

Jamaica Corporation  
**DEED RESTRICTIONS**  
**SECTIONS 10 and 15**

STATE OF TEXAS  
COUNTY OF GALVESTON  
Office of County Clerk

Filed 11-6-1963  
Recorded: Book 1592, P. 281-390  
Plat Map: Vol. 7, P. 79 & 81

1 KNOW ALL MEN BY THESE PRESENTS:

2 That JAMAICA CORPORATION, a Texas Corporation, Owner of that certain property conveyed  
3 by deed from R. E. Smith, dated September 12, 1963, and recorded in Volume 1589, Page 118, of  
4 the Deed Records of Galveston County, Texas, part of which properties have been subdivided  
5 under the name of **Section 10 and Section 15**, Jamaica Beach, in accordance with the lines, lots,  
6 building lines, street and easements shown on the recorded plat of said **Section 10 and Section**  
7 **15**, Jamaica Beach, recorded in Book 254-A, Page 89 of the Map Records of Galveston County,  
8 Texas, do hereby dedicate, subject to the reservations contained herein, to the purchasers of lots in  
9 said **Section 10 and Section 15**, of Jamaica Beach, and the purchasers of lots in adjoining property  
10 which has been or may be developed and sold by Jamaica Corporation, all of the streets and  
11 canals shown thereon forever. Said streets and canals are dedicated as such for the exclusive use  
12 and benefit of the purchasers of lots in said **Section 10 and Section 15** of Jamaica Beach, and the  
13 purchasers of lots in adjoining property which has been or may be developed by Jamaica  
14 Corporation, but said streets and canals are not hereby dedicated to public use.

15 Easements for utilities are reserved on the front ten (10) feet of each lot sub-divided in the Plat  
16 of **Section 10 and 15**, Jamaica Beach. These easements are reserved to Jamaica Corporation, its  
17 successors and assigns, and are not dedicated to public use.

18 Jamaica Corporation, for itself and its successors and assigns, hereby expressly reserves the  
19 exclusive right and easement in the streets shown on the recorded Plat of said **Section 10 and**

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20        **Section 15** of Jamaica Beach, and in the utility easements on the front ten (10) feet of each lot  
21        therein, to lay, construct, maintain, and remove utility lines and facilities (including, but without  
22        limitation water lines, sewer lines, gas lines, electric lines and telephone lines), and further  
23        reserves the exclusive right and easement to grant franchises and easements to utility owners to  
24        lay, construct, maintain, and remove utility lines in said streets and utility easements.

25                There is also dedicated for utilities an unobstructed aerial easement five (5) feet wide from a  
26        plane twenty (20) feet above the ground upward located adjacent to all easements reserved herein.

27        Further, all of the property subdivided in the above and foregoing recorded map shall be  
28        restricted in its use, which restrictions shall run with the title to the property and shall be  
29        covenants running with the land, as follows:

- 30                1) All lots shall be used for single family residence purposes only.
- 31                2) No structure of any type shall be constructed, placed or altered on any lot until plans,  
32                specifications and location of the structure have been approved by the **Jamaica Beach**  
33                **Improvement Committee** as herein defined. The standards for approval for such  
34                structures will be in compliance with these restrictions, quality of materials and  
35                workmanship, the external design in relation to existing structures and the location with  
36                respect to topography of the property. Structure as used herein shall be held to include  
37                buildings, fences, house trailers, walls, swimming pools, playground equipment and  
38                outdoor cooking or eating facilities of a permanent nature.

