

## DECLARATION OF COVENANTS AND RESTRICTIONS

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

This Declaration is made on the date hereinafter set forth by Brian Haile, a married man dealing with his non-homestead property, hereinafter referred to as "Declarant".

### WITNESSETH:

WHEREAS, Declarant is the owner of that certain tract of land located in Hamilton County, Texas, containing approximately 205.23 acres of land and being more fully described by metes and bounds on the attached Exhibit A. This tract is referred to herein as "the Property" or "Vista Ridge."

WHEREAS, it is the desire and purpose of Declarant to place certain restrictions, easements, covenants, conditions, and reservations (hereinafter referred to as "Restrictions" or "Declaration") upon the Vista Ridge as each portion or "Tract" is sold, in order to ensure that such is used for residential and agricultural purposes only, to prevent nuisances, to maintain the desired character of the community, and to insure the preservation of such uniform plan for the benefit of the present and future Owners of the land; and

NOW, THEREFORE, Declarant hereby adopts, establishes and imposes upon Vista Ridge the following Restrictions, which Restrictions shall run with the land and inure to the benefit of each Tract Owner and its invitees:

### **RESTRICTIONS & RESERVATIONS**

1. **Single Family Residence.** Any Tract located in Vista Ridge is to be used for single family residential and agricultural purposes only.
2. **Minimum Square Footage.** The main residence constructed on a Tract shall have at least one thousand two hundred (1,200) square feet of heated and cooled living area and must be constructed with a minimum of three and one-half feet (3.5') of rock or masonry on all portions of the building exterior which is visible from any road.
3. **Building Types.** Construction shall be on a concrete slab and may be either conventional or barndominium style.
4. **Timeline for Construction.** Upon start of construction, the exterior of any main residence must be completed within twelve (12) months from the slab being poured and must be built to applicable building and windstorm/flood codes, if any.

5. Storage of RV's. Before the main residence is constructed, travel trailers and RV's may be temporarily stored on the Tract but shall not be used as a residence. After the main residence is constructed, all boats, travel trailers and RV's must be stored in a garage or carport.
6. No Mobile Homes, Manufactured Homes or Modular Homes. Mobile homes, manufactured homes or modular homes are prohibited on any Tract.
7. Junk and Debris. No junk cars, abandoned cars or scrap, trash, landscaping trimmings, or other debris may be placed on the Tract.
8. Animals. Domestic livestock and exotic animals shall be allowed on any Tract so long as such animals do not exceed one (1) animal for every two (2) fenced acres and do not become a nuisance or threat to other Owners. Pigs, hogs, and peacocks are not allowed on any Tract, save and except, pigs being raised by school-aged children for 4H or FFA projects are permitted for the duration of the 4H or FFA project. All animals being raised by the individual Tract Owners must be kept in a fenced area on the Owner's Tract. Dogs, cats or other common household pets may be kept on a Tract.
9. Signs. No signs for advertising, or billboards, may be placed on a Tract with the exception of one professionally made "for sale" sign.
10. Limit on Activity. No activity whether for profit or not, shall be conducted on a Tract which is not related to the occupation of the Tract for single family residential and agricultural purposes, unless the activity meets the following criteria: (a) no exterior sign of the activity is present, (b) no additional traffic is created as a result of the activity; and (c) no toxic substances are stored on a Tract. Nothing herein shall prohibit the use of home offices in compliance with this paragraph. This restriction is waived in regard to the customary sales activities required to sell a Tract. No activity which constitutes a nuisance or annoyance shall occur on a Tract.
11. Further Subdividing. No Tract can be subdivided into lots smaller than 10.01 acres in size. Any owner of one or more adjoining tracts may consolidate two or more Tracts into a Tract, in which case the common boundary line between any combined Tracts shall be eliminated and setback lines shall be measured from the remaining exterior boundary lines. Any portion of any building line, utility, road and drainage easement located within the common boundary lines of any combined Tract shall be eliminated if such easements are not being used at the time any Tracts are combined.
12. Limit on Residential Structures. No more than one (1) primary residence may be constructed on a Tract. Guest houses, barns, and outbuildings which are ancillary to the primary residence are acceptable.
13. Utility Easement. All utility easements are set forth in a separate easement agreement signed by Declarant. The utility easement shall be used for the construction, maintenance and repair of utilities, which may include, but is not limited to, electrical systems, telephone, cable, water, gas, internet, and any other utilities which the Declarant, Owner or utility providers

may install for the benefit of an Owner of any Tract. Notwithstanding the foregoing, the Declarant has no obligation to provide utilities and all such utilities may be provided by the local utility companies in accordance with the policies of such utility companies. All utility easements may also be used for the construction of drainage facilities in order to provide for improved surface drainage for any Tract.

