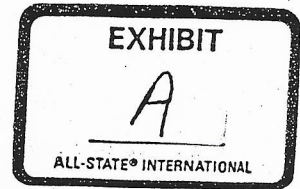


**HILLTOP DEVELOPMENT
RESTRICTIONS**



SECTION 1. PURPOSE OF RESTRICTIONS

In recognition of natural beauty and high value of the land within the subdivision, it is the purpose of these restrictions to provide for the development, improvement and use of lots within the subdivision for residential sites, that each lot shall be developed, improved and used to cause the least disturbance to or detract from the natural beauty of Hilltop Development.

SECTION 2. PROPERTY SUBJECT TO THE RESTRICTIONS

The restrictions contained herein shall apply to that 26.727 acre tract, subdivided into eight lots, with the entire 26.727 acre tract described in Exhibit "A" attached hereto and incorporated by reference for all purposes.

SECTION 3. GENERAL RESTRICTIONS AND REQUIREMENTS

(a) **SINGLE FAMILY DWELLING**

- (1) Each lot or combination of lots within the subdivision shall be limited to one single family dwelling for residential purposes. Each single family residence constructed on the property shall consist of at least 1,400 square feet of living area which is both heated and cooled, exclusive of porches, garages, carports, or breeze ways attached to the main dwelling. Detached garages and carports shall be constructed with the same exterior materials so as to compliment the residence structure.
- (2) Camping shall not be permitted. Recreational vehicles (RV) of temporary guests shall be permitted on lots for a reasonable time, not to exceed two weeks. No RV, converted vehicle or bus, including parts thereof, shall be permitted to be located on any lot, and no camping tents are permitted. Open tents for special functions, like wedding reception, birthday, etc. shall be removed within 48 hours after the function.

(b) **REGULATIONS**

Each lot within the subdivision shall be limited in development, improvements and use to such permitted by state regulatory bodies including, but not limited to, the Texas Commission for Environmental Quality, the Titus County Commissioners' Court, and by these covenants and restrictions.

(c) **PROHIBITED USES AND ACTIVITIES**

- (1) No part of the property shall be used for any commercial purpose. Nothing herein, however, shall be construed to prevent an owner from engaging in the raising of fruit, vegetables, orchards, and gardens.
- (2) No structures or alteration to the natural topography of the land shall be permitted to be constructed or maintained on any lot within the subdivision which is or may become a source of nuisance or hazard to the owners of other lots within the subdivision or improvements thereon.
- (3) No activity, whether commercial, vocational or avocational, shall be conducted or performed by anyone on any lot in the subdivision which is or may become a source of nuisance or hazard to the owners of other lots within the subdivision or improvements thereon.
- (4) Except as provided by Section 3 (a) (2) herein, no commercial type vehicles, trucks, campers, house trailers, mobile homes, recreational vehicles, or camper trailers shall be parked or stored in the subdivision except in an enclosed garage, carport, or

visually screened from the road and adjacent property owners.

- (5) No inoperable vehicle, junk vehicle, or vehicle that will be used for parts will be parked or placed in the subdivision.
- (6) No vehicle of any size which normally transports hazardous, flammable, or explosive cargo may be kept in this subdivision at any time.

(d) **COMBINATION OF LOTS AND OTHER REQUIREMENTS**

- (1) A common owner or owners of two or more contiguous lots may combine the same for development, improvement and use for a single family residential purpose without regard to the minimum setback requirements of Section 3 (e) below from the common boundaries of said lots. Once combined for development, the combined properties may not thereafter be subdivided.
- (2) No houses will be moved in. All houses shall be built on site and exterior walls or siding shall be limited to rock/stone, brick masonry or cement impregnated (Hardeeboard type) lap siding which in aggregate shall constitute at least 60% percent of the exterior surface. All residential dwellings must be constructed "on-site" and all construction must be of new materials, except stone and brick.
- (3) Each lot may contain one shop building. Shop buildings must have a concrete floor, enclosed on all sides, and contain no more than 5000 square feet, not including overhangs, awnings or shed attachments.
- (4) Lots shall not be subdivided for twenty years, and upon expiration of the twenty year period, each subsequent lot division shall be approved by a majority of the lot owners then.

