

A Jamaica Corporation  
**DEED RESTRICTIONS**

**Section 20**

**STATE OF TEXAS**  
**COUNTY OF GALVESTON**  
Office of County Clerk

**Filed 10-7-1964**  
**Recorded: Book 1664,P.452-459**  
**Plat Map-7 Vol. P. 90**

1 KNOW ALL MEN BY THESE PRESENTS:

2 That JAMAICA CORPORATION, a Texas Corporation, Owner of that certain property  
3 conveyed by deed from R. E. Smith, dated July 29, 1957, and recorded in Volume 1589,  
4 Page118, of the Deed Records of Galveston County, Texas, part of which properties have been  
5 subdivided under the name of **Section 20** Jamaica Beach, in accordance with the lines, lots,  
6 building lines, street and easements shown on the recorded plat of said **Section 20**, Jamaica  
7 Beach, recorded in Book 1616, page 7 of the Map Records of Galveston County, Texas, do  
8 hereby dedicate, subject to the reservations contained herein, to the purchasers of lots in said  
9 **Section 20**, of Jamaica Beach, and the purchasers of lots in adjoining property which has been  
10 or may be developed and sold by Jamaica Corporation, all of the streets and canals shown  
11 thereon forever. Said streets and canals are dedicated as such for the exclusive use and benefit  
12 of the purchasers of lots in said **Section 20** of Jamaica Beach, and the purchasers of lots in  
13 adjoining property which has been or may be developed by Jamaica Corporation, but said  
14 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  
16 Plat of **Section 20**, 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 20** of  
20 Jamaica Beach, and in the utility easements on the front ten (10) feet of each lot therein, to lay,

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21           construct, maintain, and remove utility lines and facilities (including, but without limitation  
22           water lines, sewer lines, gas lines, electric lines and telephone lines), and further reserves the  
23           exclusive right and easement to grant franchises and easements to utility owners to lay,  
24           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  
26           a plane twenty (20) feet above the ground upward located adjacent to all easements reserved  
27           herein.

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

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

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- 40           3) The ground floor area of all residences, exclusive of open porches and garages, shall not  
41           be less than 600 square feet.
- 42           4) All elevated structures built on pilings or other types of elevated foundations shall be  
43           designed so that the foundation will be beautiful in a manner to maintain standards set by  
44           the **Jamaica Beach Improvement Committee**.
- 45           5) No building shall be located on any lot nearer than twenty-five (25) feet to the front lot  
46           lines. No building will be located nearer than ten (10) feet to any side lot line except the  
47           boat house on lots 8, 9 and 10 may be constructed within the area bounded by the  
48           bulkheaded boat slip. Corner lots shall be deemed to front on the street side having the  
49           least frontage.
- 50           6) No noxious or offensive activity shall be carried on upon any lot nor shall anything be  
51           done thereon which may be or may become an annoyance or a nuisance to the  
52           neighborhood.
- 53           7) No animals, livestock or poultry of any kind shall be raised, bred, or maintained for any  
54           commercial purposes, but only for the use and pleasure of the owners of such lots.
- 55           8) Toilet facilities of all residences shall be installed inside the residence and shall be  
56           connected, before use, with a septic tank, provided by the owner of said lot. Such sewage  
57           disposal system shall be in accordance with the requirements of the State Department of  
58           Health and shall be subject to the inspection and approval of the Health Officer of  
59           Galveston County, Texas. The drainage of septic tanks into a road, street, canal, Gulf, Bay,

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60 or any public ditch is prohibited. The over-night occupancy of houses will not be  
61 permitted until toilet facilities have been completed.

62 **9)** 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 minimum  
64 of 1 $\frac{3}{4}$ square feet (12 inch diameter pipe culvert).

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

78 **11)** No sign, advertisement, billboard, or advertising structure of any kind may be erected or  
79 maintained on any residential lot without the consent in writing of the **Jamaica Beach**

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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           **12)** 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 on  
87           road shoulders for a period of longer than twelve (12) hours is prohibited.

88           **13)** 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 no 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           **14)** All residences and other buildings must be kept in good repair, and must be painted when  
94           necessary to preserve the attractiveness thereof.

95           **15)** All hunting rights on the property constituting **Section 20**, Jamaica Beach, are retained by  
96           Jamaica Corporation, its successors and assigns, and without the express written permission  
97           from Jamaica Corporation, its successors and assigns, or its duly authorized agents,  
98           purchasers of lots, their heirs, successors and assigns, shall not have the right to hunt on or  
99           from any property in the subdivision, or from any other property of Jamaica Corporation,

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100 or from any of the islands now owned by Jamaica Corporation or which may hereafter be  
101 constructed for or by the Jamaica Corporation, its successors or assigns, and which islands  
102 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 **16)** 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, fail or refuse to exercise said  
109 option within ninety (90) days thereafter, said option shall become null and void as to such  
110 particular sale set forth in such notice; provided, however, that it is understood and agreed  
111 that said ninety (90) days' option shall extend from and after the date Jamaica Corporation  
112 its successors or assigns, are notified by the purchaser, his heirs (successors) or assigns, of  
113 the price for which said property can be sold.