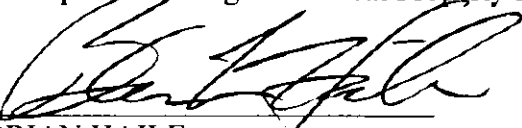
14. Construction of Improvements on Utility Easements. No buildings or walls shall be located over, under, upon or across any portion of any utility easement. The Owner of each Tract shall have the right to construct, keep and maintain concrete drives, landscaping, fences and similar improvements across any utility easement, and shall be entitled to cross such easements at all times for purposes of gaining access to and from such Tracts, provided, however, any concrete drive, landscaping, fencing or similar improvement placed upon any utility easement shall be constructed, maintained and used at the Owner's risk and each Tract Owner shall be responsible for repairing any damage caused by the utility providers to Improvements constructed within the easements located on his Tract.
15. Fencing and Gates. Fencing is not required except as set out in Paragraph 8 however, each Tract Owner shall be responsible for the proper maintenance of the perimeter fencing and entrance gate on his/her Tract. If fencing is built, it must be (1) no taller than five foot as measured from the ground at any location, and (2) constructed of traditional ranch style fencing materials including steel pipe corner posted, steel T-post, barbed wire, and/or goat wire-mesh. Chain link fencing and wood/metal/plastic privacy style fencing are prohibited. Note: Hamilton is a "fence out county", so if you wish to exclude your neighbors' animals from your property you must fence them out.
16. Mail Boxes. The Subdivision will be served by cluster boxes approved by the USPS and individual boxes will not be allowed.

#### **GENERAL PROVISIONS**

17. Term. The Provisions hereof shall run with the land and shall be binding upon all owners, their guest and invitees and all other persons claiming under them for a period of forty (40) years from the date these restrictions are recorded. These restrictions shall be automatically extended for successive periods of twenty (20) years each time unless modified or cancelled by written instrument executed by 80% all owners of any portions of the above described land recorded in the Real Property Records of Hamilton County, Texas.
18. Amendment by the Members. The Covenants may be amended any time after December 31, 2025 by the Members upon the affirmative vote of at least sixty-seven (67%) of the total number of owners entitled to vote on the amendment, voting in person or by proxy at a meeting duly called for such purpose.
19. Effect of Violation on Mortgages. No Violation of the provisions herein contained or any portion thereof, shall affect the lien of any mortgage or deed of trust presently or hereafter placed of record or otherwise affect the rights of the mortgagees under any such mortgage.

20. Successors and Assigns. The provisions hereof shall be binding upon and inure to the benefit of the Owners and their respective guests, invitees, heirs, legal representatives, executors, administrators, successors and assigns.

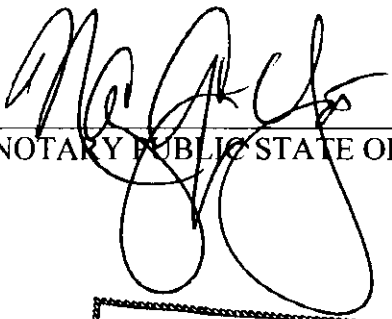
21. Effective Date. This Declaration of Covenants and Restrictions shall be effective upon recording in the Real Property Records of Hamilton County, Texas.

  
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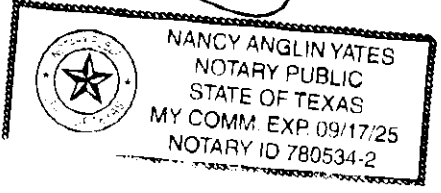
BRIAN HAILE

STATE OF TEXAS                                   §  
  §  
COUNTY OF HAMILTON                       §

Before me, on this day personally appeared Brian Haile known to me/~~proved to me through~~  
\_\_\_\_\_ to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed. Given under my hand and seal of office this 6 day of Sept, 2022.

  
\_\_\_\_\_

NOTARY PUBLIC STATE OF TEXAS



**EXHIBIT A**

**BEING** a tract of land being approximately 11.30 acres out of the J. Lanford Survey, Abstract No. 1628, being approximately 44.76 acres out of the R. Howard Survey, Abstract No. 1618, being approximately 1.69 acres out of the W. Sharp Survey, Abstract No. 957, being approximately 151.24 acres out of the W. Hodo Survey, Abstract No. 1624, being approximately 35.58 acres out of the W.G. Huffman Survey, Abstract No. 1540, and being approximately 5.42 acres out of the D. Elliott Survey, Abstract No. 251, Hamilton County, Texas and being all of a called 250.00 acre tract of land described in deed to Kenneth Wayne Mills and wife, Donna Mills recorded in Volume 390, Page 424 of the Real Property Records, Hamilton County, Texas and being more particularly described as follows:

