

**Restrictions for Sutton Hills Estates
Effective March 1, 2014**

Sutton Hills Estates Property Owners' Association, Inc.
P.O. Box 25, Broadus, Texas 75929

The following are the restrictions for all property within Sections A and B of Sutton Hills Estates, Broadus, San Augustine County, Texas. Sutton Hills Estates Property Owners' Association, Inc. is hereinafter referred to as "The Association". The subdivision, Sutton Hills Estates, is hereinafter referred to as "Sutton Hills".

1. All lots shall be used solely for residential purposes. Commercial or industrial endeavors, retail or wholesale sales outlets, or service providing establishments are prohibited on any lot of Sutton Hills.

2. No building other than a single family residence containing not less than 800 square feet of living area, exclusive of a second story or basement, open porches, breezeways, carports and garages shall be erected or constructed on any lot in Sutton Hills. No garage may be erected except simultaneously with or subsequent to erection of residence.

3. The outside walls of all residence buildings shall be constructed of materials generally and customarily used in the municipal areas of East Texas. All building plans, including but not limited to plot plans, and materials to be used must be approved by The Association, in writing, prior to starting any construction. All roofs which may be seen or viewed from ground level shall be covered with materials which are designed for and are generally and customarily used in the municipal area of East Texas. The lowest floor of any structure shall not be more than three (3) feet from the highest ground level of any lot upon which such structure is built.

4. The exterior of all buildings must be completed no later than eighteen (18) months after the completion of foundations for said building.

5. No mobile homes, house trailers, buses, railway cars or similar structures of any kind may be moved onto any lot of Sutton Hills. An exception which pertains only to the mobile homes is given to those lots in Section B, Sutton Hills that were previously exempted from this restriction and were allowed to have mobile homes in the Deed Restrictions filed with the County Clerk of San Augustine County, Texas (Vol. 159, pg. 161 and Vol. 165, pg. 158) that expired on May 1, 1994. Those exempted lots must continue to be in compliance with all building restrictions contained within the mobile home Amendment as filed with the County Clerk of San Augustine County, Texas (Vol. 165, pg. 158) which include (1) mobile homes shall not be less than five hundred (500) square feet in floor area, (2) shall be only one story in height, (3) must be of new construction when placed upon the premises, (4) must be at least semi-permanently affixed to the realty, (5) must not remain upon wheels after construction or placement on the property, and (6) must be connected to and utilize a septic tank or approved sewer system. Those aforementioned exempted lots will forfeit this exemption upon a change in ownership of the lot from the individual who owned the lot on May 1, 1994. Upon the occurrence of a change in ownership, lots will then have to be in compliance with the Deed Restrictions then in existence. It will be the Seller's responsibility to delete said exemptions from Buyer's Deed.

6. Exhibit "A" is a survey of Sections A and B of Sutton Hills. The front of each lot is identified as follows:

Section A: The front of the following lots is the part of the lot that is bordering: *Holly Street:* Lots 1 through 22, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73 through 77. *Oak Street:* Lots 23 through 45, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72. *Pine St.:* Lots 46 through 50.

Section B: The front of the following lots is the part of the lot that is bordering: *Beech Drive:* Lots 1 through 23, 33, 35, 37, 39, 41, 43, 50, 52, 53, 56. *Pine Street:* Lots 24 through 32. *Dogwood Street:* Lots 34, 38, 36, 40, 42, 43, 44, 45, 46, 47, 49, 51, 53, 55, 57.

7. No improvements shall be erected or constructed on any lot in Sutton Hills Estates nearer than twenty (20) feet to the front property line nor nearer than five (5) feet to the side property line nor nearer than five (5) feet to the rear property line, except that in the case of corner lots, no improvements shall be erected or constructed nearer than ten (10) feet of side property lines adjacent to the streets. An exception is also made for those lots with rear property lines bordering U.S. Army Corps of Engineers property, whereby improvements may be erected or constructed up to the U.S. Army Corps of Engineers property line.

8. The Association, as owner/operator of the potable water system and as the assign of the original property Grantor, reserves to itself, its successors and assigns, an easement or right-of-way over a strip, five (5) feet wide along the sides, front, and rear boundary lines of the lots within Sutton Hills for the purposes of installation or maintenance of utilities, including the right to trim or remove vegetation as required for the purpose above. The Association may, upon receipt of written request from the lot owner, waive the internal side easement restriction for any adjoining lots that front the same street and are owned by the same individual.

9. All lots are subject to easements and restrictions of record and are subject to any applicable zoning rules and regulations.

10. No building or structure shall be occupied or used until the exterior is completely finished. The exterior surfaces of all structures shall be finished in a manner so as to present a good and pleasing appearance in accordance with the practices usually and generally used in the municipal areas of East Texas.

11. Servant's quarters and guest houses may be erected at the rear of permanent residences except they must be of similar quality and materials of construction as the permanent residence.

12. No outside toilets shall be installed or maintained on any premises and all plumbing shall be connected with a sanitary sewer or properly installed septic system whose design and installation has been approved by the authorities mandated by law to enforce the regulations relating to septic system installation and operation. Copies of said approval to be presented to The Association prior to installation. No chemical toilets, holding tanks or portable

toilets will be allowed in Sutton Hills. Removal of three (3) or more trees or excavations other than for landscaping, construction of buildings, driveways, and other structures will be prohibited without the written permission of The Association, its assignees or designees.

