

DECLARATION OF RESTRICTIVE COVENANTS

Basic Information

Declarant: Timothy J. Phelan
Declarant's Address: P.O. Box 1274
Waller, Texas 77484
Property: A 37.010 acre tract of land in the H. & T. C. R.R. Co. Survey, Section 3, Abstract No. 347, Waller County, Texas, comprised of three tracts of land as described a Warranty Deed with Vendor's Lien recorded under Instrument Number 1900697, Official Public Records of Waller County, Texas, of which the tract referred to as the Tract II in said deed being further comprised of two sub-tracts by reason of and as shown by a plat recorded under Instrument Number 1903552, Official Public Records of Waller County, Texas.

Definitions

"Covenants" means the covenants, conditions, and restrictions contained in this Declaration.

"Declarant" means Timothy J. Phelan, an individual and any successor that acquires all unimproved Lots owned by Declarant for the purpose of development and is named as successor in a recorded document.

"Lot" means each tract of the three tracts (and sub-tracts) as shown in the Exhibits hereto. As shown on the Exhibits hereto, by reason of the instruments referred to above, the Property consists of four (4) Lots.

"Owner" means every record Owner of a fee interest in a Lot.

"Subdivision" means the Property covered by this Declaration and any additional property made subject to it.

Clauses and Covenants

A. Imposition of Covenants

1. Declarant imposes the Covenants on the Subdivision. All Owners and other occupants of the Lots by their acceptance of their deeds, leases, or occupancy of any Lot agree that the Subdivision is subject to the Covenants.

GF#
RETURN TO
HOMELAND TITLE
820 13th STREET
HEMPSTEAD, TX 77448

13-19180426

2. The Covenants are necessary and desirable to establish a uniform plan for the development and use of the Subdivision for the benefit of all Owners. The Covenants run with the land and bind all Owners, occupants, and any other person holding an interest in a Lot.

3. Each Owner and occupant of a Lot agrees to comply with this Declaration and agrees that failure to comply may subject him to a fine, damages, or injunctive relief.

B. Uses and Term

1. *Permitted and Prohibited Use.* Each Lot shall be used for single-family residential purposes only. The term "single-family residential" used herein shall be held and construed to exclude apartment houses, duplex houses and multi-family houses of any kind and such usage of the subject property is hereby expressly prohibited. Provided however, guest homes and guest quarters are allowed. Additionally, no manufactured home, industrialized housing, mobile home, modular home or other type of off-site constructed housing, defined as such under the Texas Manufactured Housing Standards Act shall be placed on the property.

2. *Term.* The covenants, conditions, and restriction of this Declaration shall be effective for a term of 20 years from the date this Declaration is recorded, after which period the covenants, conditions, and restrictions shall be automatically extended for successive periods of 10 years subject to termination by an instrument signed by 100 percent of the Owners of land within the Subdivision. The covenants, conditions, and restrictions of this Declaration may be amended by an instrument signed by 100 percent of such Owners. Neither shall any amendment nor any termination be effective until recorded in the deed records of Waller County, Texas, and all requisite governmental approvals, if any, have been obtained.

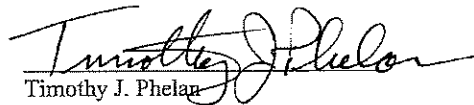
C. General Provisions

1. *Severability.* If a provision of this Declaration is unenforceable for any reason, to the extent the unenforceability does not destroy the basis of the bargain among the parties, the unenforceability does not affect any other provision of this Declaration, and this Declaration is to be construed as if the unenforceable provision is not a part of the Declaration.

2. *Notices.* Any notice required or permitted by this Declaration must be given in writing by certified mail, return receipt requested. Unless otherwise required by law or this Declaration, actual notice, however delivered, is sufficient.

Executed this the 27th day of JUNE, 2019.

