

BARBON HARBOR ESTATES

Deed Restrictions

The purpose of these restrictions is to establish guidelines for the health, safety, and enjoyment of the residents of Barbon Harbor Estates.

1. All lots in said Subdivision shall be known, described, and used only as residential lots and for no other purpose.
2. No structure shall be erected, placed, altered or permitted to remain on any lot or lots in said Subdivision other than single-family residence dwelling, garage, servant's quarters, storage and/or laundry room, boat dock and boat house.
3. All homes must be a site built home and not modular or manufactured construction.
4. No single-family residence dwelling shall be located upon less than one lot.
5. No mobile homes, camper, house trailer, whether designed to be pulled or self propelled, or similar living accommodations, or other structures of a temporary nature may be placed or maintained or allowed to remain upon any of the property. Except that at the commencement of construction of an approved structure, tool house or other necessary temporary structure required by the builder may be constructed or moved upon any lot included in said Subdivision. The same shall be removed at the completion of construction or within nine (9) months from commencement of construction, whichever occurs earlier. Parking of these vehicles is permitted but living is not. Exception: approved travel trailers and motor homes only. Examples: recreational vehicles, and/or boat, registered and titled in a Barbon Harbor Estates property owners name may be kept on said property.
6. Any structure partially destroyed through dilapidation, fire or act of God shall be restored to the condition existing before such deterioration or destruction, either permanent or partial, and the work for such purpose shall be commenced within ninety (90) days and prosecuted thereafter with reasonable diligence. Otherwise, the same shall be completely raised, including the removal of foundation.
7. No commercial enterprises shall be engaged in any structure or upon any lot in said Subdivision and the users of all property is said Subdivision shall be strictly for single family residence dwelling purposes.
8. No stable, pen, barn, kennel, coop or accommodation for any livestock shall be permitted on any part of said Subdivision lots less than 2 acres. But the usual house pets in customary quantity will be permitted. The use of the singular in the foregoing paragraph, as well as in all other portions of these restrictions, shall also mean the plural of the term. On lots of 3 acres or more, a limited number of horses or cattle (max total of 4) may be kept no closer than 200 feet of the roadway. Any structure to house or protect animals cannot open to roadway and must be built with similar design and materials as main house, on the outside facing the road. No fowl or swine will be allowed in Subdivision.

9. No structure shall be erected or permitted to remain closer than thirty-five (35) feet from the road right-of-way: unless there is a road right-a-way on two sides of a lot, in which event structures may be erected within five (5) feet of the road right-a-way on that side of the lot which is the longer. No structure shall be erected or allowed to remain closer than five (5) feet from the side boundary line of any property owned by any person, firm, corporation or business association. "Side boundary line" shall mean the lines running from the shoreline, or, in the event the lot does not front upon the shoreline, shall mean the lines extending back from roadway easement.
10. For the safety of others, all successors in title to Barbon Harbor Estates will at all times keep their property and premises clean and free from accumulations of trash and rubbish and will not permit any condition to exist which will constitute a fire hazard. Successors in title, as used in these restrictions, shall mean all successive owners of property.
11. If any part, portion, paragraph or provision contained in these restrictions is determined by a court of law to be invalid, such invalidity shall not affect the other part, portion, paragraph, provision of these restrictions and they shall remain in full force and effect, except for the portion held invalid. No residence dwelling house contains less than 1,500 square feet of actual living space. The term "actual living space" as used here shall be limited to only the space in said house designed and used for year-round human occupancy, and shall not be considered as including, but not by way of limitations, garages, carports, porches, whether screened in or otherwise.
12. No lot or lots may be re-subdivided to smaller sizes than the original final plat.
13. All water wells will be cemented in. All water wells and septic systems cannot be closer than twenty-five (25) feet from any property line.
14. No wire fencing on lots that are 2 acres or less, except for chain link type fencing. No wire fencing within one hundred, fifty (150) feet of paved road on lots over 2 acres or more, except for chain link fencing.

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SUBSCRIBED BEFORE ME THIS 30th DAY OF MARCH 2001

Jennifer K. McBryde
NOTARY PUBLIC



VOL 747 PAGE 461

BYLAWS
OF THE
BARBON HARBOR ESTATES HOMEOWNERS ASSOCIATION, INC.

A Texas Nonprofit Corporation (Association)

Article I. NAME AND PURPOSE.

