

Henderson County
Mary Margaret Wright
County Clerk
Athens, TX 75751

Instrument Number: 2018-00015263

As

Recorded On: 10/29/2018 10:33 AM Recordings - Land

Parties: KINGSPONTE SUBDIVISION

To: PUBLIC

Number of Pages: 6 Pages

Comment:

(Parties listed above are for Clerks reference only)

****Examined and Charged as Follows:****

Total Recording: 42.00

File Information:

Document Number: 2018-00015263

Receipt Number: 2018-17837

Recorded Date/Time: 10/29/2018 10:33 AM

Recorded By: Alisha Harris

*****DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT*****

Any provision herein which restricts the Sale, Rental, or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

I hereby certify that this instrument was filed and duly recorded
in the Official Records of Henderson County, Texas



A handwritten signature in cursive script, appearing to read "Mary Margaret Wright", is written over the printed name.

County Clerk
Henderson County, Texas

Record and Return To:

KINGSPONTE SUBDIVISION
PO BOX 95

MALAKOFF, TX 75148



RESTRICTIONS, COVENANTS, AND RESERVATIONS
OF THE KINGSPONTE SUBDIVISION

STATE OF TEXAS
COUNTY OF HENDERSON

KNOW ALL MEN BY THESE PRESENTS

That the Property Owners Association (POA) of the KingsPointe Subdivision as shown by the plat thereof duly recorded in File D-230 of the Plat Records of Henderson County, Texas, do hereby acknowledge, declare and adopt the following restrictions, which are hereby impressed on all said property, and these restrictions and covenants shall run with the land.

- 1) All tracts are restricted to use for single family residential purposes only. As follows:
 - a) Lots No. 1 thru 27 are restricted to on-site built homes, minimum 1200 S.F. under roof. Exterior of any building must be finished with at least 2 coats of paint or stain, except for stone or brick. All buildings must be “In the Dry” with shingles and exterior finished within 120 days of start of construction. All construction must be of new materials, except stone or brick on exterior of building.
 - b) Lots No. 28 thru 95 are restricted to mobile homes and conventional homes.
 1. Mobile homes or modular homes must have been purchased as a new unit within 5 years of the time such unit is moved on any lot, or if older, special permission must be obtained before attempting to move on to lot. Mobile homes must be underpinned with the appropriate materials within 90 days after unit is placed on property.
 2. Conventional homes shall contain a minimum of 750 S.F. Living area. All building must be “In the Dry” with shingles and exterior finish within 120 days.
 - c) Building plans for all new home construction and additions must be approved by the POA “Committee on New Construction” before construction begins. This committee is to be made up of the current POA officers plus three additional property owners designated by the POA officers.
- 2) Storage buildings, Garages, Boat Barns, etc., may be placed or constructed on all tracts provided that they are not used as a dwelling or weekend dwelling and that they are in keeping with the residential character of the subdivision. No outside toilet(s) or privy(s) shall be permitted on said property.
- 3) There is a ten (10) foot utility easement reserved along all tract lines adjacent to streets or those tracts with a common property line between two streets. All property lines may be fenced with the understanding that any utility easement takes precedence over such fences and that tract owners may be required to install gates and allow the utility companies access for maintenance, repairs, meter readings, etc.
- 4) All structures, regardless of type shall observe a minimum set back of forty (40) feet from the center of the road and five (5) feet from property lines. Existing structures are grandfathered and exempt.
- 5) No livestock, including but not limited to horses, donkeys, mules, cattle, deer, swine, sheep, goats, llamas, alpacas, camels, ostriches, emus, peacocks, roosters, chickens, pigeons, rabbits and dogs bred for profit, shall be kept on any property. No pets shall be allowed on said tracts unless they are properly leashed or penned.

Dogs cannot be allowed to run loose; if outside they must be within a fenced in area, on a lead, or on a leash. Property owners and guests are not to be threatened or approached by pets while on POA common areas or using roads within the KingsPointe Subdivision.

