

Lakeview Hills Subdivision

9/04 update

KNOW ALL MEN BY THESE PRESENTS, that these rules and regulations, to govern LAKEVIEW HILLS Subdivision, an original 45.0215 acre tract or development in the Matthew Hubert Survey, Abstract 22, San Jacinto County, Texas which was subdivided and platted into a residential subdivision and recorded in Volume 109, Page 431 of the Map Records of San Jacinto County, Texas will modify, amend, bring up to date and supersede the original document filed by LAKLIV, INC., for LAKEVIEW HILLS Subdivision as of the 16th day of May, 1968, including Amendments and revised Deed Restrictions of 1986 and 1997 including Amendments on file in the San Jacinto County Courthouse at Coldspring. In order to insure the continued orderly development on the above mentioned subdivision, so that the present and future owners of lots may derive the maximum benefit, pleasure, safeguard of sanitation and appearance, privacy, and so that the property value will be maintained at a high level, LAKEVIEW HILLS PROPERTY OWNERS ASSOCIATION does hereby further establish, adopt, and promulgate the following conditions, covenants, restrictions, reserves and easements, and the same shall apply uniformly to the use, improvements, and occupancy of all lots in the above referred to subdivision, including the utility, pool and playground area on Lots 56 and 57, marina ramp and pier's on Lots 35 and 36 and all easements as shown on recorded plat of said subdivision or as created herein, and are hereby binding on owners herein, its heirs and assigns and any and all purchasers of lots situated in the above referred to subdivision.

I

Creation

The Owners shall constitute the LAKEVIEW HILLS PROPERTY OWNERS ASSOCIATION ("LHPOA"). Each Owner of a Lot shall automatically be a member of the Lakeview Hills Property Owners Association. Lakeview Hills Property Owners Association Membership shall be appurtenant to ownership of a Lot. Ownership of a Lot is the sole criterion for membership in the Lakeview Hills Property Owners Association.

Transfer of Membership

Lakeview Hills Property Owners Association Membership can be transferred to the grantee of a conveyance of a Lot in fee. Membership shall not be assigned, pledged, or transferred in any other way. Any attempt to make a prohibited transfer shall be void.

Management of Lakeview Hills Property Owners Association

The Lakeview Hills Property Owners Association may be either unincorporated or incorporated as a nonprofit corporation. The Lakeview Hills Property Owners Association shall be managed by the Board pursuant to the procedures set forth in the Lakeview Hills Property Owners Association's article of incorporation and bylaws, subject to this Declaration.

Membership, Voting, Elections, and Meetings

Each Owner shall have one vote. There shall be at least one meeting of the membership each year. At that meeting, the Owners shall elect a Board consisting of seven (7) directors, vote on any other matters the Board chooses to place before the membership, and discuss any matter of Lakeview Hills Property Owners Association business that the Board or any Owner wishes to bring before the entire membership.

Duties and Powers of the Board

Through the Board, the Lakeview Hills Property Owners Association shall have the following powers and duties:

- (a) To adopt rules and regulations to implement this Declaration and the Lakeview Hills Property Owners Association's bylaws;
- (b) To enforce this Declaration, the bylaws, its rules and regulations;
- (c) To elect officers of the Board and select members of the Architectural Control Committee when that power devolves to the Board;
- (d) To delegate its powers to committees, officers, or employees;
- (e) To prepare a balance sheet and operating income statement for the Lakeview Hills Property Owners Association and deliver a report to the membership at its annual meeting;
- (f) To establish and collect regular assessments to defray expenses attributable to the Lakeview Hills Property Owners Association's duties, to be levied against each Owner;
- (g) To establish and collect special assessments for capital improvements or other purposes;
- (h) To file liens against unit owners because of nonpayment of assessments duly levied and to foreclose on those liens;
- (I) To receive complaints regarding violations of this Declaration, the bylaw's or the rules and regulations;
- (j) To hold hearings to determine whether to discipline Owners who violate this Declaration, the bylaws, or the rules and regulations;
- (k) To give reasonable notice to all Owners of all annual meetings of the membership and all discipline hearings;
- (l) To hold regular meetings of the Board at least Quarterly;
- (m) To manage and maintain all of the Common Area in a state of high quality and in good repair;
- (n) To pay taxes and assessments that are or could become a lien on the Common Area;
- (o) To pay the costs of any liability insurance and fire insurance on the Common Area and any liability insurance for members of the Board.

II

All lots shall be for residential uses only except Lots 35 and 36 (marina), and Lots 56 and 57 (utility, pool and playground) which shall be for recreational use by Lakeview Hills Property Owners, who are in good standing (dues paid), WITH their guests.

