

## IDLEWOOD PROPERTY OWNERS ASSOCIATION

### AMENDED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

WHEREAS, by instrument dated February 26, 1974, of record in Volume 449, Page 881, certain restrictive covenants were filed of record with the County Clerk of Angelina County, Texas, pertaining to Idlewood Subdivision, a subdivision in Angelina County, Texas, the official map or plat of which is of record in Cabinet A, Slide 137B and 138A of the Map or Plat Records of Angelina County, Texas; and,

WHEREAS, Amended Restrictions dated March 1, 1978, are filed of record in Volume 469, page 355, Deed Records, Angelina County, Texas; and,

WHEREAS, a majority of the owners of residential lots in the said Idlewood Subdivision desire to further amend such restrictions as hereinafter provided and desire to cancel the aforesaid restrictive covenant thereto;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That, for and in consideration of the mutual benefits to be derived by the execution hereof, the undersigned, a majority of the owners of lots in the said Idlewood Subdivision, do hereby adopt the following Declaration of Covenants, Conditions and Restrictions.

This Declaration of Covenants, Conditions and Restrictions is made effective as of July 30, 1994 by the undersigned, being owners of a majority of the lots in the said Idlewood Subdivision and it is now therefore declared that, subject to the terms hereof, all of the property in the said Idlewood Subdivision shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions:

(1) LOTS AFFECTED. All lots in Idlewood Subdivision shall be subject to the terms of these restrictions and shall be known as described as residential lots except the following lots to-wit:

- (A) All of the following lots in Block ONE (1) of IDLEWOOD SUBDIVISION, being LOTS numbered ONE (1) through TEN (10) inclusive: Lots Numbered FIFTY-NINE (59) and SIXTY (60);
- (B) All of the following lots in Block TWELVE (12) of IDLEWOOD SUBDIVISION, being Lots Numbered ONE (1) through SIX (6), inclusive.

It is understood that these protective covenants do not apply to the excepted lots enumerated above. These covenants shall apply to Lots EITGHTY-SEVEN (87) through ONE HUNDRED TWELVE (112), inclusive, of Block ONE (1), except that prefabricated or premanufactured homes may be place on said lots so long as the prefabricated or premanufactured homes meet the following requirements:

- A. Minimum of 1,000 square feet of floor space;
- B. Hard board ceiling;
- C. Composition roof;
- D. Concrete foundation, driveway, walk and patio;
- E. Only double-wide manufactured homes;

- F. Brick sheer wall around bottom of home, which will comprise at least 20% of the exterior of the home;
- G. All houses on said lots will be constructed for sale only and not built as rental units except by the ultimate purchaser.

(2) LOT SIZE. No dwelling shall be erected or placed upon any residential lot which has an area of less than SIXTY (60%) percent of the area of the lot as shown on the original map or plat of said Subdivision of record in Volume 5, Pages 81-82, Map or Plat Records of Angelina County, Texas, and no dwelling house shall be placed upon any residential lot which has a width of less than SIXTY (60%) percent of the width of the lot as shown on such plat.

(3) BUILDING LOCATION. No dwelling house (this is to apply to the main body or other portions of the structure requiring foundations) shall be erected on any residential lot nearer to the front lot lines or nearer to the side street line than the minimum building setback lines shown on the aforementioned recorded plat of Idlewood Subdivision; in any event, no such structure shall be located on any residential lot nearer than thirty-five (35) feet to the front property line nor nearer than five (5) feet to the side lines of such lot, except that on corner lots, no such structure shall be erected or constructed within fifteen (15) feet of the side property lines adjacent to such side street. Particular attention is hereby called to the aforementioned map or plat of such Subdivision and to the minimum building setback lines shown thereon.

(4) TYPE AND SIZE OF STRUCTURE. No structure shall be erected, altered, placed or permitted to remain on any residential lot other than:

- (A) A detached single-family dwelling having accommodations for and occupied only by one family, together with other usual and customary accessory buildings, including a private garage. Any such structure shall not exceed two and one-half stories in height and;
- (B) The ground floor of each single-story house shall contain a minimum of one-thousand five hundred (1,500) square feet of heated/cooled floor space, exclusive of one-story open porches, carports and garages. No house shall be constructed that contains less than one-thousand five hundred (1,500) square feet of heated/cooled area.

(5) BUILDING MATERIAL. No dwelling house having less than forty (40) percent of its exterior (exclusive of window, roof and door openings) finished with brick shall be placed or constructed upon any residential lot unless Building Plans Committee (hereinafter established) shall give written consent to the use of a lesser amount of brick prior to the commencement of construction of such structure or the placement thereof upon such lot. Subject to the further requirements of the preceding sentence, all dwelling wood, glass, or siding of a type and design normally and generally used in municipal areas of East Texas for new residential construction. All other materials used for outside walls must have approval of the Building Plans Committee, in writing, prior to commencement of construction.