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- 39           3) The ground floor area of all residences, exclusive of open porches and garages, shall  
40           not be less than 600 square feet.
- 41           4) All elevated structures built on pilings or other types of elevated foundations shall be  
42           designed so that the foundation will be beautiful in a manner to maintain standards set by  
43           the **Jamaica Beach Improvement Committee**.
- 44           5) No building shall be located on any corner lot siding Bob Smith Drive nearer than twenty-  
45           five (25) feet to Bob Smith Drive.
- 46           6) No building shall be located on any lot nearer than twenty-five (25) feet to the front or rear  
47           lot lines. No building will be located nearer than ten (10) feet to any side lot lines. Corner  
48           lots shall be deemed to front on the street side having the least frontage.
- 49           7) No noxious or offensive activity shall be carried on upon any lot nor shall anything be  
50           done thereon which may be or may become an annoyance or a nuisance to the  
51           neighborhood.
- 52           8) No animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot,  
53           except that dogs and cats (not to exceed two of each category) may be kept, provided  
54           they are not kept, bred, or maintained for any commercial purposes, but only for the use  
55           and pleasure of the owners of such lots.
- 56           9) Toilet facilities of all residences shall be installed inside the residence and shall be  
57           connected, before use, with a septic tank, provided by the owner of said lot. Such sewage  
58           disposal system shall be in accordance with the requirements of the State Department of

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59 Health and shall be subject to the inspection and approval of the Health Officer of  
60 Galveston County, Texas. The drainage of septic tanks into a road, street, canal, Gulf,  
61 Bay, or any public ditch is prohibited.

62 **10)** Drainage structures under private driveways shall have a net drainage opening area of  
63 sufficient size to permit the free flow of water without back water, and shall be a  
64 minimum of 1 $\frac{3}{4}$ square feet (12 inch diameter pipe culvert).

65 **11)** The owners or occupants of all lots in this subdivision shall at all times keep all weeds  
66 and grass thereon cut in a sanitary, healthful and attractive manner, and shall in no event  
67 use any lot for storage of material and equipment except for normal residential  
68 requirements or permit the accumulation of garbage, trash or rubbish of any kind. In the  
69 event of default on the part of the owner or occupant of any lot in this subdivision in  
70 observing the requirements, or any of them, Jamaica Corporation and any of its  
71 employees, agents, or representatives, may, without liability to the owner or occupant, in  
72 trespass or otherwise, enter upon said lot, cut or cause to be cut, such weeds and grass, and  
73 remove or cause to be removed, such garbage, trash, rubbish, etc., so as to place said lot in  
74 a neat attractive healthful and sanitary condition, may bill for the cost of such work either  
75 the owner or occupant of such lot. The owner or occupant, as the case may be, agrees by  
76 the purchase or occupation of any lot in this subdivision to pay such statement  
77 immediately upon receipt thereof.

78 **12)** No sign, advertisement, billboard, or advertising structure of any kind may be erected

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79           or maintained on any residential lot without the consent in writing of the Jamaica Beach  
80           Improvement Committee. Jamaica Corporation or members of the Committee shall have  
81           the right to remove any such sign, advertisement, or billboard or structure which is placed  
82           on any residential lot without such consent, and in so doing, shall not be liable, and is  
83           expressly relieved from any liability for trespass or other sort in connection therewith, or  
84           arising from such removal.

85           **13)** No boats, boat trailers, or boat rigging shall ever be parked or placed (except temporarily)  
86           nearer to the street than the building set-back lines. The parking of automotive vehicles  
87           on road shoulders for a period of longer than twelve (12) hours is prohibited.

88           **14)** The digging of dirt or the removal of any dirt from any lot is expressly prohibited except  
89           when necessary in conjunction with landscaping of such lot, or in conjunction with  
90           construction being done on such lot, but not fill material which will change the grade of a  
91           lot shall be placed thereon without the approval in writing of the Jamaica Beach  
92           Improvement Committee.

93           **15)** All residences and other buildings must be kept in good repair, and must be painted when  
94           necessary to preserve the attractiveness thereof.

