

# The Reserve Log Home Community at Montalba Deed Restrictions\*

1.) **Home sites and Care of Forest and Lakes.** Your site is  $\frac{3}{4}$  acre. It is a site in the woods. It is to remain in the woods. You may remove native yaupon holly, poison ivy, vines, stumps and dead trees from your site. You may not remove trees from your site other than required for your home's footprint. We also encourage you to enhance the forest by adding desirable trees that are native such as Water Oaks, Pines, Sweet gums, Cypress and Dogwoods. You may not remove trees to open a bigger view of your waterfront. We want the homes to blend into the woods, not stand out from the woods. You may not remove any trees outside of your home site. No planting of any invasive plant like bamboo, kudzu, etc. Water hyacinths and other invasive plants should be kept out of the lakes.

2.) **Home Site Pay off Prior to Building.** It is possible that we would consider financing a small portion of your home site purchase on a short-term basis, but no structure of any type may be built until your site is paid for 100% in full and free and clear. You would be purchasing your lot via contract for deed, and no deed will be earned or given until your loan is paid on schedule and in full. Anyone that does not pay their loan on schedule and in full as laid out in their loan agreement will lose any claim to the lot or to The Reserve, and any monies paid will be forfeited.

3.) **Home Style and Design.** The general requirement for building at The Reserve is that all homes should reflect a styling that is typical of log or log and timber construction. In addition, rock or stucco that is a natural earth tone color and is used in moderation could be accepted. Each home plan must be pre-approved in writing by one of the founders or by 13 of 22 owners. The goal is for homes to fit into a wilderness/woodland setting and blend into the environment. Homes should be natural, strong, rustic, and beautiful. Homes must be at least 1,500 square feet and can be a maximum of 4,000 square feet. Additional square footage can be built below ground with written pre-approval by one of the founders or 13 of 22 owners.

Your home may be built by your choice of log home company or your choice of independent builders.

The highest elevation of your primary home's roof peak should not exceed 44 feet from the natural ground grade. Owners need to use colors that hide your home in the woods. Bright colors and/or white are not allowed.

4.) **Roofs.** All homes, garages, storerooms, carports, etc. shall be metal roofed. Roofs in each home site should match in style and color. Color should be a natural, earth tone and pre-approved by one of the founders or 13 out of 22 owners. Pre-approval must be in writing.

5.) **Log Color.** Log color should be natural and a wood/earth tone color. The color must be pre-approved by one of the founders or by 13 of 22 owners. Pre-approval must be in writing.

6.) **Porte-cocheres.** Porte-cocheres may be attached to homes on the side facing away from the creek or stream or lake. Maximum width is 18 feet. Maximum length is 40 feet.

7.) **No Cars at Lake Front.** No parking of cars between the home and the creek or stream or lake.

8.) **Additional Buildings at 3/4 Acre Home sites.** Each owner may build two additional buildings with a footprint no bigger than 836 square feet each. If the owner would prefer to build only one building, they may build not bigger than 1,672 square feet. These additional buildings are to be no bigger than two stories and may not exceed 38 feet at the maximum roof height.

Plans must be pre-approved in writing by one of the founders or 13 of 22 owners.

Additional buildings must match in style and architecture with your primary home.

We will not allow additional buildings to be built prior to your main home.

Maximum time to build an additional building is one year.

9.) **Maintenance Shed.** We have designated an area in the northeast corner of the property just south of the northeast gate where our underground power enters the property as the possible future location of a maintenance shed that would hold tools, equipment and vehicles needed to maintain the property. This site could not extend further than 120 feet westward from the east property line.

In addition, it would be situated south of the power line right of way by at least 30 feet.

Should this building be built in the future, it could be steel or log but in the most natural color possible.

10.) **Dog Runs.** No fences on the home site except a cyclone fence for dogs. It should be between the home site and the perimeter road and no more than 200 square feet and no more than 20 linear feet.

11.) **Dogs.** No pit bull or pit bull mix dogs are allowed on the property. No mean, threatening or constantly barking dogs. If both founders or 13 of 22 owners vote that your dog is mean or threatening or constantly barking, you would be required to permanently remove the dog from the property. Absolutely, no pit bulls or pit bull mixes will be allowed on the property.

