

THE STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF HAYS §

That we, the landowners of LOMA VERDE SUBDIVISION in Hays County, Texas, the plat of said subdivision of record in Book 1, Pages 345-46, Plat Records of Hays County, Texas, said plat and its record being expressly incorporated herein by reference for all legal, descriptive and pertinent purposes, being desirous of providing for a uniform building and use program upon said subdivision to insure that such land will be improved into a desirable residential area, do hereby accordingly adopt the following as the covenants, reservations, easements and restrictions of and for said LOMA VERDE SUBDIVISION:

The lots are the width and depth as indicated on the map or plat as recorded. A public utility easement ten (10) feet wide is reserved adjacent to all lot and street lines for the installation and maintenance of utilities, including but not limited to gas, water, electricity, telephone, drainage and sewerage and any appurtenances to supply lines thereof, including the right to remove and trim trees, shrubs or plants. This reservation is for the purpose of providing for the practical installation of such utilities as and when any public or private authority or utility company may desire to serve this subdivision.

The following restrictions constitute covenants running with the land and exist for the benefit of each and every owner of a lot in the subdivision, their heirs and assigns. Any one of said beneficiaries shall have the right to enforce such restrictions, using whatever legal or equitable method is deemed advisable. If one or more of such restrictions shall be held invalid, none of the others shall be affected or impaired by such holding, but shall remain in full force and effect. These restrictions shall be effective for a period of twenty-five years from date hereof; however, any one or all of such restrictions may be altered, amended or extended by a simple majority of the owners of such lots within the Loma Verde Subdivision, the owners of such lots to be entitled to one vote for each lot or tract within said subdivision owned by them. Such amendment, alterations or cancellation of any of the following restrictions must be in writing and be filed for record with the County Clerk of Hays County, Texas, in order to be of any force or effect.

The restrictions are as follows:

1. No structure shall be erected, altered or placed or permitted to remain on any lot or lots in the subdivision other than one detached single family dwelling not to exceed two stories in height. Carports, guest houses, green houses, play houses, or tool houses may be built outside of the main dwelling as may be desired for the personal requirements of the occupants of the main dwelling, but the square footage in such buildings may not be included with that of the main dwelling to make up the minimum square footage therein required as hereinafter set out. Furthermore, all outside buildings shall be designed and built to conform with the main dwelling in design and material.
2. No house trailers shall be allowed. No old houses shall be moved upon any lot. No tents, campers or motor homes shall be occupied as dwellings either during or after construction of the main dwelling. Motor homes and week-end campers shall be allowed in the subdivision but they, along with stock trailers, shall be parked behind the building set back lines and be kept out of sight as much as possible.
3. No business or commercial structure of any nature whatsoever shall be built on any lot or lots in the subdivision. Homes will be occupied by owners and not used as rental properties. There shall not be any commercial feeding of any animals of any description or trafficking in animals of any description whatsoever; and no business of any kind or nature shall be conducted thereon.
4. No noxious or offensive activity shall be carried on or maintained on any lot in the subdivision, nor shall anything be done thereon which may be or become a nuisance. No alcoholic beverages may be sold on any tract.
5. No house shall be constructed upon a building plot having a living area of less than 1400 square feet exclusive of porches, screened or unscreened, and carport or garage; and all of such construction, once commenced, shall be completed expeditiously without undue delay. Any dwelling constructed in the subdivision shall contain a minimum of fifty percent (50%) exterior masonry. Any improvements constructed in the subdivision shall be of new construction only, and these shall be constructed on the site. No prefabricated or modular improvements shall be permitted on any tract.
6. All construction plans must be submitted to a three member Architectural Control Committee. This committee shall be elected by landowners present at a called gathering, each having one vote for each lot owned. Lots that have been combined to establish one entity will be considered one lot for the purposes of this vote. Committee members shall, as a result of receiving such vote, be thereby also given authority to undersign this document as duly appointed representatives of all landowners within the subdivision.
7. The design, location and construction of all improvements must, before commencement of constructions thereof, be approved in writing by the Architectural Control Committee which shall have the authority to review all building plans, specifications, and other information related thereto. Plans should be submitted at least ninety (90) days prior to desired commencement of construction. In the event said Committee fails to act within thirty (30) days after such plans, specifications and other materials have been submitted to it, such approval will not be required and this covenant will be deemed to have been fully complied with.

8. All houses shall face on Wildcat Hollow Drive and no such house shall be nearer that fifty (50) feet to the street line and no nearer than twenty-five (25) feet to any of the other property lines. Regardless of the foregoing, the location of the house on the lot shall be approved by the Architectural Control Committee and its decision shall be final.
9. All lots or building sites in the subdivision, whether consisting of a whole lot or lots, or consisting of parts of two or more lots, shall have at least as many square feet of area, and at least as much street frontage as in the case of the smallest lot shown on the plat of the subdivision; no improvement may be constructed or maintained on a subdivided lot or lots unless the subdivided lot or lots, after subdivision, upon which the improvement is to be constructed, contains at least as many square feet of area and at least as much street frontage as in the case of the smallest lot shown on the plat of the subdivisions; no owner of any portion of the subdivision may convey a portion of his/her land if the effect thereof would be that the owner so conveying will retain, after such conveyance, less square footage or less street frontage than in the case of the smallest lot shown on the plat of the subdivision. Regardless of the foregoing, no dwelling shall be constructed or maintained on any lot or subdivided part of a lot or lots which contains less than one (1) acre of land. Lot 8 is hereby excluded from this covenant. Any subdivision or resubdivision of the said Lot 8 shall be approved by the Architectural Control Committee and its decision shall be final.
10. No improvement may be maintained or constructed except in strict compliance with the then existing minimum standards of the City of Kyle, Texas, as to plumbing, electrical wiring and sanitation requirements. Installation of septic tank soil-absorption sewerage disposal systems shall be in accordance with the minimum recommendations of the Division of Sanitary Engineering, Texas State Department of Health, and inspected by a duly authorized agent of the Hays County Health Department. Written certification by the inspecting agency that said installation is within said recommendations shall be presented to the Architectural Control Committee prior to occupancy of the premises.
11. All building plots shall be kept in a clean and orderly condition at all times. Fallen trees/limbs and broken limbs shall be disposed of promptly. Trash, garbage, or other waste shall be kept in sanitary containers. Garbage containers shall be returned to behind the building line the day of pick-up. No incinerators or other equipment for the storage or disposal of such material shall be permitted. No junk, repair, or wrecking yard shall be located on any tract. No lot or any part thereof shall be used or maintained as a dumping ground for rubbish.

Any stored material shall be out of sight as much as possible. If not possible, that material shall be arranged in an orderly manner in the rear of the dwelling house on said property, shall be properly covered, and shall be allowed only so long as the Architectural Control Committee in its best and sole judgment deems such storage to be in the best interest of the property owners.
12. No hogs shall be allowed on any tract nor shall any other animal or fowl be kept on any premises in this subdivision except household pets not kept for breeding purposes. Dogs shall be fenced or leashed at all times.
13. Tract line fences constructed shall meet approval of the Architectural Control Committee.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
On: Oct 22, 2001 at 02:07P

Document Number: 01026490

Amount 17.00

Lee Carlisle
County Clerk
By
Bobbie Coley, Deputy
Hays County