(e) **MINIMUM SETBACKS**

- (1) No part of any dwelling structure on any lot within the subdivision shall be constructed or maintained less than 10 feet from any common side boundary line of said lot.
- (2) No part of any other structure on any lot within the subdivision, exempting only newspaper and mailboxes, identification and directional signs, parking areas, gateways and utility connections, shall be constructed or maintained within less than 10 feet from any boundary line.

(f) **ANIMALS**

- (1) No small animals, excepting only ordinary household pets, shall be kept or maintained within the subdivision.
- (2) No poultry or fowl of any kind, including ostrich and emu, no swine, and no goats or sheep, shall be raised or kept on the property. No more than three combined head of cattle and horses shall be permitted on the property at any time.
- (3) Barbed wire fencing shall be avoided. Barns shall be limited to 500 square feet.

(g) **GARBAGE SEWER AND TRASH DISPOSAL**

- (1) No sewer disposal system, sanitary system, cesspool, septic tank, disposal field, outside toilet, or similar facility shall be constructed, installed, or used until the design, capacity, materials, location, and construction of the same has been approved by all appropriate state and county agencies.
- (2) No rubbish, trash, or brush shall be permitted to accumulate on any lot within the subdivision.

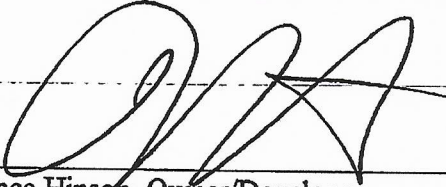
- (h) **TEMPORARY, PORTABLE AND UNCOMPLETED STRUCTURES**
- (1) No temporary structures, mobile homes, modular houses, prefabricated structures or dwellings shall be permitted on any lot within the subdivision. One prefabricated storage building of less than 150 square feet of floor space is permissible.
- (2) No temporary, wheeled, portable, or incompletd structure shall be used or occupied as a dwelling.
- (3) No storage building, shop, garage or other improvement may be constructed or moved onto any lot until after construction of a residential dwelling has commenced.

- (i) **OFF-STREET PARKING**
- (1) Each lot owner shall be responsible for street parking so as not to block the subdivision roadway.
- (2) Individual or shared driveways shall be constructed of permeable wearing surface of crushed rock, gravel or a comparable surface, or an impermeable surface such as concrete, asphalt, or oil dirt.

- (j) **FIREARMS DISCHARGING**
- (1) Discharging a firearm within the subdivision except for protection of person or property is strictly prohibited.

SECTION 4. ADOPTION

In witness whereof, the owner of the subdivision, has published and executed these covenants and restrictions this 26 day of October, 2004.



Lance Hinson, Owner/Developer

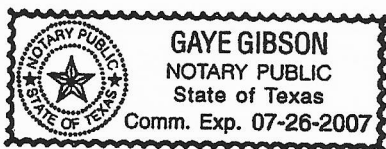
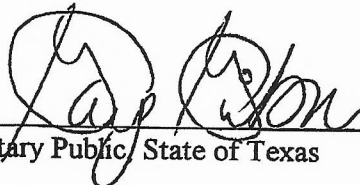
ACKNOWLEDGMENT

STATE OF TEXAS

§
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§

COUNTY OF TITUS

This instrument was acknowledged before me on October 26th, 2004, by Lance Hinson.

 Notary Public, State of Texas

EXHIBIT A

26.727 ACRES: ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN TITUS COUNTY, STATE OF TEXAS, A PART OF THE ISAAC T. BRUTON SURVEY A-14 AND BEING A PART OF THAT 71.770 ACRE TRACT CONVEYED BY BARRETT GARRARD ET UX TO RAYFORD C. BAKER ET UX AS RECORDED IN VOL. 364, P. 481 OF THE DEED RECORDS OF SAID COUNTY AND BOUNDED AS FOLLOWS;