12.) **Entry Gates.** Private gates and driveway fencing have been installed at driveways coming off the perimeter road (Lakeside Drive). Gates are required to be maintained and to be painted with Sherwin Williams color – Cast Iron.

Names can be put on your gate/fencing in letters that are steel and no bigger than six inches tall. Founders may also put “Founders Home” on their gate/fencing.

If an owner desires to move fencing, they must get approval in writing of one of the founders or 13 of 22 owners. Movement of the fence or gate would be at the expense of the individual owner.

Gates should be set back from the perimeter road (Lakeside Drive) at least 30 feet.

13.) **Swim Deck.** Each owner may build a swim deck horizontal to the bank, no more than 10 feet out into the water and no more than 20 feet wide with the bank. A roof, very near flat, may cover 1/2 of the deck. It must be a metal roof to match the house.

14.) **Common Buildings.** Owners may someday wish to approve common buildings. Common buildings and their location must be approved by 15 of 22 owners in writing.

15.) **No Trashy Home Sites.** This property is to be kept neat, clean and orderly so all owners will be proud. Cluttered or trashy yards will not be allowed. No broken or discarded or non-working equipment is allowed. No building materials stored outside, except during the construction process at your site. No littering or dumping at The Reserve. No non-working cars are to be left on the property.

- 16.) **Construction Time Frame.** You have 15 months from beginning of construction to completion of construction in building your primary home.
- 17.) **Protect the Environment.** This property is an environmental gem. Do not litter. Do not pollute. Do not dump chemicals.
- 18.) **The Goal is Quiet.** The Reserve is quiet and peaceful. We encourage you to use mountain bikes, tandem bikes, feet and golf carts for touring the grounds. We also will allow farm work vehicles such as a John Deere gator or Kubota RTV. Do not drive off road. We will not allow dirt bikes or 4-wheeler type vehicles. The founders may use a 4-seater open vehicle to expedite touring the property and the sales process. No target shooting...go to a gun range. No boats with gas motors. Use paddles or an electric motor. No boats over 20 feet long. John boats are fine. Canoes or foot pedal boats are best.
- 19.) **Business Operation from a Home.** No business may be operated out of a home that would create a noisy, unsafe or immoral environment, or would bring large numbers of employees/visitors to the property.
- 20.) **Nighttime Darkness.** The Reserve is dark at night. We want to preserve a dark night sky and be able to see the stars. No outdoor lights that are not shielded downward. Absolutely no flood lights or mercury vapor lights. After 10:30 p. m., all outdoor lighting must be off. Do not leave outdoor lighting on when you are not in your home. If you are entertaining, you may keep outdoor lighting on until midnight. If you are very security conscious, you can put in motion detection lights.
- 21.) **Hunting and Shooting.** No rifles fired on the property. No hunting of ducks or geese. Hunting deer is allowed only by bow. Hunting nuisance animals such as skunks, beaver, nutrias, coyotes and hogs are allowed by shotgun or pistol.
- 22.) **Fishing.** Owners may fish in all four lakes. Each lake has an access point for owners to enter a lake. Lake 1 access is from the perimeter road at the upper end (north) of the lake. Lake 2 access is from the perimeter road next to the dam on the east side of the lake. Lake 3 access is from the common area near the east gate. Lake 4 access is from the perimeter road between 21 and 22 on the east side of the lake. Owners may allow friends to fish in The Reserve with a written, signed and dated letter of permission from the owner. Owners and their guests may also walk and fish from the edges of all lakes.

23.) **Common Area.** The area just inside the Anderson County Road 2306 log gate is a common play area. In this area, it is OK to have games, cook-outs, bonfires, etc. This is where community can gather and become friends. Bonfires must be supervised by an adult.

24.) **Owner Meetings.** There are two owner meetings per year. These are business meetings and possibly work weekends. They are also social events. The Spring meeting will be held at 12:00 pm (noon) on the last Saturday in March unless it falls on Easter weekend. Should it fall on Easter weekend, we will move to the following weekend. The Fall meeting will be held at 12:00 pm (noon) on the 3<sup>rd</sup> Saturday in October. Meeting attendance is optional. Spouses are welcome. Each of the 22 home sites should have one person as a designated spokesman to represent that home site in discussions, meetings, and voting. Spouses are welcome and may vote in place of the spokesman by written proxy.

