



THE STATE OF TEXAS §
COUNTY OF LAVACA §

**AMENDED RESTRICTIONS
FOR THE WHISPERING OAKS SUBDIVISION**

These restrictions (the "Amended Restrictions") shall apply to all Lots within Whispering Oaks Subdivision described as 12.732-Acres, more or less, a part of the John Smothers Survey, Abstract No. 47, Lavaca County, Texas; a rural subdivision as shown on the Plat recorded in Volume 1, Page 168-69 of the Plat Records of Lavaca County, Texas; to which Plat and the recordation thereof reference is hereby made for all pertinent purposes.

1. **Single Family Residence & Outbuildings:** All Lots shall be used primarily for single family residential purposes only and the Residence shall contain a minimum of 2,200 square feet of enclosed floor space (including screened porches, but excluding attached garages, open porches, terraces, patios & driveways). The Residence shall be built on a concrete slab with at least 30% of the exterior walls being masonry. No part of the siding on the exterior walls of the Residence may be constructed of metal. The Residence shall not be a log home or log cabin style. Any open garage shall be constructed under the same roof as the Residence and using materials to conform with the Residence. All barns, shops or other allowed outbuildings shall be enclosed using materials to conform with and complement the Residence and shall be permanently constructed on a concrete slab. No structure shall exceed 2 stories in height. The Residence must be completed within 2-years after construction is commenced on any other building on the Lot (other than the pumphouse). No trailer houses, mobile homes, camp houses or portable buildings shall be located on any Lot.
2. **Residence Location:** Other than the Residence on Lot #10, each Residence shall be constructed to front on Private Road 1671 or Private Road 1672.
3. **Access:** All Lots shall be accessed by Private Road 1671 and Private Road 1672, except Lot #10 may be accessed by LCR 167. Access to LCR 167 is prohibited on Lot #1 and Lot #9. Access to U.S. Highway 90-A is prohibited on Lot #4 and Lot #5.
4. **Road Maintenance:** Within 2-years from the date of these Restrictions, all Lot owners abutting Private Road 1671 or Private Road 1672 shall meet and decide on the manner in which the long-term maintenance of said Private Roads will be managed. During said initial 2-year period, each of those Lot owners shall be required to pay \$300.00 per year per Lot (being the Lots as shown on said Plat) (the "Road Maintenance Payment"). After said initial 2-year period, the Road Maintenance Payment may be increased by a maximum of 5% annually by a vote of 60% of those Lot owners at a meeting duly called for this purpose.
5. **Lot Entrance Culverts:** Other than Lots #4,5,10,11 and 12, entrances to each Lot must consist of a minimum 16-inch diameter by 30-foot long culvert pipe.
6. **Vehicle Parking:** Other than occasional visitors, no vehicles may be parked on the street. All towed vehicles (including recreational vehicles, boats, trailers, travel trailers, etc.) must be stored inside a barn, garage or shop on the Lot.
7. **Set-Back Lines:** In order to allow for utility and drainage easements, and for aesthetic value, the Residence and all structures other than fences shall be located at least 15-feet from the front Lot line and at least 10-feet from the side and back Lot lines. No structure, fence, swimming pool or animal enclosure shall be nearer to the street than the front of the Residence.
8. **Drainage:** Regarding the drainage easements on the boundaries between Lots 4 and 5, between Lots 5 and 6, between Lots 6 and 7, and between Lots 11 and 12, the following shall apply:
 - a. Each of the above boundaries also serves as a significant drainage area for the Subdivision; and
 - b. Lot owners may construct fences on such boundaries but shall not change the grade of or otherwise obstruct or impede the flow of water in those drainage areas.
9. **Consolidation of Lots:** No Lot shall be further divided, except that if two or more Lots are consolidated, then such Lots may thereafter be re-divided into their original configurations. If two or more Lots are consolidated, then the building

set-back provisions shall apply to such resulting consolidated Lot as if it were one originally platted Lot, but if consolidated Lots are later re-divided into their original configurations, the set-back rules shall again apply to each resulting Lot.

