

MANDELL PLACE DEED RESTRICTIONS

The following is a recitation of the deed restrictions as filed in the deed records of Harris County and applicable to property in Mandell Place, an addition to the City of Houston.

- a. The cost of any residence erected on any corner lot in Blocks Two (2), Four (4), seven (7), Six (6), Eight (8), and Nine (9) in said addition shall be not less than five thousand dollars (\$5,000.00), and on any inside lot in said blocks shall be not less than forty five hundred dollars (\$4,500.00) except the residences erected on lots facing on Alabama Street in said blocks shall cost not less than five thousand (\$5,000.00) and shall be built of stucco, brick, brick veneer, hollow tile or concrete.

- b. No residence or other building or other improvements of any kind shall be erected on any lot or lots facing Alabama Street in said addition nearer than thirty (30) feet from the front property line of any such lot or lots, and those erected on any other lot in said addition shall be at least twenty five (25) feet from the front property line, except those erected on lots in Blocks Seven (7) and Eight (8), on which lots the improvements are to be a distance of at least twenty (20) feet from the front property line. The front line of the front porch of the house is to be considered the house line. All residences shall face on streets running east and west.

- c. No fence of any character shall be erected on said premises within thirty five (35) feet of the front property line, unless the same shall be an iron picket yard fence, which shall not exceed thirty (30) inches in height, including the coping.

- d. No barns, servants' houses, carriage house, garage or other such building shall be erected on said lot or lots in said addition within seventy five (75) feet of the front property line, nor nearer than ten (10) feet to the property line of any street running along the side of the lot or lots.¹
- e. No spirituous, vinous, or malt liquors or medicated bitters capable of producing intoxication, shall ever be sold or offered for sale on said premises or any part thereof, nor shall said premises or any part thereof ever be used for any business purpose of any character whatever.
- ~~f. The premises herein described shall never be sold, conveyed, or demised to any person except of the Caucasian race.²~~
- g. For the purpose of protecting the streets and benefiting the civic appearance of the addition, the grantor reserves the right at all times to enter along the rear property lines of the lots of this addition within a distance of three (3) feet of such line, for the purpose of installing and repairing gas, sewerage, telephone and electric light services.
- h. The restrictions contained in this deed do not apply as to Lot Eight (9) in Block Nine (9), on which a residence has already been built.

¹ Pursuant to Final Judgment on a case dated October 3, 1988 In an Agreed Final Judgment dated October 3, 1988, settling a recent deed restriction lawsuit, the court found "...valid and binding restrictions, covenants and conditions applicable to Lot 15, Block 5 and Lots 10 and 11 of Block 4 of Mandell Place as well as all other properties in Mandell Place, , excepting those facing on West Alabama and Westheimer Streets; provided, however, that the racial restriction set out in lettered paragraph (f) of said deed is hereby declared void and unenforceable...."

² Pursuant to Final Judgment on a case dated October 3, 1988 of settling a deed restriction lawsuit pursuant to the validity of building restrictions, the court further rendered Paragraph (f) of the Mandell Place Deed Restrictions invalid in accordance with Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), which, as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents of legal custodians, pregnant women, and people securing custody of children under the age of 18), and handicap (disability).

"The Grantees accepts this conveyance subject to the restrictions, easements and conditions above set forth, which it is agreed shall be deemed to be covenants running with the land..."

ADDENDUMS

In an Agreed Final Judgment dated October 3, 1988, settling a recent deed restriction lawsuit, the court found "...valid and binding restrictions, covenants and conditions applicable to Lot 15, Block 5 and Lots 10 and 11 of Block 4 of Mandell Place as well as all other properties in Mandell Place, excepting those facing on West Alabama and Westheimer Streets; provided, however, that the racial restriction set out in lettered paragraph (f) of said deed is hereby declared void and unenforceable..."