114 **17) The Jamaica Beach Improvement Committee** shall be composed initially of Eugene  
115 Maier, John Paxton, and Susie Schuler. After an aggregate of seventy-five (75) per cent of  
116 the lots platted and to be platted out of the land conveyed by R E. Smith in his deeds to  
117 Jamaica Corporation dated September 12 1963, and recorded in Volume 1589, Page 118,  
118 respectively of the Deed Records of Galveston County, Texas, which land is herein referred  
119 to as "Jamaica Beach", have been conveyed by deed from Jamaica Corporation, the then  
120 owners may appoint a committee composed of three (3) to five (5) members owning lots

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121 in Jamaica Beach to replace the membership of the initial Committee, or the members or  
122 remaining member or members of the initial Committee may, in its discretion, before said  
123 seventy-five (75) per cent of the lots have been so conveyed by deed, fill vacancies on the  
124 Committee, which Committee shall never have less than three (3) nor more than five (5)  
125 members. Each owner shall be entitled to one vote for each lot to which he then holds  
126 record title.

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

136 Written notice of such election, given by actual notice or by addressing such notice by mail  
137 to the last known address of each addressee at least two weeks prior to such election, shall  
138 be given to each of the then lot owners in Jamaica Beach. Certification as to the mailing of  
139 such notices shall be deemed to be sufficient under these rules. Votes shall be evidenced  
140 by written ballot and the ballot shall be retained for at least one year after such election.

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141 Vacancies occurring between elections may be filled by the remaining member or members  
142 of the Committee. Election shall be by the majority vote of these owners then voting in  
143 such election..

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

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

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

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

153 d) Approve or reject plans and specifications for improvements to be erected in Jamaica  
154 Beach. All plans and specifications for improvements must be submitted to the  
155 Committee for approval prior to the commencement of construction of any such  
156 Improvement. If the committee fails to act within thirty (30) days after submission to  
157 it of plans and specifications, construction in accordance with these restrictions may  
158 begin.

159 **20) Each lot in said Section 20, Jamaica Beach, conveyed by Jamaica Corporation, its**  
160 successors or assigns, is hereby; subjected to an annual maintenance charge of **thirty-five**

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161 (\$35.00) dollars per year for the purpose of creating a fund to be known as Maintenance  
162 Fund, to be paid by the owner of the lot, the same to be secured by a vendor's lien upon  
163 said lot, and payable annually on the first day of January of each year in advance beginning  
164 January 1, 1964, to **Jamaica Beach Improvement Committee**, at its office in Houston,  
165 Texas, and said charge and lien are hereby assigned to said Committee. The maintenance  
166 charge for a lot purchased during a calendar year shall be prorated in the proportion that  
167 the remaining months in the year bear to the whole year.

168 Funds arising from said charge shall be applied, so far as sufficient, toward the payment  
169 of maintenance expenses incurred for any or all of the following purposes: lighting,  
170 improving and maintaining the streets, sidewalks, paths, canals, parks, parkways,  
171 esplanades, area between curb and sidewalk, collecting and disposing of garbage, ashes,  
172 rubbish and the like in said areas; and doing any other thing necessary or desirable in the  
173 opinion of said Committee to keep the property neat and in good order, or which it  
174 considers of general benefit to the owners or occupants of the addition, it being understood  
175 that the judgment of said committee in the expenditure of said fund shall be final so long as  
176 such judgment is exercised in good faith

177 Such maintenance charge shall extend for a period of twenty-five (25) years from  
178 January 1, 1964, and shall be extended automatically for successive periods of ten (10)  
179 years unless the then owners of a majority of the lots in the entire addition vote to  
180 discontinue such charge, such action to be evidenced by written instrument signed and  
181 acknowledged by the owners of a majority of the lots and recorded in the Deed Records of

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182 Galveston County, Texas. By acceptance of his deed each purchaser agrees and consents to  
183 and joins in such maintenance.

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

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

195 **23)** No boat which is used for commercial purposes will be allowed to operate or be anchored  
196 or docked in any manner in any canal. Furthermore, all boats operated, anchored or docked  
197 in any manner in the canal must be approved by the **Jamaica Beach Improvement**  
198 **Committee** as to appearance, size and loudness of motors in order that no boat of any type  
199 which is unsightly, oversized or has an unusually loud motor will be allowed to be placed  
200 in the canal and therefore detract from the value of the lots abutting these canals.

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201           **24)** No pier, wharf or other structure shall be erected in any canal except upon the express  
202                   approval in writing of the Jamaica Beach Improvement Committee. The use of automotive  
203                   tires or other unsightly materials for hold off fenders or pier construction is prohibited.

204

205   *COPY OF SIGNATURE PAGE ATTACHED*

206   Originals on file