On residential lots only one one-family residence may be erected, altered, placed, or be permitted to remain on any lot or any lots and adjoining fractional part of another lot. Said lot shall not be used for business purposes of any kind nor for any commercial, manufacturing, or apartment house purposes. Any person or persons owning two or more adjoining lots in the said subdivision may consolidate such lots into one building site, with the privilege of placing or constructing improvements on such resulting building site, provided that such subdivision or consolidation does not result in more building sites than the number of platted lots involving in such subdivision or consolidation and approval by Lakeview Hills Property Owners Association Board. No one lot can be subdivided and sold unless the Lakeview Hills Architectural Control Committee and Board of Directors approve the sale.

No part of any building shall be nearer than five (5) feet to either side or rear property line and the minimum set back of all buildings from the front property lines shall be twenty five (25) feet or as established by Plat recorded in Volume 109, Page 431 of the Map Records of San Jacinto County. All construction on waterfront lots must comply with the Trinity River Authority code on flowage easement. Lot owners are solely liable for proper placement of structures on their lots. The sideline easement does not apply between two or more adjacent lots when the lots act as one and house or structure is

built over the adjacent line.

The floor area of all residence, exclusive of open porches and garages, shall not be less than 1500 square feet all lots. The design, materials and workmanship in all buildings shall be in conformity with standards of the Federal, State and County requirements and approved by the Lakeview Hills Architectural Control Committee. All building materials, including roofing, must be approved by the Lakeview Hills Architectural Control Committee. Any home built with first floor pilings, where the house is built above the ground, must have the open area externally closed to blend architecturally with the rest of the house. Any additional exterior construction must be reviewed by the Lakeview Hills Architectural Control Committee prior to construction startup.

Any residence, once commenced, must be "dried in" within six months. The term "dried in" means that the outside must have the appearance of being a completed house with all necessary windows, doors, roof, paint and trim. If not "dried in" within six months after such residence or building is commenced the owner must meet with the Lakeview Hills Architectural Control Committee, who reports to the Board, for further construction plans and scheduling.

No modular home, mobile home or similar domicile can be erected or placed on any residential lot. No boats, boat trailers, or boat rigging, or any junk vehicles that could become an unsightly matter shall ever be parked or placed (except temporarily) nearer the street than the said building lines.

The owners and/or occupants of a lot or lots in this subdivision, shall at all times keep all weeds and grass thereon cut in a sanitary, healthy and attractive manner, and shall in no event use any lot for storage of material and equipment except for normal residential construction requirements, or permit the accumulation of garbage, trash or rubbish of any kind thereon. In the event of default on the part of the owner of any lot in this subdivision, the Lakeview Hills Property Owners Association will notify said lot owner, by mail of such violation and will allow two (2) weeks to correct the default. Upon failure of owner to comply with the correction of the default the Lakeview Hills Property Owners Association may without liability to the owner or occupant, in trespass or otherwise, enter upon said lot, cut or cause to be cut, such weeds and grass and remove or cause to be removed, such garbage, trash, rubbish, etc., so as to place said lot in a neat, attractive, healthy and sanitary condition, and will bill the owner for such work. Any lot owner in Lakeview Hills may plant trees, shrubbery, etc. to enhance the beauty of their lots but in so doing the Lakeview Hills Property Owners Association will not be responsible for destruction of same while performing subdivision maintenance.

All waterfront lots with or without established homes must maintain good lakeside bulkheads and not allow erosion of said lot or lots normally due to the action of the elements. Lakeview Hills Property Owners Association reserves the right to bring legal action against any lot owner who defaults on this restriction.

No animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot, except that no more than a total of four (4) dogs and cats may be kept, provided that they are not kept, bred, or maintained for any commercial purpose, but only for the use and pleasure of the owners of such lots. No dog or cat shall be allowed to become an annoyance or nuisance to the neighborhood. Dogs must be on a leash when outside their owner's yard. Pet owners may not allow their pets to defecate on other lots with a residence without that property owner's permission.

No billboards, signboards, unsightly objects or advertising displays of any kind shall be installed or permitted to remain on any residential lot of the subdivision: except that (1) sign containing not more than three (3) square feet of surface area may be displayed for the sale of a lot with a dwelling house erected on it or under construction. No such signs for sale of lots not containing a dwelling house shall be permitted.

III

Architectural Control

The Board of Directors of the Lakeview Hills Property Owners Association shall designate and appoint an Architectural Control Committee consisting of not less than four (4) qualified persons, which shall serve at the pleasure of the Board.

Approval of Plans and Specifications

The Architectural Control Committee must review and approve in writing all of the following projects on the Property:

- (a) Construction of any building, fence, wall or other structure.
- (b) Any exterior addition, change, or alteration in any building fence, wall or other structure;
- (c) Any major landscaping or grading of any Lot or Lots.

Application for Approval

To obtain approval to so do any of the work described in the preceding paragraph, an Owner must submit an application to the Architectural Control Committee. The applicant for building a new house must obtain a building permit packet from a member of the Architectural Control Committee and follow the instructions and requirements in the packet. Names of members of the Architectural Control Committee are posted on the neighborhood bulletin board located next to the mailboxes.

Standards and Review

The Architectural Control Committee shall review the applications for proposed work in order to

- (1) ensure conformity of the proposal with these covenants, conditions and restrictions;
- (2) ensure harmony of external design in relation to surrounding structures and topography.

An application can be rejected for providing insufficient information. The Committee shall have broad discretionary authority to interpret and apply these standards. In rejecting an application the Committee should detail the reasons for rejection and suggest how the applicant could remedy the deficiencies.

Failure of Committee to Act

If the Architectural Control Committee fails either to approve or reject an application for proposed work within thirty (30) days after submission, then Committee approval shall not be required, and the Applicant shall be deemed to have fully complied with this Article.

IV

Written notice of any proposed amendments to the Deed Restrictions shall either be mailed to a property owner at the last known address of such property owner or by personal delivery of any proposed amendments to a property owner.

All ballots shall be returned within thirty (30) days from the date either mailed to a property owner or within thirty (30) days from the date of personal delivery to a property owner. All ballots shall be signed by the property owner and notarized. A majority of the valid ballots shall determine whether the proposed amendments to the Deed Restrictions are adopted or not. Any amendments adopted shall be recorded in the Official Public Records of the County Clerk of San Jacinto County, Texas.

These covenants are to supersede the original covenants where LAKLIV, INC., the developer of LAKEVIEW HILLS Subdivision, filed in Volume 109, Page 462, and Revised Deed Restrictions filed in Volume 33, Page 961 of the Deed Records of San Jacinto County, Texas, in regard to the 45.0215 acre tract of land in the Matthew Hubert Survey, Abstract 22 of San Jacinto County, Texas. The revised covenants are to run with the land, and shall be binding on all parties and all persons claiming under them for a period of twenty-five (25) years from the date these covenants are recorded with the County Clerk of San Jacinto County, Texas, after which said covenants shall be extended automatically for successive periods of ten (10) years, unless an instrument is signed by the majority of the then property owners returning notarized ballots and being properly recorded, agreeing to change said covenants in whole or in part or to revoke them.

Vernon Fields

Notary:

The State of Texas

County of San Jacinto

Subscribed before me this 22 day of September, 2004 by Vernon Fields



Benita Trapp Downey

Notary Public for the State of Texas

Commission Expires: _____

VERNON FIELDS
LAKEVIEW HILLS POA
51 LAKEVIEW COURT
COLDSRING, TX 77331

CLERK'S NOTICE: 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 SAN JACINTO
I, Charlene Vann, hereby certify that this instrument was FILED in file number sequence on the date and at the time stamped hereon by me and was duly RECORDED, in the official public records of San Jacinto County, Texas as stamped hereon by me on

FILED FOR
RECORD

2004 SEP 22 P 2:18

Charlene Vann
COUNTY CLERK
SAN JACINTO COUNTY, TEXAS

SEP 22 2004



CHARLENE VANN
COUNTY CLERK
SAN JACINTO COUNTY, TEXAS

**Amendment to 2004 Deed Restrictions
Lakeview Hills Subdivision
Passed (September 30, 2006)**

Metal Buildings/metal sheds are not allowed to be constructed and/or erected on any lot or residence within the subdivision.

THE STATE OF TEXAS

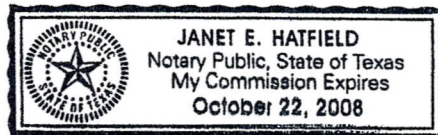
COUNTY OF SAN JACINTO

Subscribed before me this 4TH day of NOVEMBER, 2006, by Davy Allen,
President of Lakeview Hills P.O.A.

Davy Allen
Davy Allen, President
Lakeview Hills P.O.A.

Janet E. Hatfield
Notary Public for the State of Texas
Commission Expires: 10/22/2008

110 Lakeview Dr. Lp.
Coldspring, Tx 77331



STATE OF TEXAS
COUNTY OF SAN JACINTO

I, Angela Steele, hereby certify that this instrument was FILED in
number sequence on the date and time stamped hereon by me, and was
duly RECORDED, in the OFFICIAL PUBLIC RECORDS of San
Jacinto County, Texas as stamped hereon by me on

JAN 23 2007



ANGELIA STEELE
COUNTY CLERK
SAN JACINTO COUNTY, TEXAS

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THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY
BECAUSE OF COLOR OR RACE, IS INVALID AND
UNENFORCEABLE UNDER FEDERAL LAW

**FILED FOR
RECORD**

2007 JAN 23 PM 12 54

Angelia Steele
COUNTY CLERK
SAN JACINTO COUNTY, TEXAS