**BEGINNING** at a 3/8 inch iron rod with plastic cap stamped "SHOCKLEY" found in the West right-of-way line of Farm To Market Road No. 2414 (a variable width right-of-way) for the Northeast corner of a called 132.434 acre tract of land described in deed to Jason Weeks and wife, Elisha M. Weeks recorded in Volume 400, Page 144 of said Real Property Records, being the Southeast corner of said 250.00 acre tract and being the Southeast corner of this tract; (Grid Coordinates: N:10513763.54, E:2960096.54)

**THENCE** departing said West right-of-way line and with the North line of said 132.434 acre tract, South 74° 02' 31" West, a distance of 1802.95 feet to a 3 inch steel corner post found for a Northwest corner of said 132.434 acre tract, being in the East line of a called 60.049 acre tract of land described in deed to Jason D. Weeks recorded in Volume 400, Page 137 of said Real Property Records, being the Southwest corner of said 250.00 acre tract and being the Southwest corner of this tract;

**THENCE** with said East line of the 60.049 acre tract, North 21° 49' 14" West, a distance of 2440.61 feet to a 3 inch steel corner post found for the Northeast corner of said 60.049 acre tract and being a Southeast corner of a called 542 acre tract of land described in deed to Von Dean Wolf recorded in Volume 475, Page 361 of said Real Property Records;

**THENCE** with the East line of said 542 acre tract, the following courses and distances:

North 16° 52' 07" East, a distance of 2865.28 feet to an 8 inch steel corner post found for corner;

North 71° 58' 07" West, a distance of 325.05 feet to a 3 inch steel corner post found for the Southeast corner of a called 141.010 acre tract of land described as "Tract One" in deed to Thomas David Winters recorded in Volume 517, Page 896 of said Real Property Records;

**THENCE** departing said East line of the 542 acre tract and with the East line of said Tract One, North 17° 57' 36" East, a distance of 2259.82 feet to a 3 inch steel corner post found for corner;

**THENCE** departing said Tract One, North 37° 01' 36" East, a distance of 102.17 feet to a 1/2 inch iron rod with plastic cap stamped "H&P RPLS 6827" set in said West right-of-way line of F.M. 2414 for the North corner of said 250.00 acre tract, being the North corner of this tract and being

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at the beginning of non-tangent curve to the right having a central angle of 12° 42' 24", a radius of 5679.58 feet and a chord bearing and distance of South 18° 14' 30" East, 1257.00 feet;

**THENCE** with said West right-of-way line, the following courses and distances:

In a Southeasterly direction with said curve to the right, an arc distance of 1259.58 feet to a 1/2 inch iron rod with plastic cap stamped "H&P RPLS 6827" set for corner;

South 14° 05' 10" West, a distance of 164.06 feet to a 1/2 inch iron rod with plastic cap stamped "H&P RPLS 6827" set for corner;

South 35° 42' 47" East, a distance of 165.53 feet to a 1/2 inch iron rod with plastic cap stamped "H&P RPLS 6827" set for corner;

South 10° 41' 47" East, a distance of 3887.50 feet to the beginning of a non-tangent curve to the right having a central angle of 3° 39' 01", a radius of 17138.73 feet and a chord bearing and distance of South 8° 52' 16" East, 1091.73 feet;

In a Southeasterly direction with said curve to the right, an arc distance of 1091.91 feet to a 1/2 inch iron rod with plastic cap stamped "H&P RPLS 6827" set for corner;

South 7° 02' 46" East for a distance of 17.40 feet to a 1.2 inch iron rod with plastic cap stamped "H&P RPLS 6827" set for corner;

South 2° 18' 28" East, a distance of 441.05 feet to the **POINT OF BEGINNING and containing 249.99 acres or 10,889,640 square feet of land.**

**SAVE AND EXCEPT: BEING** a tract of land out of the R. Howard Survey, Abstract No. 1618, Hamilton County, Texas and being part of a called 249.99 acre tract of land described in deed to Brian L. Haile, recorded in Volume 607, Page 766 of the Real Property Records, Hamilton County, Texas and being more particularly described as follows:

**BEGINNING** at an 8" metal fence corner post found for the northeast corner of a called 542.00 acre tract of land described in deed to Von Dean Wolf recorded in Volume 475, Page 361 of said Real Property Records, being a corner of said 249.99 acre tract and being a corner of this tract; (Grid Coordinates: N:10518275.59 E:2958287.33)

**THENCE** with the north line of said 542.00 acre tract, North 71°58'07" West, a distance of 325.05 feet to a 3" metal fence corner post found for the southeast corner of a called 141.010 acre tract of land described as "Tract One" in deed to Thomas David Winters recorded in Volume 517, Page 896 of said Real Property Records and being the southwest corner of this tract;