- 6) No inoperative or junk cars, non-functioning household appliances, rubbish, or anything deemed by the POA Board, Executive Committee and Restrictions Committee to be of an unsightly nature shall be kept on any property, nor anything that would not be in keeping with the character of a residential neighborhood. Trailers and vehicles are not allowed to be stored or parked in an unsightly manner not in keeping with the character of a residential neighborhood. Overgrown grass, weeds, vegetation etc. (considered to be inconsistent with the immediate area) within and around trailers and vehicles etc. is not allowed.
- 7) A clothes line is permitted, only if it is constructed in the “back” yard (at least 100’ from road), is not viewable from the road or from other properties, and is constructed according to plans approved by the New Construction Committee, so as to not detract from the character of a residential subdivision. No clothes lines are permitted to be constructed on waterfront properties.
- 8) All lots must be maintained, so as to not detract from the character of a residential subdivision. Grass heights of more than 12” are not permitted. Non-waterfront properties: 1) Wooded areas behind cleared living areas containing homes 2) Native wooded areas beyond forty (40) feet from the center of the road are exempt.
- 9) Camping will be permitted on all tracts only so long as the tracts are kept in a manner so as not to detract from residential character of the subdivision. “Tents” may be used for overnight or vacations, but must be placed 100’ off road right-of-way and must be removed at the end of vacation (limit 3 weeks), so as not to detract from residential character. Travel trailers must be of good appearance and repair, no add-ons to trailers of the type will be permitted. No travel trailers can be used on any lot for more than 30 days without being moved, unless special permission is granted by both the POA Board and Executive Committee.
- 10) **Property Rental:** The KingsPointe POA respects that it has limited authority over a property owner that wishes to rent their property. Property owners must inform the POA Board in writing if they intend to rent said property. The POA will hold the property owner responsible for ensuring that the renter(s) (short or long-term) will obey all county, city, state and federal laws as well as abide by ALL KingsPointe POA rules, regulations and restrictions as outlined in this document.
- 11) No more than one residence, **regardless of structure**, may be placed on any one tract and no tract(s) may be further subdivided into additional tract(s) without the prior written consent of the POA Board Officers and New Construction Committee Members.
- 12) No drainage ditch along any roadway shall be obstructed, and any culvert installed shall be adequate to carry the flow of water. In no case shall any culvert of less than 12 inches in diameter be placed in said ditch. No natural drainage way shall be altered so that the flow of water becomes detrimental to the adjacent properties or roadways. Driveways must be installed before moving to any lot on a permanent basis. Culverts in ditches under driveways are required when necessary to prevent the obstruction of the flow of water in drainage ditches.
- 13) Said property is subject to all easements, reservations, restrictions or record, and legal proceedings if necessary.
- 14) An assessment (Dues) of **\$300 per tract per year** shall run against each tract for maintenance and construction of roads, general administration, and other improvements, which assessment shall accrue from the earlier of the date of the sale contract or of the conveyance. Such assessment shall be and is hereby secured by a lien on each tract respectively and shall be payable to KingsPointe Property Owners Association, the owner of said assessment funds, on July 1st each year. Said assessment lien shall be junior and subordinate to any other lien regardless of nature.

- 15) No firearms may be discharged on any tract whatsoever.
- 16) A certified percolation test must be obtained from the Tarrant County Water Control, & adequate septic systems must be installed before moving on to any tract on a permanent basis.
- 17) Nothing herein shall be construed compelling the undersigned to enforce any of these provisions, nor shall the failure of the undersigned to enforce any of these provisions be deemed to be a waiver of the right of enforcement or prohibition.
- 18) If any persons or persons shall violate or attempt to violate any of the restrictions and covenants herein, it shall be lawful for the undersigned or any persons or person owning any tract in said subdivision to prosecute proceedings at law or in equity against the person violating or attempting to violate any such restrictions or covenant either to prevent him or them from doing so or to correct such violations, and part of these restrictions, covenants, and reservations by judgments or court order shall in no way affect any of the other provisions or parts of provisions which shall remain in full force and effect.**
- 19) The restrictions and covenants herein may be amended, repealed or new restrictions adopted by two-thirds (2/3) vote of Property Owners in good standing and voting, in person or by proxy at any meeting provided that ninety (90) days notice thereof, setting forth the proposed changes, has been given to the members or by letter ballot by two-thirds (2/3) vote of members responding within (60) days of the original mailing of the letter ballot.
- 20) These restrictions shall supercede and replace in total any previous documents containing Restrictions, Covenants, and Reservations related to the KingsPointe Subdivision.

These Restrictions, Covenants and Reservations of the KingsPointe Subdivision have been registered as instrument number 2018-00015263 (filed 10/29/2018) in the Henderson County property records.

RESTRICTIONS, COVENANTS, AND RESERVATIONS
OF THE KINGSPONTE SUBDIVISION

STATE OF TEXAS
COUNTY OF HENDERSON

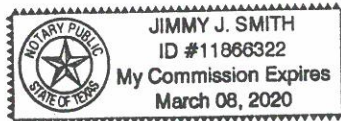
EXECUTED THIS 29 DAY OF OCT., 2018
KingsPointe Property Owners Association

By: [Signature]
John Toliver, President
Kings Pointe Property Owners Association

Date: 10 / 29 / 2018

AND

By: [Signature]
John W. Maloney, Secretary
KingsPointe Property Owners Association



Date: 10 / 29 / 2018

STATE OF TEXAS
COUNTY OF HENDERSON

BEFORE ME, the undersigned authority, JIMMY J. SMITH personally appeared on this day
Representing the KingsPointe Property Owners Association, known to me to be the person whose name is
subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purpose and
consideration therein expressed and in the capacity herein stated.

GIVEN UNDER MY HAND SEAL OF OFFICE, this the 29 day of OCT., 2018

Notary Public in and for the State of Texas

[Signature]

My commission expires: 3-8-20

[Signature]

We / I hereby agree that we received the Restrictions, Covenants, and Reservations of the KingsPointe Subdivision and that they will be adhered to.

Property Owner Signature:_____ Date:_____

Property Owner Signature:_____ Date:_____

Property Address: _____Kings Row, Malakoff, TX 75148

Lot(s) #_____