

Covenants and Deed Restrictions

That certain called 43.89 acre tract, part of the J. C. Gilleland Survey A-318, Van Zandt County, Texas. As recorded in Document # 2022-003230, Van Zandt County Public Records.

Article I Property Rights

1. Easements

A) All Tracts have a seventy-five foot (75') building set-back line from property along any County roads. Within these easements, no dwelling, structure, planting, or other material shall be placed or permitted to remain thereon which may damage or interfere with the installation and maintenance of utilities, or which may damage, interfere with, or change the direction of flow of drainage facilities in the easements. The Owner of such tract, except for maintenance of which a public utility company is responsible, therein shall continuously maintain the area of each tract and all improvements. In addition, all tracts have side building set-back lines of fifteen feet (15') and a rear set-back line of fifteen feet (15').

B) Such easements, reservations, and rights of way shall at all times be open and accessible to public and quasi-public corporations, their employees and contractor, and shall also be open and accessible to Declarant, its successors and assigns, all of whom shall have the right and privilege of doing whatever may be necessary in, on, under, and above such locations to carry out any of the purposes for which such easements, reservations and rights of way are reserved.

C) All tracts with utility easements are subject to restrictions from building on or near as detailed in recorded documents per plat and surveys.

D) All tracts within the Joint Access Driveway Agreement acknowledge that Van Zandt County will NOT maintain, repair or add the driveway to any future County Maintenance.

Article II Use Restrictions

The Property shall be occupied and used only as follows:

2-1 Each tract shall be used as a residence and or recreational property. No commercial business is allowed on tracts except those small hobby type conducted in an enclosed approved structure. Any commercial signage, material delivery or customer parking is prohibited. No structure may be placed closer than twenty feet (25) from the public or private access point without written permission of the Architectural Control Committee (also known as ACC). No

residence may be placed within twenty five feet (25') of any one side or rear line with prior ACC approval.

2-2 No obnoxious or offensive activities shall be carried on upon any Tract, nor shall anything be done thereon which may be or become an annoyance or a nuisance to the neighborhood. No portion of the property shall be used in a manner that adversely affects adjoining tracts or creates any annoyance or nuisance to other tract owners. This shall include noise pollution such as barking

dogs, loud music or any other animal or fowl that creates a nuisance. Tracts of less than 10 acres are not allowed to discharge weapons unless for self-protection.

2-3 The raising or keeping of hogs on any part of a tract is prohibited. The raising of horses and cows shall be allowed on tracts but limited to one head per acre. Chickens, guinea fowl, or peafowl shall be permitted provided their number is limited to three (3) per acre. No Roosters are permitted on any tract. Shelter for these animals shall be located in the rear one-third (1/3) of the property, not visible from the road, a minimum of fifty feet (50') from the side property line and neatly maintained in an enclosed area. Exotic Game shall be allowed upon the property, with the exception of those that would affect the health, safety and or welfare of any of the landowners within the subdivision. (Any and all animals, including household pets, require appropriate fencing to confine them to their tract.) No animals shall be permitted until the appropriate fencing is completed. All of the above animals are allowed, providing that the land owner controls noise, refuse, and odor from said animals so that they are not a nuisance to neighboring land owners.

2-4 No rubbish, trash, garbage, or other waste material, shall be kept on any tract. No part of the Property, including any tract shall be used or maintained as dumping grounds for rubbish, trash, building materials or garbage. Equipment shall be kept in a clean and sanitary condition and shall be located on the back 1/3 of the property. No tract shall be used for open storage of any materials whatsoever. Construction materials appropriate for a new, approved structure may be stored on the property for a reasonable period of time.

2-5 No privacy fence, hedge, wall, or other dividing barrier over six (6) feet in height measured from the ground on which it stands shall be constructed or maintained on any tract except in the back yard of a dwelling on a tract.

2-6 No tent, shack, barn, shed, or temporary building of any kind shall be used as a temporary or permanent residence without written approval from ACC.

2-7 No repairing or restoration of motor vehicles shall be permitted on any tract without written permission from the Architectural Control Committee, and all repairs or restoration must be performed in an enclosed building. No motor vehicle shall be left parked, abandoned

or otherwise unattended on any portion of any tract or street within the Subdivision for more than five (5) days. No motor vehicles that are not in operating condition or/or not bearing current license plates shall be permitted to remain on any portion of any tract.