All houses built on pier and beam shall have the foundation enclosed on all sides.

(6) BUILDING LOCATION. No garage or other outhouses, accessory buildings, fences, or other obstruction shall be erected or placed nearer than sixty (60) feet to the front property line, except in the case of a garage or carport which is constructed as a component part of the dwelling house. On corner lots, no such garage, outhouse, accessory building, fence or other obstruction shall be erected nearer than fifteen (15) feet to the side property line adjacent to the side street.

(7) ROOFS. All roofs which may be seen or viewed from the ground level shall be covered with wooden or composition shingles or such materials which are designed for and generally and customarily used on new residential construction in municipal areas of East Texas.

(8) OCCUPANCY. No building or structure shall be occupied or used until the exterior thereof is completely finished and until the surfaces thereof requiring painting shall be covered with good quality paint of sufficient thickness and in a manner so that such structure will present a good and pleasing appearance in accordance with practices usually and generally used on new residential construction in municipal areas of East Texas.

(9) PRE-EXISTING HOUSING. No old or existing house or pre-built or prefabricated house or structure shall be moved or placed or maintained on a residential lot without the written approval of the Idlewood Property Owners Association its successors or assigns.

(10) TEMPORARY STRUCTURES. No structure of a temporary character, trailer, mobile home, basement, tent, shack, garage, barn or other outbuilding or accessory building shall be used on any residential lot at any time as a residence, either temporarily or permanently.

(11) SEWAGE DISPOSAL AND FENCES. No outside toilet shall be installed or maintained on any residential lot and all plumbing shall be connected with a sanitary sewer or septic tank acceptable to state and local health authorities. All fences shall be constructed of materials and shall be of a type and design normally and generally used in municipal areas of East Texas in connection with new residential construction, and in no event shall barbed wire, "hog wire", or "chicken wire" be used in the construction of any such fence. Any such fence shall be built in a manner so as to present a good and pleasing appearance in accordance with the practices usually and generally used in connection with new residential construction in municipal areas of East Texas.

(12) ANIMALS. No hogs, poultry, horses, goats, sheep or animals of any kind shall be raised bred, or kept on any residential lot except that dogs, cats, or other household pets may be kept provided they are not kept, bred, or maintained for any commercial purposes.

(13) USE AND APPEARANCE. All lots shall be used and maintained in accordance with the following requirements, to-wit:

- (A) No noxious, offensive, unlawful or immoral use shall be made of any residential lot, or any part thereof;
- (B) No residential lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage of such materials shall be kept in a clean and sanitary condition. There shall be no burning of rubbish, trash, garbage, or other waste except for leaves, brush, or natural wood products. No junk or wrecking yards shall be located on any residential lot. Materials of any kind stored on a residential lot, or any part thereof, must be arranged in an orderly manner, must be properly covered or screened, and shall not in general be stored in an unsightly manner offensive to the neighborhood.
- (C) Dwelling homes, yards and accessory buildings will be maintained in a neat and orderly manner so that their appearance does not detract from the appearance of the subdivision.

- (D) Preferable treatment of vacant lots is to keep the underbrush cleared and weeds mowed in order to discourage the attracting of wildlife into the subdivision. The minimum is to mow a strip adjacent to the curb of the lot, where the terrain permits.
- (E) Satellite dishes, amateur radio antennas or other erected structures shall be placed on a lot in a location that will reduce the visibility from the street of the above-mentioned structures.

(14) FIREARMS. No hunting or shooting of firearms or fireworks shall be permitted on or over any of the lots, streets, or roadways of the subdivision, except that fireworks are permissible only during the periods when fireworks may be legally purchased within Angelina County, Texas.

(15) BUSINESSES. Operation of businesses based on residential lots will be limited to those businesses that, as determined by the Idlewood Property Owners Association, Inc., do not require accessory buildings on the lot or do not require new additions to the existing garage or residence and does not routinely result in unusual vehicle traffic or effects inconsistent with the residential character of Idlewood Subdivision. No business signs may be placed on a lot other than for sale of the lot or home.

(16) ABANDONED VEHICLES. No motor vehicles, trailers, mobile home, boats, or watercraft of any type may be parked or left standing on the streets and roadways of Idlewood Subdivision. Motorized vehicles and watercraft will normally be parked on the lot so that no inoperative or unused vehicles are left on the streets for periods longer than seventy-two (72) hours. Vehicles left on the streets for periods longer than seventy-two (72) hours may be removed and stored by a commercial towing service at the vehicle owner's expense.

(17) CONTROL OF ANIMALS. Animals which are damaging property or threatening persons will be kept under the direct control of their owners at all times. Dogs which are chasing, barking at, growling at, directly charging at, or biting passers-by or neighbors are considered a threat to public safety and shall not be allowed in the Subdivision. Animals that dig up, pull up, or lie on ornamental plants, beds or gardens defecate, or disturb garbage on any lot except the animal's owners are damaging property, and such animals shall be restrained by lease, fence or owner's presence so that such animal's behavior will be no longer damaging or threatening to others in the subdivision.