10. Fences: Fences on the side and back lines of any Lot must be constructed of vinyl, wood, iron or other durable decorative material. Any in-ground swimming pool must be fenced and equipped with self-closing, self-latching gates generally approved by the insurance industry in Texas.
11. Animals: No more than three (3) FFA/4H project animals (and the minimum required project poultry) are allowed on each Lot. All such animals and poultry must be secured in appropriate enclosures no closer to the street than the front of the Residence. Any such animals, poultry and their related enclosures shall be kept in a clean and sanitary condition at all times. No more than three (3) properly secured family pets and ten (10) properly secured poultry are allowed outside the Residence on any Lot. Other than family pets, project animals and poultry allowed herein, there shall never be any bovine, equine or swine on any Lot and no portion of any Lot shall otherwise be used for kennels or pens for breeding or raising of animals for any purpose.
12. Trash/Junk: Lots and all structures located thereon shall always be maintained in good repair and in a safe and clean condition. No junk yard/pile, inoperable vehicle, trash or litter shall be placed on any Lot or street, except trash shall be stored in sanitary containers until removed in a timely manner. No trash shall otherwise be stored, buried or burned on any Lot.
In order to minimize traffic and road wear-and-tear, and for safety reasons, all residents shall agree to use a single trash removal service. Such service may be chosen by a majority vote of the then owners of the Lots, in person, by phone, text, email or any other clear means of communication. Once a service is chosen, on the motion of any Lot owner, Lot owners may periodically (but not more than annually) vote to change such service. All Lot owners shall abide by any such vote.
13. Mailboxes: All mailboxes will be located at County Road 167, or otherwise in accordance with County and/or State rules.
14. Water Wells & Septic Systems: Septic systems, and the location thereof, must be approved by the Lavaca County OSSI Office before construction. Potential water well locations are shown on the subdivision Plat and are restricted as to area to avoid proximity to septic systems on adjoining Lots. One water well for household use only shall be drilled on each Lot. Any water well drilled after the date hereof shall be pressure cemented or grouted, in accordance with Rule §76.100(b) of the Texas Administrative Code (Technical Requirements—Locations and Standards of Completion for Wells), from the surface of the ground to a minimum of 100-feet below the surface. Gravity-type septic systems shall not be permitted.
15. Non-Commercial: No commercial or business activity shall be maintained on any Lot, except a resident shall have the right to operate an otherwise legal home-based business entirely inside the Residence to which the general public is not invited.
16. No Nuisance: No noxious or offensive trade or activity shall be carried on upon any Lot, nor shall anything be done thereon which may be or become a nuisance to the Subdivision.
17. No water, sand, gravel, clay or any other earthen materials may be sold from any Lot.
18. Lots and all structures located thereon shall always be maintained in good repair and in a safe and clean condition.

These Amended Restrictions are executed in order to replace and subrogate those certain Restrictions for the Whispering Oaks Subdivision dated effective December 28, 2020, and recorded in Volume 883, Page 221 of the Official Records of Lavaca County, Texas (the "Original Restrictions"). These Amended Restrictions, and all terms hereof, shall completely replace and subrogate the Original Restrictions and the Original Restrictions are hereby deemed expired, terminated and replaced in whole by these Amended Restrictions.

These restrictions shall be covenants running with the land and shall be binding upon any Lot owner and shall be enforced by Grantor and Grantor's assigns, until December 31st, 2030; and at the end of such period said restrictions and covenants shall be extended automatically for successive periods of 10-years, unless it is agreed to amend, revise or release same by a vote of three-fourths (3/4) majority of the owners of the Lots in the Subdivision at any time after December 31st, 2030. No such amendment or other change to these Restrictions shall be effective until recorded in the Official Records of Lavaca County, Texas. Any such change must otherwise meet the approval of any regulatory or governmental agency, if so required.

WITNESS my hand on this 20TH day of MAY, A.D. 2021, but effective as of the 28th day of DECEMBER, A.D. 2020.

Randall T. Dornak
RANDALL T. DORNAK

THE STATE OF TEXAS §
COUNTY OF LAVACA §

This instrument was acknowledged before me on the 20TH day of MAY, A.D. 2021, by RANDALL T. DORNAK.



Cindy Stavinoha
NOTARY PUBLIC, STATE OF TEXAS.

AFTER RECORDING RETURN TO:
Allen & Allen Law Firm, P.C.
401 East 3rd Street
Hallettsville, Texas 77964

FILED AND RECORDED

Instrument Number: 244884 B: ORB V: 897 P: 61

Filing and Recording Date: 05/20/2021 02:45:35 PM Pages: 4 Recording Fee: \$34.00

I hereby certify that this instrument was FILED on the date and time stamped hereon by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS of Lavaca County,



Elizabeth A. Kouba

Elizabeth A. Kouba, County Clerk
Lavaca County, Texas

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ALLEN & ALLEN LAW FIRM PC
P.O. BOX 106
HALLETTSVILLE, TX 77964
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Destination: Office Pick-up