24 and declared that she had willingly signed the same for the purposes and consideration therein  
25 expressed, and that she did not wish to retract it. Given under my hand and seal of  
26 office, this the 17 day of December, A.D. 1935.

27 H.F. Junker, Notary Public in and for Harris County, Texas. (Seal)

28 The State of Texas, County of Harris; Before me, the undersigned authority, a  
29 Notary Public in and for Harris County, Texas, on this day personally appeared Thomas M. McDonald  
30 a single man, known to me to be the person whose name is subscribed to the foregoing instrument  
31 of writing, and acknowledged to me that he executed the same for the purposes and consideration  
32 therein expressed. Given under my hand and seal of office, this the 17th day of  
33 December, A.D. 1935. Sterling Myer, Jr. Notary Public in and for Harris County, Texas. (Seal)

34 The State of Texas, County of Harris; Before me, the undersigned authority, a  
35 Notary Public in and for Harris County, Texas, on this day personally appeared G.A. Brandt and  
36 W.A. Childress, President and Secretary respectively of the Board of Trustees, of Hermann  
37 Hospital Estate, known to me to be the persons whose names are subscribed to the foregoing instru-  
38 ment, of writing, and severally acknowledged to me that they executed the same for the purposes  
39 and consideration and in the capacity therein stated, and as the act and deed of said Hermann  
40 Hospital Estate, and its Board of Trustees. Given under my hand and seal of office,  
41 this the 17th day of December, A.D. 1935.

42 Maude DeKress, Notary Public in and for Harris County, Texas. (Seal)

43 Filed for record Dec. 18, 1935 at 10:00 o'clock A.M. Recorded Dec. 24, 1935 at 11:00 o'clock A.M.

44 *Notary Public* Clark County Court, Harris County, Texas. By: *Maude DeKress*