95           **16)** All hunting rights on the property constituting **Section 10 and Section 15**, Jamaica Beach,  
96           are retained by Jamaica Corporation, its successors and assigns, and without the express  
97           written permission from Jamaica Corporation, its successors and assigns, or its duly  
98           authorized agents, purchasers of lots, their heirs, successors and assigns, shall not have

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99           the right to hunt on or from any property in the subdivision, or from any other property of  
100           Jamaica Corporation, or from any of the islands now owned by Jamaica Corporation or  
101           which may hereafter be constructed for or by Jamaica Corporation or assigns, and which  
102           islands are, or may be located in West Bay, within an area which would be contained by a  
103           projection to the north of the east and west property lines of the property conveyed to  
104           Jamaica Corporation by R. E. Smith as set forth above.

105           **17)** If at any time a purchaser of a lot, his heirs (successors) or assigns, should desire to sell  
106           the property purchased, or any part thereof, the same shall first be offered to Jamaica  
107           Corporation, its successors or assigns, which shall have the right to purchase the same at  
108           the price the purchaser, his heirs (successors) or assigns, can sell such property for; and if  
109           Jamaica Corporation, its successors or assigns, fail or refuse to exercise said option  
110           within ninety (90) days thereafter, said option shall become null and void as to such  
111           particular sale set forth in such notice; provided, however, that it is understood and agreed  
112           that said ninety (90) days' option shall extend from and after the date Jamaica  
113           Corporation, its successors or assigns, are notified by the purchaser, his heirs (successors)  
114           or assigns, of the price for which said property can be sold.

115           **18) The Jamaica Beach Improvement Committee** shall be composed initially of Welcome  
116           W. Wilson, John Paxton, Sherwood Crane and Susie Schuler. After an aggregate of  
117           seventy-five (75) per cent of the lots platted and to be platted out of the land conveyed by  
118           R. E. Smith in his deed to Jamaica Corporation dated September 12, 1963, recorded in

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119           Volume 1589 at Page 118, of the Deed Records of Galveston County, Texas, which land  
120           is herein referred to as "Jamaica Beach", have been conveyed by deed from Jamaica  
121           Corporation, the then owners may appoint a committee composed of three (3) to five (5)  
122           members owning lots in Jamaica Beach to replace the membership of the initial  
123           committee, or the members or remaining member or members of the initial Committee  
124           may, in its discretion, before said seventy-five (75) per cent of the lots have been so  
125           conveyed by deed, fill vacancies on the Committee, which Committee shall never have  
126           less than three (3) nor more than five (5) members. Each owner shall be entitled to one  
127           vote for each lot to which he then holds record title.

128           **19)** After said aggregate of seventy-five (75) percent of the lots of Jamaica Corporation have  
129           been so conveyed by deed, then, either on motion of the **Jamaica Beach Improvement**  
130           **Committee**, or in the event ten (10) or more lot owners so request, The **Jamaica Beach**  
131           **Improvement Committee** may arrange for the initial election of the members of the  
132           Committee to replace those named herein. At any time after one year from the next  
133           preceding election, the Committee may arrange for any election for the removal or  
134           replacement of **Committee** members, either in its own discretion, or when so requested in  
135           writing by ten (10) or more lot owners. The initial election of any subsequent election  
136           shall be governed by the following rules:

137                   Written notice of such election, given by actual notice or by addressing such notice by  
138           mail to the last known address of each addressee at least two weeks prior to such election,

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139 shall be given to each of the then lot owners in Jamaica Beach. Certification as to the  
140 mailing of such notices shall be deemed to be sufficient under these rules. Votes shall be  
141 evidenced by written ballot and the ballot shall be retained for at least one year after such  
142 election. Election shall be by the majority vote of these owners then voting in such  
143 election. Vacancies occurring between elections may be filled by the remaining member  
144 or members of the Committee.

145 **20) The Jamaica Beach Improvement Committee** shall have the following powers and  
146 functions:

147 a) Collect and expend, in the interests of the subdivision as a whole, the maintenance  
148 fund herein created.

149 b) Enforce these covenants and restrictions by appropriate proceedings (but this power  
150 shall not be exclusive and may also be exercised by any lot owner in Jamaica Beach).

