RESTRICTIVE COVENANT AGREEMENT

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PG.

STATE OF TEXAS)
)
COUNTY OF HOOD)

KNOW ALL MEN BY THESE PRESENTS:

THIS AGREEMENT, made this 10th day of February 2005, by and between ACTON MUNICIPAL UTILITY DISTRICT (herein AMUD) and Michael J. Brown and Jeane L. Brown along with Mill Stream Investments, Inc. L.P. (Herein OWNER);

WHEREAS, AMUD proposes to extend service to certain real property owned by OWNER and OWNER desires to receive service from AMUD to said real property, which is more fully described as follows:

MAIN PLACE SUBDIVISION – PHASE ONE
40 30 ACRES IN WILLIAM CATHEY SURVEY
AS RECORDED IN HOOD COUNTY, TEXAS PLAT RECORDS SLIDE #: B378

WHEREAS, it is the desire and intention of the parties hereto to restrict said land so that no water wells shall be drilled upon the land and that no other water distribution, irrigation or sewerage collection system shall be utilized on said land so long as such service is furnished to the land by AMUD or its successor

NOW, THEREFORE, for and in consideration of the mutual promises, covenants and agreement of the parties hereto, AMUD and OWNER agree that no water well shall be drilled upon the hereinabove described real property by OWNER, owner's heirs, successors, and assigns and that no other water, irrigation or sewerage system shall be utilized by OWNER, owner's heirs, successors, and assigns so long as such service shall be provided to said land by AMUD or its successor Any Residences or commercial buildings constructed within the District must be connected to and supplied by the District water system and no other water or irrigation distribution system or supply, will be used or allowed. The only exception that properties located adjacent to a lake or river may irrigate that property, subject to an appropriate permit issued by a governmental authority. This restriction shall run with the land and shall be binding upon OWNER and owner's heirs, administrators, executors, successors and assigns.

IN WITNESS WHEREOF, this Agreement has been duly executed on this _____ day of February, 2005

Michael J. Brown -Petitioner

Jeane L. Brown – Petitioner

Pete James - Petitioner,
President Mill Stream Investments, Inc. L.P.

STATE OF TEXAS)
COUNTY OF HOOD)

This instrument was acknowledged before me by Michael J. Brown, on the 11 day of February, 2005

Notary Public, State of Texas

DANIELLE WALL
NOTARY PUBLIC
STATE OF TEXAS
My Commission Expires 04-05-2005

STATE OF TEXAS)
COUNTY OF HOOD)

This instrument was acknowledged before me by Pete James, President Mill Stream Investments, Inc. L.P. on the 10th day of February, 2005

Notary Public, State of Texas

CYNTHIA SADLER
NOTARY PUBLIC
STATE OF TEXAS
My Comm Exp May 31, 2006

STATE OF TEXAS)
COUNTY OF HOOD)

This instrument was acknowledged before me by Jeane L. Brown, on the 11 day of February, 2005

Notary Public, State of Texas

DANIELLE WALL
NOTARY PUBLIC
STATE OF TEXAS
My Commission Expires 04-05-2005

FILED FOR RECORD
AT 1 5:15 A M.
APR 19 2005

County Clerk, Hood County, TX

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under Federal law.
STATE OF TEXAS COUNTY OF HOOD
I hereby certify that this instrument was filed on the date and at the time stamped hereon by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS OF HOOD COUNTY TEXAS, in the Volume and Page as shown hereon.

SALLY OUBRE, County Clerk
Hood County, Texas

AFTER FILING RETURN TO:
Acton Municipal Utility District
2001 Fall Creek Highway
Granbury, Texas 76049