13. All rules, regulations and by-laws by which the members of The Association are governed shall be promulgated by The Association, its assignees or designees.

14. No noxious, unlawful, offensive, or immoral use shall be made of the premises.

15. No livestock may be kept on any lot of Sutton Hills except dogs, cats, or other household pets that are not being kept, bred, or maintained for commercial purposes. All lots and buildings must be kept in a neat and orderly condition such is customarily exhibited in Sutton Hills.

16. All covenants and restrictions shall be binding upon any Grantee of Sutton Hills properties, their successors, heirs and assigns. Such covenants and restrictions are for the benefit of the entire property, and for the benefit of the owner or owners of any lot or lots within Sutton Hills, and may be enforced by any owner or owners through the courts by injunctive process.

17. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste. All incinerators or other equipment for the storage or disposal of such waste shall be kept in a clean or sanitary condition. No junk or wrecking yard shall be erected on any lot. Material of any kind stored on said property shall be arranged in an orderly manner on the rear one-third of the property and shall be properly covered and shall be allowed only so long as The Association in its best and sole judgment deems such storage to be in the best interest of the property.

18. No trailers, boats, or watercraft of any kind shall be parked and left standing on any of the streets or roadways of Sutton Hills Estates.

19. The covenants and restrictions herein provided for shall run with the land and shall be binding upon all owners of lots in Sutton Hills and upon all persons claiming under them for a period of ten (10) years from the date of recording of this instrument after which period the said covenants and restrictions shall be automatically extended for successive periods of ten (10) years each, unless by vote of the majority of the then record owners of the lots in Sutton Hills, on the basis of one vote to each lot, vote to alter, rescind or modify the same, in whole or in part. Any such alteration, rescission or modification shall be approved by a majority of the then record lot owners and the instrument evidencing same shall be filed for record in the office of the County Clerk of San Augustine County, Texas.

20. The invalidity, abandonment or waiver of any one of these covenants, agreements, reservations, easements, and restrictions shall in no way affect or impair any of the other covenants, agreements, reservations, easements and restrictions, the same of which shall remain in full force and effect.

21. No "For Sale", "For Rent", "For Lease", or any other signs or advertisements shall in any manner be displayed in Sutton Hills, and The Association, its successors, assignees and designees are authorized to remove such signs without notice and without liability. This restriction is not meant to suppress signs erected for the common good of The Association, or where required for the safety and health of the community.

22. No hunting or shooting of firearms or fireworks shall be permitted on or over any of the lots, streets, or roadways of Sutton Hills.

23. No vehicles having more than two (2) axles shall be allowed to be parked, stored, or otherwise left unattended in Sutton Hills. There shall be an exemption as to any vehicle owned and operated by an individual who owned and had a permanent residence on a lot in Sutton Hills as of May 1, 1994. This exemption shall cease upon the sale or discontinued use of the vehicle. This exemption is exclusive and may not be transferred.

24. The wells and central water system are owned by The Association. Tap-on, for which there is a one-time charge of \$150, is required as a fire control measure prior to any clearing work. There is no charge for water used until lines are extended for uses other than fire control. The charge for water is \$100 semi-annually paid in advance. Semi-annual payments are due April 1 and October 1 each year. No bills or notices are required. If non-payment makes it necessary to cut off water service, a reasonable charge for this will be added to the overdue bill which must be paid in full before service is restored. The Association may determine, from time to time, to raise or lower any fee/assessment associated with water service, however, any change in the amount shall be subject to the approval by the lot owners as set forth in The Association's by-laws.

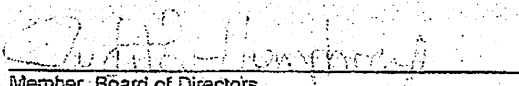
25. A Maintenance Assessment, which is a lien against each lot, is currently set at \$40 per lot for each lot owned. This annual assessment is paid in advance and due each July 1. The Association may determine from time to time to raise or lower the assessment; however, any change in the amount shall be subject to the approval by the lot owners as set forth in The Association's by-laws. Any assessment not paid within thirty (30) days after the due date is delinquent. The Association may bring an action at law against the owner personally obligated to pay the assessment, or foreclose the lien against the lot involved, or both, and interest, costs, and reasonable attorneys' fees shall be added to the amount of such assessment. The lien of the assessment provided for herein shall be subordinate to the lien of any first mortgage. No sale or transfer shall relieve such lot from liability for any assessments thereafter becoming due or from the lien thereof.

26. The streets serving Sutton Hills are owned by The Association, and are maintained and administered by The Association.

27. All property owners are accorded use of the designated "lake access" parks for getting to and from the reservoir area. Park lots provide water access when the lake is at normal levels. All other lots in Sutton Hills bordering on the reservoir area are private property and, as such should be used only with the owner's express permission. Vehicles are prohibited in the parks. Littering is prohibited.

28. The Attoyac Property Owners' Volunteer Fire Department occupies a lot in Section A donated to the Fire Department by Sutton Hills. Lot owners are encouraged to join and support the fire department.

SUTTON HILLS ESTATES PROPERTY OWNERS ASSOCIATION


Member, Board of Directors