151 c) Enforce any lien imposed on any part of this subdivision by reason of the violation  
152 any of these covenants or restrictions, or by reason of failure to pay the maintenance  
153 charges herein provided, and to execute a release of such lien upon performance.

154 d) Approve or reject plans and specifications for improvements to be erected in Jamaica  
155 Beach. All plans and specifications for improvements must be submitted to the  
156 Committee for approval prior to the commencement of construction of any such  
157 improvement. If the committee fails to act within thirty (30) days after submission to

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158                   it of plans and specifications, construction in accordance with these restrictions may  
159                   begin.

160               **21)** Each lot in said **Section 10 and Section 15**, Jamaica Beach, conveyed by Jamaica  
161               Corporation, its successors or assigns, is hereby; subjected to an annual maintenance  
162               charge of **twenty-five (25) dollars** per year for the purpose of creating a fund to be known  
163               as Maintenance Fund, to be paid by the owner of the lot, the same to be secured by a  
164               vendor's lien upon said lot, and payable annually on the first day of January of each year  
165               in advance beginning January 1, 1964, to **Jamaica Beach Improvement Committee**, at  
166               its office in Houston, Texas, and said charge and lien are hereby assigned to said  
167               Committee. The maintenance charge for a lot purchased during a calendar year shall be  
168               prorated in the proportion that the remaining months in the year bear to the whole year.  
169               Funds arising from said charge shall be applied, so far as sufficient, toward the payment of  
170               maintenance expenses incurred for any or all of the following purposes: lighting,  
171               improving and maintaining the streets, sidewalks, paths, canals, parks, parkways,  
172               esplanades, area between curb and sidewalk, collecting and disposing of garbage, ashes,  
173               rubbish and the like in said areas; and doing any other thing necessary or desirable in the  
174               opinion of said Committee to keep the property neat and in good order, or which it  
175               considers of general benefit to the owners or occupants of the addition, it being understood  
176               that the judgment of said committee in the expenditure of said fund shall be final so long  
177               as such judgement is exercised in good faith.

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178                   Such maintenance charge shall extend for a period of twenty-five (25) years from  
179                   January 1, 1964, and shall be extended automatically for successive periods of ten (10)  
180                   years unless the then owners of a majority of the lots in the entire addition vote to  
181                   discontinue such charge, such action to be evidenced by written instrument signed and  
182                   acknowledged by the owners of a majority of the lots and recorded in the Deed Records of  
183                   Galveston County, Texas. By acceptance of his deed each purchaser agrees and consents  
184                   to and joins in such maintenance charge.

185                   **22)** These covenants and restrictions shall run with the land, and shall be binding on all parties  
186                   and all persons claiming under them for a period of twenty-five (25) years from the date  
187                   these covenants are recorded in the office of the County Clerk of Galveston County,  
188                   Texas, after which time such covenants shall be extended automatically for successive  
189                   periods of ten (10) years, unless an instrument signed by the majority of the then owners  
190                   of the lots has been recorded, agreeing to change such covenants in whole or in part or to  
191                   revoke them.

192                   **23)** Enforcement of these covenants and restrictions may be by proceedings at law or in equity  
193                   against any person or persons violating or attempting to violate any covenant or restriction  
194                   either to restrain such violation or proposed violation or to recover damages. Such  
195                   enforcement may be by the owner of any lot in said subdivision.

196                   **24)** No boat which is used for commercial purposes will be allowed to operate or be  
197                   anchored or docked in any manner in any canal. Furthermore, all boats operated,

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198 anchored or docked in any manner in the canal must be approved by the **Jamaica Beach**  
199 **Improvement Committee** as to appearance, size and loudness of motors in order that no  
200 boat of any type which is unsightly, oversized or has an unusually loud motor will be  
201 allowed to be placed in the canal and therefore detract from the value of the lots abutting  
202 these canals

203 *COPY OF SIGNATURE PAGE ATTACHED*

204 *ORIGINALS ON FILE*