**THENCE** with the east line of said 141.010 acre tract, North 17°57'36" East, a distance of 1470.50 feet to a 1/2" iron rod with "H&P 6827" cap set for the northwest corner of this tract;

**THENCE** departing said east line, over and across said 249.99 acre tract, the following courses and distances:

South 45°42'10" East, a distance of 745.34 feet to a 1/2" iron rod with plastic cap stamped "H&P RPLS 6827" set for corner;

North 90°00'00" East, a distance of 125.00 feet to a 1/2" iron rod with plastic cap stamped "H&P RPLS 6827" found in the west right-of-way line of Farm-To-Market Road No. 2414 (a variable width right-of-way) for the northeast corner of this tract;

**THENCE** with said west right-of-way line, the following courses and distances:

South 35°42'47" East, a distance of 165.53 feet to a 1/2" iron rod with "H&P 6827" cap found for corner;

South 10°41'47" East, a distance of 1205.72 feet to a 1/2" iron rod with plastic cap stamped "H&P RPLS 6827" set for the southeast corner of this tract;

**THENCE** departing said west right-of-way line, over and across said 249.99 acre tract, North 73°08'51" West, a distance of 1173.61 feet to the **POINT OF BEGINNING** and containing 33.66 acres or 1,466,244 square feet of land.

Said property being the same property described in a Warranty Deed with Vendor's Lien from Briane Haile, a married person dealing with his non-homestead property to Thanh Rodke, a married person dated June 30, 2022 and recorded as Volume 613, Page 548, Instrument Number 20221596 in the Real Property Records of Hamilton County, Texas.

**FURTHER SAVE AND EXCEPT: BEING** a tract of land out of the R. Howard Survey, Abstract No. 1618, Hamilton County, Texas and being part of a called 249.99 acre tract of land described in deed to Brian L. Haile, recorded in Volume 607, Page 766 of the Real Property Records, Hamilton County, Texas and being more particularly described as follows:

**BEGINNING** at a 1/2" iron rod with "RPLS 6827" cap found in the west right-of-way line of Farm-To-Market Road No. 2414 (a variable width right-of-way) for the northeast corner of said 249.99 acre tract of land at the beginning of a non-tangent curve to the right having a central angle of 12°42'24", a radius of 5679.58 feet, and a chord bearing and distance of South 18°14'30" East, a distance of 1257.00 feet and being the northeast corner of this tract; (Grid Coordinates: N:10520607.48 E:2958736.58)

**THENCE** with said west right-of-way line, the following courses and distances:

In a southeasterly direction with said curve to the right, an arc distance of 1259.58 feet to a 1/2" iron rod with "RPLS 6827" cap found for corner;

South 14°05'10" West, a distance of 164.06 feet to a 1/2" iron rod with "RPLS 6827" cap found for a corner of said 249.99 acre tract and being the southeast corner of this tract;

**THENCE** departing said west right-of-way line over and across said 249.99 acre tract, the following courses and distances:

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North 90°00'00" West, a distance of 125.00 feet to a 1/2" iron rod with plastic cap stamped "H&P RPLS 6827" set for the southernmost southwest corner of this tract;  
North 45°42'10" West, a distance of 745.34 feet to a 1/2" iron rod with plastic cap stamped "H&P RPLS 6827" set for corner in the east line of a called 141.010 acre tract of land described in deed to Thomas David Winters recorded in Volume 517, Page 896 of said Real Property Records and being the westernmost southwest corner of this tract;

**THENCE** with the west line of said 249.99 acre tract, the following courses and distances:

North 17°57'36" East, a distance of 789.32 feet to a 3" metal fence post found for the northwest corner of said 249.99 acre tract and being the northwest corner of this tract;  
North 37°01'36" East, a distance of 102.17 feet to the **POINT OF BEGINNING** and containing 11.10 acres or 483,516 square feet of land.

Said property being the same property described in a Warranty Deed with Vendor's Lien from Briane Haile, a married person dealing with his non-homestead property to William M. Oliver, a married person dated June 30, 2022 and recorded as Volume 613, Page 571, Instrument Number 20221599 in the Real Property Records of Hamilton County, Texas.



## FILED and RECORDED

Instrument Number: 20222069 B: RP V: 616 P: 588

Filing and Recording Date: 09/07/2022 03:49:03 PM Recording Fee: 54.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the REAL PROPERTY RECORDS of Hamilton County, Texas.



A handwritten signature in black ink, appearing to read "Cynthia K. Puff", is written over a horizontal line.

Cynthia K. Puff, County Clerk  
Hamilton 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.