25.) **Privacy of Home Sites.** Most of the property is an undivided interest readily available for exploring, but, please, stay out of private home sites. Do not park on the perimeter roads where you block passage of other cars.

26.) **Future Common Spending.** Voting on common spending... Spending on common goals should be a very high hurdle to achieve. If an owner wishes to propose any project or facility or benefit for the good of the property as a whole, the owner must in writing:

1. Describe in full the project and goal.
2. Define a timeline for completion.
3. Say who will be the project coordinator.
4. List the best estimate of total cost.

The owner must then get signatures of at least 15 owners to have approval. At that time, work may proceed, and all 22 owners share cost.

27.) **Funding Work Projects on Common Property.** Anyone that is authorized to do work on common property at The Reserve should be paid at a reasonable rate. They will keep specific work logs recording the project worked on, the dates and times they worked, total hours worked and the location(s) they worked.

Each owner would be billed 1/22<sup>nd</sup> of the amount due to the worker. Billing takes place periodically with a target of quarterly.

- 28.) **\*Changes to Deed Restrictions.** Changes to these deed restrictions may be made with written approval of 15 of 22 owners.
- 29.) **The Reserve Property Taxes.** Each owner will be billed for appropriate taxes on The Reserve when tax notices arrive. Taxes under this bylaw include all taxes on The Reserve in its entirety, and do not include taxes on individually owned lots. Taxes on individually owned lots are the responsibility of the lot owner(s). Upon notification of taxes due on The Reserve, each owner will pay, within 30 days, their taxes based on their ownership interest. Checks should be made payable to Patricia H. Ricketts/Joe V. Hunt/Montalba Acct and will be sent to the address for Patricia or Joe provided on the tax notice.
- 30.) **Septic Tank Requirements.** Each lot owner is required to install an aerobic septic tank system. The location of the tank and its drain field is to be determined in conjunction with a certified septic consultant/engineer. It is suggested that wastewater from the residence be removed from the home in two different drainage systems. One will carry “dirty” water from the toilets and disposal to the septic tank, while the other will carry the “gray” water from the sinks, showers and tubs to a separate disposal system. This procedure helps maintain the life and efficiency of the septic tank.
- 31.) **Location of residences.** The plat for The Reserve, approved by the Anderson County Commissioners Court on June 24, 2013, shows 22 lots for residences on the property. All these residences are to be located within the perimeter road, allowing residents to have access to the lakes and creeks on their property. At no time will any residences be built on the outside of the perimeter road, and all current and future residences will be limited to the 22 lots as depicted on the approved plat. No lot will be subdivided by its owner, and ownership cannot be in the form of a partnership. (The plat for The Reserve, instrument #20138153, is filed in the Office of the Anderson County Clerk, Palestine, TX, in map envelope #380B)
- 32.) **Future Purchase of Equipment.** If an equipment purchase is approved by the owners of The Reserve, then that equipment is owned by all owners of The Reserve. That piece of equipment is to be used only at The Reserve. When an owner sells their property interest at The Reserve, that owner is also selling any interest in equipment on the property to the new owner.
- 33.) **Set Aside Site for Future Storage Building.** If approved by owners of The Reserve, a storage building can be placed in the far northeast corner of the property. It would be located just south of the underground power right of

way and very near to the east property line. The building site can be no more than one (1) acre.

34.) **Propane Tanks.** Propane tanks are frequently used in rural settings for cooking and heating. One option is a buried tank which is probably the safest choice. Another option is an above ground tank with a required fence around the tank which hides the tank completely.

35.) **Electrical Power Stations.** To promote a consistent look throughout The Reserve, whenever an electric connection box is installed for construction or permanent usage, it will be manufactured in an identical manner to the electric connection boxes in place at Lot 1, Lot 6, Lot 15 and Lot 17 Lakeside.

36.) **Well and Pump House.** Each home site is limited to one well and may build a pump house that is no larger than 100 square feet. They should be built in the same style as the main house. The pump house does not count as a structure and does not add to square footage in any way.

37.) **Security Gates.** Two gates on FM 2303 will have security gates with pass code entry. At this time, we will not close the East Gate.