BEGINNING AT A 5/8" STEEL PIPE FOUND BY A FENCE CORNER POST FOR THE OCCUPIED SOUTHWEST CORNER OF THE AFOREMENTIONED 71.770 ACRE TRACT AND THE SOUTHEAST CORNER OF THAT 135.7 ACRE TRACT CONVEYED BY RALPH RILEY ET UX TO S. M. COFFEY (VOL. 355, P. 151), SAID BEGINNING CORNER LAYS IN THE NORTH BOUNDARY LINE OF THAT 94-1/2 ACRE FOURTH TRACT CONVEYED BY JIMMIE BERNARD CECIL ET AL TO LANDRIA SHERRELL CECIL (VOL. 1089, P. 20);

THENCE IN A NORTHERLY DIRECTION ALONG A FENCE FOR THE OCCUPIED WEST BOUNDARY LINE OF THE 71.770 ACRE TRACT AND THE EAST BOUNDARY LINE OF THE AFOREMENTIONED 135.7 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES (A TYPICAL STEEL ROD IS SET AT THE END OF EACH COURSE): N. 1 DEG. 41' 27" W. 125.95 FT.; N. 1 DEG. 04' 14" W. 392.07 FT.; N. 0 DEG. 53' 08" W. 1252.28 FT. TO A TYPICAL STEEL ROD SET FOR CORNER, THE SOUTHWEST CORNER OF THAT 4.949 ACRE TRACT AND THE SOUTHWEST CORNER OF THAT 30 FT. WIDE ACCESS TRACT BOTH SURVEYED OUT THIS 17TH DAY OF NOVEMBER, 1999;

THENCE S. 89 DEG. 06' 51" E. ALONG THE SOUTH BOUNDARY LINE OF THE AFOREMENTIONED 4.949 ACRE TRACT, PASS A TYPICAL STEEL ROD SET BY A FENCE CORNER POST AT AN ELL CORNER IN THE BOUNDARY LINE OF THE 71.770 ACRE TRACT AND THE SOUTHWEST CORNER OF THAT 8.111 ACRE TRACT (43.311 LESS 24.463 LESS 0.737) CONVEYED BY S. M. COFFEY ET AL TO WILLIAM F. GLOVER ET UX (VOL. 1084, P. 256) AND CONTINUING THE SAME COURSE ALONG THE SOUTH BOUNDARY LINE OF THE AFOREMENTIONED 8.111 ACRE TRACT IN ALL A TOTAL DISTANCE OF 665.16 FT. TO A TYPICAL STEEL ROD FOUND FOR CORNER, THE NORTHWEST CORNER OF THAT 33.00 ACRE TRACT SURVEYED OUT THE 9TH DAY OF NOVEMBER, 1999;

THENCE S. 0 DEG. 44' 44" E. ALONG THE WEST BOUNDARY LINE OF THE AFOREMENTIONED 33.000 ACRE TRACT, 1746.53 FT. TO A TYPICAL STEEL ROD FOUND FOR CORNER IN THE SOUTH BOUNDARY LINE OF THE 71.770 ACRE TRACT AND THE NORTH BOUNDARY LINE OF THE AFOREMENTIONED 94-1/2 ACRE TRACT, SAID CORNER BEING THE SOUTHWEST CORNER OF THE 33.00 ACRE TRACT;

THENCE S. 89 DEG. 16' 35", W. ALONG THE FENCED SOUTH BOUNDARY LINE OF THE 71.770 ACRE TRACT AND THE NORTH BOUNDARY LINE OF THE 94-1/2 ACRE TRACT, 220.10 FT. TO A TYPICAL STEEL ROD SET FOR ANGLE POINT;

THENCE S. 88 DEG. 36' 46" W. CONTINUING ALONG THE FENCED COMMON LINE, 437.46 FT. TO THE PLACE OF BEGINNING AND CONTAINING 26.727 ACRES OF LAND.

TOGETHER WITH FREE INGRESS, EGRESS, AND REGRESS BY FOOT WITH CARTS, WAGONS, CARRIAGES, AUTOMOBILES AND OTHER VEHICLES, HORSES, MULES AND LIVESTOCK UPON THE FOLLOWING DESCRIBED EASEMENT: