

6727

### Carolina Cove Restrictions

THE STATE OF TEXAS /

KNOWN BY ALL MEN BY THESE PRESENTS

COUNTY OF WALKER /

Whereas Carolina Cove is a subdivision of Walker county recorded in Volume 188 Page 653 & 655 and Volume 194 Page 588 & 672 of the Plat Records of Walker County, and Deed Restrictions were filed for Carolina Cove in Walker County on the 11<sup>th</sup> day of August 1967 with the County Clerk; and

Whereas the deed restrictions filed contained amendment procedures requiring a recommendation from the Architectural committee, two thirds vote of the Carolina Cove Community Improvement Association Inc. Board of Directors, and ratification of said amendments by a majority of the lot owners of Carolina Cove subdivision; and

Whereas the Architectural committee has recommended amending the Deed restrictions and the seven member Carolina Cove Community Improvement Association Inc. Board of Directors has voted 7(seven) for and 0 (zero) against these amendments, and 74 (seventy-four) lot owners of Carolina Subdivision out of 144 (onehundredfourtyfour) total lot owners have voted for ratifying these amendments.

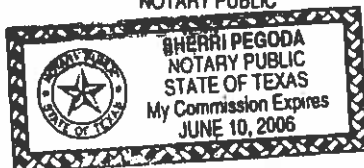
Now Therefore, Carolina Cove Community Improvement Association Inc. does hereby make and file the following as the amended and valid deed restrictions for Carolina Cove Subdivision binding on all lot owners of Carolina Cove Subdivision as listed in Exhibit A.

*[Signature]*  
Rick Staples, President CCCIA

8-30-02  
Date

Attest  
*[Signature]*  
Phyllis Kennedy, Secretary CCCIA

SUBSCRIBED AND SWORN TO BEFORE ME  
THIS 30<sup>th</sup> DAY OF August 2002  
*[Signature]*  
NOTARY PUBLIC



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## Carolina Cove a Subdivision in Walker County, Texas

### Amended Deed Restrictions

Carolina Cove Community Improvement Association Inc. (CCCIA) Board of Directors shall have the duty by virtue of the original Carolina Cove Restrictions dated August 11, 1967 to conduct the business of that certain tract of land which has heretofore been platted into the Subdivision known as Carolina Cove sections 1, 2, & 3 according to the plat of said subdivision recorded Volume 188 Page 653 & 655 and Volume 194 Page 588 & 672, of the Plat Records of Walker County, Texas; reference and made a part hereof for all intents and purposes as of the same were copied verbatim herein.

For the purpose of enhancing and protecting the value, attractiveness, and desirability of the lots or tracts constituting such subdivision, CCCIA hereby declares that all the real property situated thereon and therein shall be held, sold and conveyed only subject to the following reservations, easements, covenants, conditions and restrictions which shall constitute covenants running with the land and shall be binding on all parties having any right, title or interest in any lot or tract constituting a part of said subdivision or any portion thereof, their heirs, successors, and assigns, and shall inure to the benefit of each owner thereof.

### Definitions

Premanufactured or modular home or mobile home – Any structure to be used as a residence that is built in a remote location and then moved into the Carolina Cove, whether or not the building is on wheels or not.

Improved lot – Any lot that has had a residence built on it. In the event one residence is built on two or more lots owned by the same property owner, all lots with the residence will be considered residential lots.

Natural lot – Any lot that does not have a residence on it.

Reserve lot – Lots that are marked reserved on the recorded subdivision plat.

Residential lot – All lots that are not marked reserved on the recorded subdivision plat whether improved or natural.