Section 1.01: NAME: The NAME of this organization shall be the Barbon Harbor Estates Homeowners Association, Inc. hereafter referred to as the ("Association"). It is a nonprofit organization incorporated under the laws of the State of Texas.

Section 1.02: PURPOSE: The Bylaws shall govern the Association and its members and facilitate the fulfillment of the purposes provided in the Articles of Incorporation. In such regard, the Association is the organization consisting of the owners ("Members") of the lots in Barbon Harbor Estates ("Barbon Harbor Estates"), as shown by a map or plat being a replat of Lots 16 and 24, Barbon Ranch Subdivision map recorded in Volume 8, page 46, map records of Jim Wells County, Texas. The Association exists to (1) provide for the management, maintenance, preservation and control of the common area easement described as a lake access boat ramp and adjoining property (referred to herein as the "Common Area") previously conveyed to the Association by the developer of Barbon Harbor Estates, (2) to perform the other duties and responsibilities as set forth in the Articles of Incorporation of the Association filed with the Texas Secretary of State on December 7, 2004, and (3) to assist with the protection of the value of the property of the Association and its Members by enforcing compliance with the covenants and restrictions set forth in the Barbon Harbor Estates Deed Restrictions filed at Volume 747, page 461, of the official records of Jim Wells County, Texas ("the Deed Restrictions").

Article II. MEMBERSHIP.

Section 2.01: ELIGIBILITY FOR MEMBERSHIP. Any current resident of, or owner of property in, the Barbon Harbor Estates, Sandia, Texas, is eligible for Membership in the Association upon full payment of the annual dues, and completion of a Homeowner/Lot Owner Information Sheet.

Section 2.02: ANNUAL DUES. The amount required for annual dues shall be \$100 each year, per lot, unless changed by a majority vote of the Members in attendance at an annual meeting of the Members. Annual dues shall be considered timely paid if paid prior to the beginning of the annual meeting of the Members.

Section 2.03: MEMBERSHIP PRIVILEGES. The full payment of the annual dues will entitle each lot owner one (1) vote per lot at any Members' meeting during such applicable term. In the event that a lot is jointly owned, such joint owners may exercise their right to vote in such a manner as they determine, but in no event shall more than one vote be cast for any lot. Payment of

Section 3.06: MEETINGS. A regular meeting of the Board of Directors shall be held without other notice immediately after the annual meeting of the Members of the Association at the Association boat ramp or at any other place the Directors may from time to time select. Special meetings of the Board of Directors may be called by any one (1) Director either in writing by postal mail, by email, text message or phone call.

Section 3.07: POWERS AND DUTIES. In addition to and consistent with the powers and duties enumerated in the Articles of Incorporation and/or these Bylaws, and without limited to the generality thereof, the Board, for the mutual benefit of the Members, shall have the following powers and duties:

- 1) If, as and when the Board, by a majority vote of the Directors deems necessary it may take action to enforce the terms and provision of the Deed Restrictions, the Articles of Incorporation these Bylaws and Rules and Regulations by appropriate means and carry out the obligations of the Association thereunder, including without limitation, the expenditure of funds of the Association, the employment of legal counsel and accounting services, the commencement of legal action, the promulgation and enforcement of the Association rules;
- 2) If, as and when the Board, in its sole discretion, deems necessary it may, but shall not be obligated to, take action to protect or defend the Common Areas or other property of the Association from loss or damage by suit or otherwise; and,
- 3) To make and enforce reasonable Rules and Regulations for the operation and use of the Common Areas and to amend same from time to time.

Article IV. OFFICERS.

Section 4.01: OFFICERS. The Association shall have the following Officers:

- 1) President,
- 2) Vice-President, and
- 3) Secretary/Treasurer

Section 4.02: ELECTION OF OFFICERS. The Officers of the Association shall be elected annually by the Board of Directors.

Section 4.03: TERM OF OFFICE. The Officers shall serve a one-year term, with no limitations on future terms.

Section 4.04: DUTIES OF OFFICERS. The duties of the Officers are as follows:

- 1) The PRESIDENT shall be the principal executive officer of the Association and shall in general supervise and control all of the business and affairs of the Association. In general, the President shall perform all duties incident to the office of President and such other duties as may be prescribed by the Board of Directors from time to time.