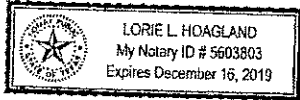
DECLARANT:


Timothy J. Phelan

THE STATE OF TEXAS
COUNTY OF WALLER

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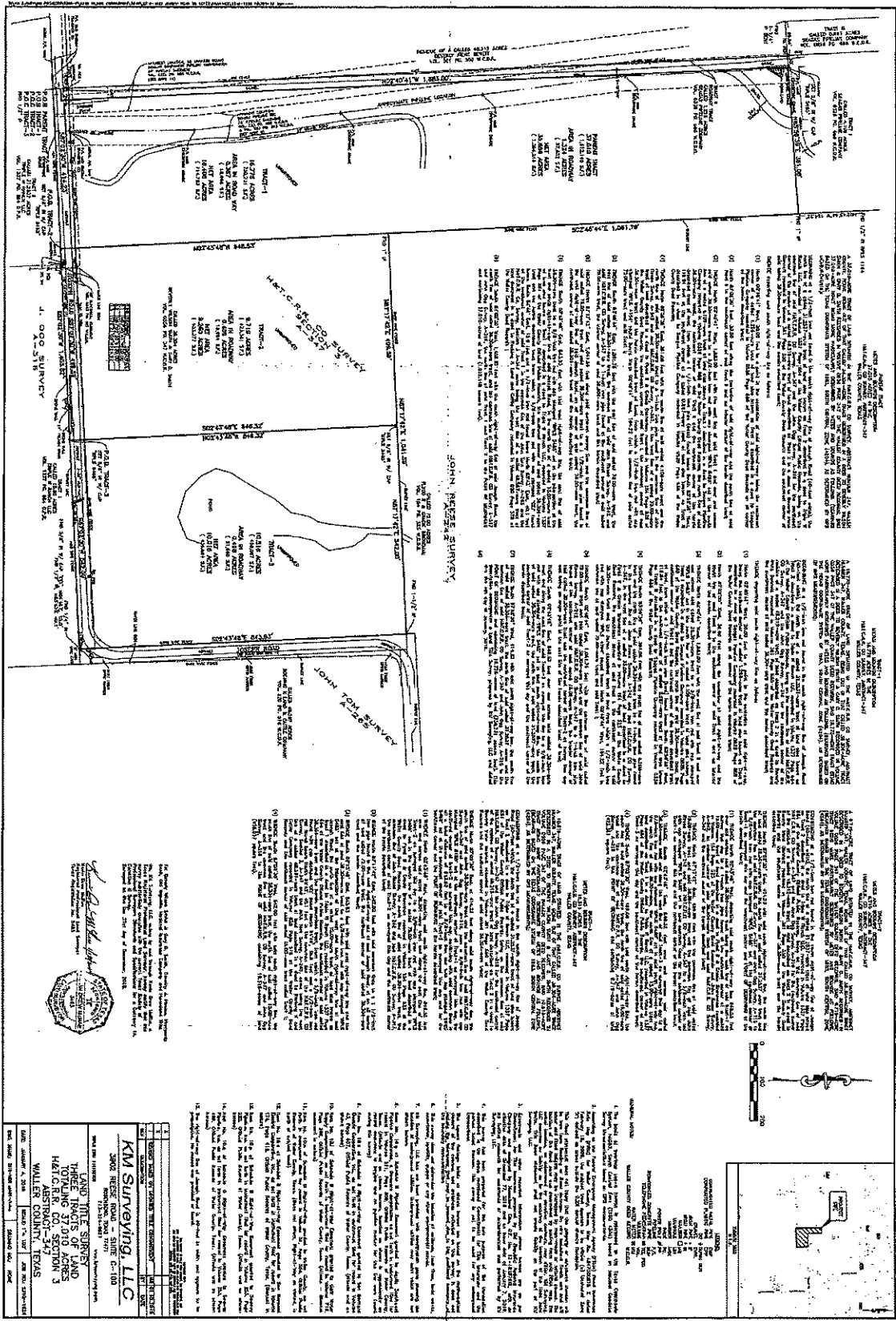
On the 27th day of June in the year 2019 before me, the undersigned, a Notary Public in and for said State, personally appeared Timothy J. Phelan, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



Lorie L. Hoagland
Notary Public

Lorie L. Hoagland
Printed Name of Notary Public

My Commission Expires: 12-16-19



LAND TITLE SURVEY AND TOWNSHIP 37.00 N. RANGE 101.00 W. SECTION 3, WALLACE COUNTY, MISSOURI

KM Surveying, LLC
 2000 WEST MAIN ST. SUITE C-100
 WASHINGTON, MISSOURI 64787
 WALLACE COUNTY, MISSOURI

DATE: 06/28/2019
 TIME: 08:09:23 AM
 PROJECT: 1905249

| NO. | DESCRIPTION | DATE |
|-----|--------------------|------------|
| 1 | PRELIMINARY SURVEY | 06/28/2019 |
| 2 | FINAL SURVEY | 06/28/2019 |

1. The plat is prepared from the field notes and data collected during the course of the survey. The survey was conducted in accordance with the standards and practices of the Surveying and Mapping profession in the State of Missouri.

2. The survey was conducted using a total station and a GPS receiver. The survey was conducted in accordance with the standards and practices of the Surveying and Mapping profession in the State of Missouri.

3. The survey was conducted in accordance with the standards and practices of the Surveying and Mapping profession in the State of Missouri.

4. The survey was conducted in accordance with the standards and practices of the Surveying and Mapping profession in the State of Missouri.

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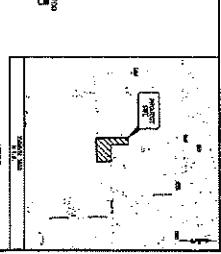
6. The survey was conducted in accordance with the standards and practices of the Surveying and Mapping profession in the State of Missouri.

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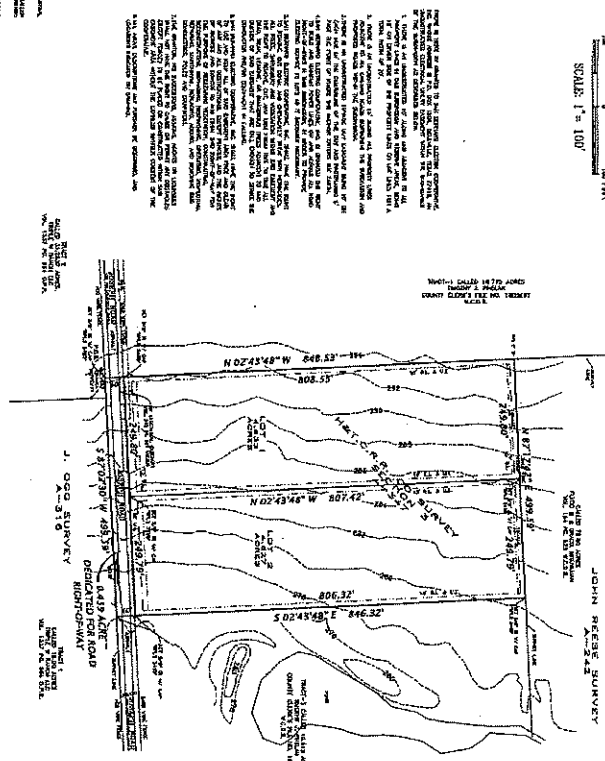
29. The survey was conducted in accordance with the standards and practices of the Surveying and Mapping profession in the State of Missouri.

30. The survey was conducted in accordance with the standards and practices of the Surveying and Mapping profession in the State of Missouri.

1. This is a true and correct copy of the original survey... 2. This survey was made on or about the date herein stated... 3. This survey was made in accordance with the laws and rules of the State of Texas...

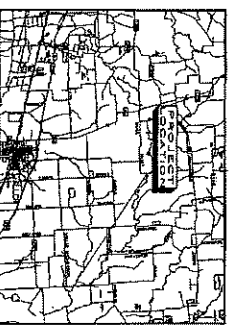


John Beece, Surveyor
State of Texas
No. 52424
Expiration 08/31/2020



FINAL PLAT OF VISTA HILLS
BLOCK - 2 LOTS
A 9.719 ACRE PLAT IN THE A-347
H & T.C. WALLER SURVEY
WALLER COUNTY, TEXAS
BEING A PLAT OF 9.719 ACRES AS RECORDED IN CLERK'S FILE
NUMBER 180087 OF THE OFFICIAL RECORDS OF WALLER COUNTY,
TEXAS.

LEGEND table with columns for description and reference.



Surveying information including owner names (H & T.C. Waller), surveyor name (John Beece), and engineering firm details (Wilton Engineering Company, P.L.L.C.). Includes a date stamp and professional seal area.

FILED AND RECORDED

Instrument Number: 1905249

Filing and Recording Date: 06/28/2019 08:09:23 AM Pages: 6 Recording Fee: \$32.00

I hereby certify that this instrument was FILED on the date and time stamped hereon by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS of Waller County,



Debbie Hollan

Debbie Hollan, County Clerk
Waller County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

simplifile, Deputy

Returned To:
HTC HEMPSTEAD
820 13TH STREET
HEMPSTEAD, TX 77445