1. No building shall be erected, placed or altered on any lot, property or area of the subdivision until the building plans, specifications, and plot plans showing the size and location of said building has been approved in writing by the Architectural committee, who shall insure that all building plans, specification and plot plans do not violate the deed restrictions as outlined below. The Architectural committee shall consist of three property owners in good standing appointed by the Board of Directors of CCCIA. Upon receipt of the building plans, specifications and plat plans the architectural committee shall respond within 30 days in writing as to their approval of the project. If the Architectural committee determines that the building, if built according to the submitted building plans, specifications, and or plat plans would be in violation of the deed restrictions as outlined below, written justification as to what changes need to be made to

the building plans, specifications, and/or plat plans to eliminate the determined deed restriction violations shall be provided within the same 30 day period. Failure to respond within 30 days will be an indication of approval by the architectural committee. The Architectural committee shall use the below listed guidelines as its sole determining factor as whether or not to approve a project as submitted or recommend changes. All buildings placed in Carolina Cove after the filling of these deed restrictions shall be subject to the following restrictions.

- A. No Premanufactured or Modular homes shall be moved onto the subdivision except that a Recreational Vehicle (RV) owned by a property owner may be parked in the subdivision on the property of the owner. No RV shall be used as a temporary or permanent residence in the subdivision.
- B. No trailer, barn, other outbuilding, or garage shall be used as a temporary or permanent residence in this subdivision.
- C. All lots in Carolina Cove unless otherwise designated as reserved on the aforementioned plat shall be known and designated as "residential lots" and shall be used for single family residential purposes only. No residential lot shall be used for business purposes except that home offices where business activity is not visible from the street shall be allowed.
- D. The floor area of all residences exclusive of open porches and garages shall be not less than 1,000 sq. feet on waterfront lots and not less than 700 sq. feet on all other lots. The design, materials and workmanship in all buildings shall conform to common use by architects and builders of quality homes. No building shall be occupied or used until the exterior of that building is completely finished.
- E. No building or fence shall be placed within a lot nearer to the property line than outlined below. All setback lines shall be measured from the property line. These shall be known as the subdivision setback lines. Property Owners must be cognizant of all easements when building within these guidelines.
  1. Buildings or fences shall not be placed within 10 ft of the property line where the property line borders any street right of way except that corner lots that have street right of way frontage on two streets will have the 10 ft. setback line on the street with the least frontage and a 5 ft. set back line on the street with the most frontage.
  2. Buildings shall not be placed within 5 ft of any interior property line (property lines not bordering a street right of way). In the event a property owner owns more that one lot and is building on more than one lot the interior 5 ft. setback line shall not apply to the property line dividing the lots owned by the same property owner.
  3. Fences may be placed on the property line on any interior property lines.
- F. Culverts must be used for driveways and walks and the drainage structures under private driveways shall have a net drainage opening of sufficient size to permit free flow of water without back water and shall be a minimum of a fifteen inch diameter pipe culvert or greater as shall be necessary to meet the specifications of as set out by Walker County.

2. Lots within Carolina Cove subdivision are to be maintained according to the following guidelines.

- A. Lots are sold and transferred subject to all existing easements. Waterfront lots shall be subject to flood easements established or to be established by Trinity River Authority.
  - B. Whenever a residence is established on any lot it shall be provided with an inside toilet and shall be connected to a sewage system approved and permitted by the Trinity River Authority and/or Walker County. No gray water or sewage shall be drained into any property, road, street, alley, ditch, Lake Claire or Lake Livingston either directly or indirectly.
  - C. No noxious or offensive activity shall be carried out on any lot, nor shall anything be done thereon which may be or may become an annoyance or a nuisance to neighbors or the neighborhood.
  - D. No Ham radio stations or CB base stations shall be constructed or operated within this subdivision.
  - E. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs and cats (not to exceed two of any category) may be kept provided they are not kept, bred or maintained for any commercial purposes, but only for the use and pleasure of the owners of such lot. Indoor pets such as fish or birds may be kept provided they are not kept for commercial purposes.
  - F. The owners and/or occupants of all improved lots in this subdivision shall, at all times, keep all weeds and grass thereon cut in a sanitary, healthful and attractive manner. Natural lots may be allowed to grow in their native state without mowing.
  - G. No lot, improved or natural, shall be used for storage of material and equipment nor shall the owner or occupant of any lot, improved or natural, allow the accumulation of garbage, trash, or rubbish of any kind thereon. Equipment or material necessary for the construction of a residence or other approved structure will be allowed to be stored on the lot until the construction is complete. In the event any owner or occupant of a lot in this subdivision shall fail to observe any of the above requirements, the board of CCCIA may, 14 days after notifying owner or occupant of the failure to observe any of the above requirements, 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, healthful and sanitary condition, and may bill either the owner or occupant of such for the cost of such work. The owner or occupant as the case may be, agrees by purchase or occupancy of any lot in this subdivision to pay such invoice immediate upon receipt thereof.
  - H. No sign of any kind shall be displayed to public view on any lot within this subdivision except that customary name and address signs and noncommercial yard signs of not more than three square feet may be displayed.
  - I. No RV, boats, boat trailers, or boat rigging shall ever be parked or placed (except temporarily) nearer to the street than the set back lines as set forth in section 1. E. of these restrictions. The parking of automotive vehicles on road shoulders for a period of longer than seventy-two hours is prohibited.
3. Each lot, except those previously designated as exempt by CCCLA Board of Directors, or lots exempted by law, shall be subject to a monthly maintenance fund assessment of

\$6, due and payable annually as \$72 per lot each July 1<sup>st</sup> of each year. Said fund to be collected and dispersed by the CCCIA Board of Directors. This fund shall be used for the purpose of building and/or maintaining parks, boat launching facilities, docks, roads, lighting or doing any other things necessary or desirable to keep the property neat, clean and in good order in the opinion of CCCIA Board of Directors.

Any and/or all of the covenants of these deed restrictions may be annulled, amended or modified at the end of the five year period as set out below, by vote of two-thirds of the CCCIA Board of Directors, upon recommendation from the Architectural Committee, and ratified by a majority vote of the lot owners. All such lot owners shall be given at least thirty days notice, in writing, of any proposed amendment before the same is adopted. The person or persons requesting the amendment shall bear all the expense of such amendment.

All covenants and restrictions are for the benefit of the entire subdivision and shall be binding upon the purchaser or their successors, heirs or assigns. Invalidation of any one of the covenants or restrictions by a judgment of any court shall in no way affect any of the other provisions, which shall remain in full force and effect. These covenants are to run with the land and shall be binding on all parties and persons claiming under them for a period of five years from the date these covenants are recorded with the County Clerk of Walker County, Texas, after which time said covenant shall be extended automatically for successive five-year periods unless aforementioned steps are taken to terminate them.

Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain such violation or proposed violation or to recover damages. Such enforcement may be by the owner of any lot in said subdivision.

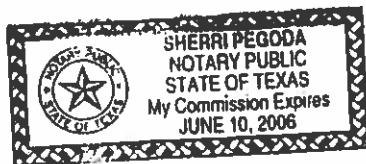
IN WITNESS WHEREOF, CAROLINA COVE COMMUNITY IMPROVEMENT ASSOCIATION INC., has caused these presents to be executed by its Board of Directors and attested by its Secretary all thereunto duly authorized on this 30 day of August, 2002.

CCCIA Board of Directors

By [Signature]  
President

[Signature]  
Secretary

SUBSCRIBED AND SWORN TO BEFORE ME  
THIS 30th DAY OF August 2002  
[Signature]  
NOTARY PUBLIC



8/3/02

# CCCIA

## EXHIBIT A

### Lot Owners

### Name

Name		Name		Name	
Last	First	Last	First	Last	First
Aguilar	JoAnn	Harvey	Jay	Shay	Elizabeth
Alexander	Johnny	Henn	William	Shelby	Edward
Appraisal District	Walker County	Herzog	Robert	Shelly	Joe
Atkinson	George	Hicks	Steve	Shepherd	Bob
Bailey	Wendell	Hoffman	Paul	Simons	C.D. (Todd)
Baker	Vince	Hudson	R.E. & Maxine	Sims	Harold
Barski	Albert	Hughes	Julia	Sizemore	Carl
Bass	Otis	Istra	James	Slough	MayBelle
Baxley	James	Johnson	Les	Smith	Marguerite
Beason	Ben	Johnson	Daniel	Smith	Aultman
Beathard	Paul	Jones	Pauline	Snider	James
Beathard	Gary	Jones	Herchell	Staples	Rick
Bery	Estalene Mae	Kahlden	Kenneth	Sterling	Lee
Bevill	Shirley	Kahlden	Robert	Stone	Richard
Blevins	Donald	Kennedy	Bobby	Stone	Floyd
Blevins	Elmer Wayne	King	Russel	Stuart	Ronald
Blevins	Thomas	King	Ray	Tarbutton	Allen
Box	Allen	Kingsberry	Ed	Tewes	Michael
Breyer	Frank	Knox	Paul	Tienery	Jeffery
Broyles	Mollie	Kopesky	Ethel	Valore	Mike
Buid	United	Krpec	John	Van Wormer	Richard
Bulgier	Jim	Kuhn	Charles	Vandervort	Dave
Burke	Cheryl	Langley	Edward	Vincent	Randall
Burkhalter	Don	Lee	Ray	Wall	A.B. (Buddy)
Caldwell	Charles	Lewis	O.G.	Warren	William (Bill)
Carlson	Larry	Lieb	Francis	Water Supply	Riverside
Carter	Bob	Loredo	Fernando	Wedgeworth	Kenneth
Caudron	Gabe	Loup	Gene	Welch	Marshall
Cobbs	Tim	Matocha	Erwin	Werner	John
Corey	Almon	McBee	George	Weston	Jim
Crouch	Mary	McCormick	Dalton	White	Ollie
Curd	Kelly	McLeod	Sam	Whitehorn	Kenneth
Davis	C.H.	McVey	Jack	Wilcox	Caron
DeLussey	Christopher	McWhirter	Robert	Wilde	Hugh
DeVore	Lewis	Miksch	Henry	Williams	Ray
Dobbins	Dale	Mills	Charles	Williamson	H.P. (Howard)
Duncan	Stephen	Moore	Wanda	Wirth	Donald
Ellis	Mary	Nickel	Larry	Zolman	Jerry
Erwin	Haywood	Norris	Larry		
Farace	Sam	Odom	Carol		
Farquhar	Charles	Oliveira	Marcia		
Faughn	Kenneth	Pagal	Louise		
Fernandez	Maurice	Peter	Arlene		
Fulbright	Nita	Pierce	Dorothy		
Garner	Darren	Randolph	Lillian		
Geisendorff	Nathan	Read	Barbara		
Glassel	Timothy	Reeves	Clarence		
Glenn	Paul	Roberts	David		
Goad	Serena	Sablatura	Robert		
Goad	Richard	Schield	Keith		
Gonzalez	Jesus	Schrock	Kent		
Gunn	A. Brent	Schuller	Lerlene		
Hanley	Gregory	Shafer	Vernon		

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FILED FOR RECORD  
COUNTY CLERK  
WALKER COUNTY

'02 AUG 30 AM 9 58

JAMES D. PATTON  
DEPUTY *J. Patton*

STATE OF TEXAS  
COUNTY OF WALKER

I, James D. Patton, County Clerk in and for Walker County, Texas, do hereby certify that this instrument was filed for record in the volume and page of the named record and at the time and date as stamped.

*James D. Patton*  
JAMES D. PATTON, CLERK  
WALKER COUNTY, TEXAS



Official Public Records  Discharge Records

16727

After Recording

Return To:

*Rob Steyer - (CLLTA.)*  
*50 Lake Shore Dr.*  
*Austinville, Va 27320*

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