(18) EASEMENTS. There are hereby reserved for purposes of installing and maintaining municipal and public utility facilities and for such other purposes incidental to the development of Lots 2, 3, 4, 7, 8, Block 1 of Idlewood Subdivision and Lots 1, 2, 3, 4, 5, 6, Block 12 of Idlewood Subdivision, all as reflected upon the official map or plat of said Addition of record in Cabinet A, Slide 137-B and 138-A of the Map and Plat Records of Angelina County, Texas, a utility easement ten (10) feet in width along and over the rear of the above mentioned lots, and being along and parallel to the most Northeasterly boundary of the above mentioned lots. All claims for damages, if any, arising out of the construction, maintenance, and repair of utilities or on account of temporary or other inconvenience caused thereby against the developer or any utility company or municipality, or any of its agents or servants are hereby waived by the owner.

(19) COMMERCIAL SEWAGE DISPOSAL. If any of the above-named lots are used for commercial purposes (other than residential purposes) then said commercial lot owner shall install a sewer disposal system that meets or exceeds the requirements of the City of Lufkin, Texas building codes and ordinances.

(20) ARCHITECTURAL CONTROL. There is hereby established the Idlewood Building Plans Committee, which committee shall consist of five (5) property owners in Idlewood Subdivision. The initial committee members are:

Frank Myers;  
Reed Gordon;  
Homer Kroeker;  
Rick Conarroe;  
David Cochran.

Any vacancy on the committee shall be filled by the remaining committee members or member.

No construction may be started on a dwelling house without prior approval of the Idlewood Building Plans Committee. To obtain approval, an owner or builder must submit an application to the committee, which application must include the following information:

- (A) Site plan, to assure proper setback and side distances to adjoining property;
- (B) Floor plan, to assure square footage requirements are met;
- (C) Exterior elevations to assure that veneer and roofing requirements are met.

The Building Plans Committee shall review applications for proposed work in order to (1) ensure conformity of the proposal with these covenants, conditions and restrictions, (2) ensure harmony of external design in relation to surrounding structures and topography. An application can be rejected for providing insufficient information. The committee shall have broad, discretionary authority to interpret and apply these standards. In rejecting an application, the committee shall detail the reasons for rejections and suggest how the applicant could remedy the deficiencies. If the committee fails to either approve or reject an application for proposed work within SIXTY (60) days after submission, then committee approval shall not be required, and the applicant shall be deemed to have fully complied with this paragraph.

The plans will be returned to the owner/builder after construction is completed. Plans will be required for all new dwellings started after the date of ratification of these Protective Covenants. The date of first earthwork is considered the starting date. The purpose of the Building Plans Committee is to ensure that the minimum building requirements set forth in these Protective Covenants are met. Under no circumstances will plans that meet the minimum requirements be denied approval.

(21) PARTIAL INVALIDITY. The invalidation of any restriction by judgement or court order shall in nowise affect any of the remaining restrictions which shall remain in full force and effect.

(22) BINDING AGREEMENT. These covenants are to run with the land and shall be binding upon all lots covered under these covenants. These covenants may be amended in whole or in part by an instrument in writing signed and acknowledged by a majority of the then owners of the lots covered hereby and filed in the office of the County Clerk of Angelina County, Texas.

(23) ENFORCEMENT. If the parties hereto, or any of them or their heirs, administrators, executors, successors or assigns, shall violate or attempt to violate any of these covenants herein, it shall be lawful for any other person or persons owning any of the lots covered hereby to prosecute any proceeding at law of inequity against the person or persons violating or attempting to violate any of such covenants for the purpose of preventing such violation or the recover of damages occasioned thereby.

(24) PRIOR RESTRICTIONS. All prior covenants and restrictions pertaining to Idlewood Subdivision are declared to be superseded by these covenants and are of no further force nor effect except as a standard for structures erected prior to the date hereof.

(25) PROPERTY OWNERS ASSOCIATION. Each owner of a lot in Idlewood Subdivision shall be a member of the Idlewood Property Owners Association, Inc., a non-profit corporation and shall be subject to the By-Laws, Rules and Regulations of such corporation.

EXECUTED TO BE EFFECTIVE AS OF THE 30th DAY OF JULY 1994.

Current Idlewood Property Owners Association Board Members

Garland Hawk, President  
John Vaughn, Vice President  
Rosemary Varsey, Treasurer  
Stephen Morton, Secretary  
Greg Fair, Director  
David Fenley, Director  
Ide Russell, Director

Current Idlewood Building Plans/Architectural Committee

John Vaughn  
Greg Fair