2-8 Iron ore, top soil, clay, gravel, or marketable timber (including firewood) shall not be mined.

2-9 Each inhabited structure constructed on a tract shall be connected to a septic tank with capacity and drain field installed in accordance with the regulations of the Van Zandt County Health Officer and shall be inspected and approved by such Officer. This restriction is enforceable by the County Health Unit and/or the Seller of the tract of land. Prior to construction the Owner of said tract(s) shall contact said Health Officers for approval of individual septic systems. Pit privies and portable toilets are not allowed as waste disposal systems on any lot in the Subdivision.

2-10 One (1) single-family dwelling is allowed per tract unless written permission is given by the Architectural Control Committee for additional residences. All residences must have a county approved septic system.

2-11 No re-subdivision of any tract shall be permitted.

2-12 A tract owner may dispose of timber for building sites and gardens, but must leave ample trees for shade over tract.

2-13 All driveways are to be installed and maintained by each tract Owner and approved by the Van Zandt County Commissioners office.

2-14 The placement of any fence must be approved in writing by the Architectural Control Committee. If a fence is installed without the Architectural Control Committee's prior approval, the fence is subject to being removed without notice.

Article III Architectural Control

All structures, dwellings or housing must be approved in writing by the Architectural Control Committee prior to the placement or start of construction of said structure, dwelling or housing.

3-1-1 No mobile homes are allowed on any tract. All driveway culverts shall be sized and installed in accordance with the policies of Van Zandt County.

3-1 The ground area of each site-built home, barn type dwelling, or other acceptable dwellings exclusive of porches, carports, and storage spaces shall not be less than 2,000 square feet of heated and cooled area. (It is the Declarant's opinion that size of a structure does not dictate value but quality materials as well as architectural style). All site-built homes must have exterior construction completed in its entirety within 180 days from written approval

3-2 RV's, late-model well maintained, and attractive 5th wheels or camper type trailers may be used for a temporary weekend or holiday residence. Said residences may be used as full time residences during home construction and automatically granted additional 30-day extensions provided the residence is neat in appearance and property is well maintained. **Permission may be revoked at any time, as deemed necessary by the ACC.**

3-3 Metal storage containers are allowed up to one per tract. They must be placed behind a built residence or barn and must be completely painted the same color as residence or barn. Containers must be approved prior to placement.

3-4 COMMITTEE MEMBERSHIPS. The Architectural Control Committee is composed of Kenneth Lane and S.E. Rutledge. In the event of death or resignation of any member of the Committee, the remaining member shall have full authority to designate a successor.

3-5 RIGHT OF WAIVER. The Committee shall have the right to waive any restriction if the Committee deems such waiver to be in the best interest of the tract Owner and such action will not alter the general scheme of the adjoining tract.

3-6 **Seller is not responsible for any rollback taxes due to the change in use of said property from agricultural to non-agricultural or. It is the purchaser's responsibility to individually apply for agricultural use and to pay such roll back if assessed.**

3-7 These restrictions are enforceable by the Declarant or any individual Purchaser or Owner of any tract or lot as shown on Exhibit A. Declarant shall have right to (but not the obligation) to enforce any of these provision by any available remedy at law in equity. Nothing herein shall be construed as compelling the Declarant to enforce any of these provisions, nor shall failure to enforce any of these provisions be deemed a right of waiver of the enforcement of the provision. These Restrictions shall be effective for a term of twenty (20) years from the effective date, after which time said Restrictions shall be automatically extended for successive periods of ten (10) years. These Restrictions may be amended by an instrument signed by not less than seventy five percent (75%) of the tract, or lot owners, with an amendment recorded in the official records of Van Zandt County, Texas. Further, Declarant reserves the right to unilaterally amend these Restrictions for five (5) years from the effective date hereof in order to make corrections of typographical or grammatical errors, oversight, ambiguity or inconsistency appearing herein, provided that any such unilateral amendment by the

Declarant shall be consistent with and in furtherance of the general plan and scheme of development of the Subdivisions.

Buyer _____ Date _____

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