

SECOND AMENDED AND RESTATED DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS FOR HERMOSA PALOMA OVERLOOK

STATE OF TEXAS X
 X KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HAYS X

THAT WHEREAS, all that certain real property located in Hays County, Texas, described as Hermosa Paloma Overlook, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 13, Pages 127-129, Hays County Plat Records is owned by one or more of the Declarants and the following is a complete list of the Declarants:

Hermosa Paloma, Inc., a Texas Corporation;
Rolando Jaimes, and wife Beatriz Jaimes, individuals;
James G. Martin, Jr., and wife Jeanne B. Martin, individuals; and
Tom Knight and Becky Knight, individuals.
 Knight

WHEREAS, the Declaration of Easements, Covenants, Conditions and Restrictions for Hermosa Paloma Overlook ("Declaration") is recorded in Volume 2931, Pages 866-867, Official Real Property Records of Hays County, Texas, and the Amended and Restated Declaration of Easements, Covenants, Conditions and Restrictions for Hermosa Paloma Overlook ("First Amended Declaration") is recorded in Volume 3021, Pages 656-659, Official Real Property Records of Hays County, Texas, and Declarants wish to again amend and restate such Declaration and First Amended Declaration;

NOW THEREFORE, it is hereby declared that all of the property described above shall be HELD, SOLD and CONVEYED subject to this Second Amended and Restated Declaration of Easements, Covenants, Conditions and Restrictions for the purpose of protecting the value, desirability and attractiveness of, and which shall run with, the real property, and any portion thereof, and shall be binding on all parties having any rights, title or interest in or to the above described property or any part thereof, and their heirs, successors and assigns, and which covenants and restrictions shall inure to the benefit of each owner thereof. The real property described herein above shall hereinafter be referred to and known as Hermosa Paloma Overlook, which shall hereafter be subject to the following:

1. All Lots in Hermosa Paloma Overlook are subject to the Declaration of Easements, Covenants, Conditions and Restrictions Mayo-Halbert, Ltd., (River Mountain Ranch Restrictions), dated October 27, 1995, document # 389853, Volume 1187, pages 451-458, Official Public Records, Hays County, Texas, and all Amendments thereto which have been filed of record and the same are hereby acknowledged, ratified, and adopted as applicable to Hermosa Paloma Overlook.

2. All property owners in Hermosa Paloma Overlook shall be members of the Hermosa Paloma Overlook Neighborhood Association. Such Association shall exercise the following functions and any others set forth herein or that may from time to time be found beneficial to the membership.
 - (a) The association shall govern and administer the maintenance of all common areas throughout the subdivision, including but not limited to the care and maintenance of the roads in the subdivision and of a front gate serving as an entry to the subdivision; however, any maintenance performed shall be in addition to, and not a substitution for responsibilities undertaken by the River Mountain Ranch-Wimberley Property Owners Association.
 - (b) The association shall develop a plan or common scheme for the placement of trash receptacles for pickup. The purpose of the design scheme will be to minimize the negative visual impact of trash receptacles. Individual property owners will be responsible for installation and maintenance in accordance with the association's design scheme on their own property at their own expense.
 - (c) The association shall design, install, and maintain a common area for all property owners to receive their U.S. mail, which will be located outside of the subdivision's front entry gate.
 - (d) The association shall make reasonable rules concerning its membership and the performance of its functions.
 - (e) Each year, the association may determine an annual maintenance charge per lot which will be payable to the association.
3. All structures, buildings, fences and driveways are subject to the approval of the Architectural Control Committee of the Hermosa Paloma Overlook Subdivision.
 - (a) After an original structure on a lot has been approved by the Architectural Control Committee, no additional structure on the lot can be more than 12 feet above the roof-line of any structure approved by the Architectural Control Committee.
 - (b) Subject to approval by the Architectural Control Committee, up to one acre surrounding an individual homesite can be fenced. Such fencing shall not block neighbors' views of the hilltop, bluff, or river, as applicable.
4. All utilities should be buried underground. Liquid propane tanks should be buried or placed in a location that does not interfere with any neighbors' view. Water storage tanks

should be located near the well pump and be a natural color that blends with the surrounding landscape.

5. No campers, buses, boats or recreational vehicles of any type shall be permitted on the front one-half (½) of the lot or be visible from the roadway. Additionally, no such vehicle shall be visible to an adjoining property owner unless the affected property owner provides written consent.
6. Exterior lighting shall be limited to low-wattage path, doorway, and landscape accent lighting. Exterior lights shall be directed downward, shall not interfere with the enjoyment of the night sky, shall not cause undesirable glare and shall not unnecessarily illuminate adjacent properties. Temporary lighting such as lanterns or flashlights may only be used when actually necessary for safety of travel or work around buildings and shall not be illuminated when not required for such work or travel. The purpose of this restriction is to maintain the natural effect of normal night and minimize the impact of unnatural lighting.
7. Noise shall be limited such that it does not create an annoyance or nuisance to other property owners. This restriction includes but is not limited to noise pollution such as barking dogs, loud music, windmills, and noise caused by other animals or fowl.
8. Horses are not permitted types of animals. Otherwise, the restrictions regarding types of animals permitted are set forth in the River Mountain Ranch restrictions and any amendments thereto.
9. As of the time of the filing of this Declaration, Hermosa Paloma Overlook property owners are entitled to be associate members of the River Mountain Ranch Property Owners Association by paying the same annual maintenance charge paid by the River Mountain Ranch property owners. Such associate membership entitles members to use the River Mountain Ranch water park. No representation is made regarding any future entitlement to membership or associate membership in the River Mountain Ranch Property Owners Association.

Witness our hands the _____ day of _____, 2007.

[Signatures and Acknowledgments are on the following pages]

HERMOSA PALOMA, INC., a Texas Corporation

By:


Owen A. Norton, President

ACKNOWLEDGMENT

STATE OF TEXAS

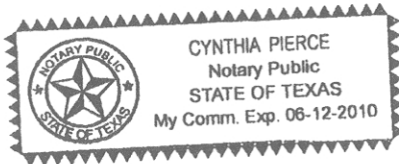
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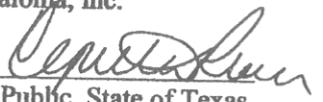
COUNTY OF Texas

X

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This instrument was acknowledged before me on the 18th day of December, 2007, by Owen A. Norton, President of Hermosa Paloma, Inc.




Notary Public, State of Texas

Rolando S. Jaimes
Rolando Jaimes

ACKNOWLEDGMENT

STATE OF TEXAS X
X
COUNTY OF Travis X

This instrument was acknowledged before me on the 28 day of
November, 2007, by Rolando Jaimes.

Beatriz Jaimes
Beatriz Jaimes

Carlton L. Williams
Notary Public, State of Texas



ACKNOWLEDGMENT

STATE OF TEXAS X
X
COUNTY OF Travis X

This instrument was acknowledged before me on the 28 day of
November, 2007, by Beatriz Jaimes.

Carlton L. Williams
Notary Public, State of Texas

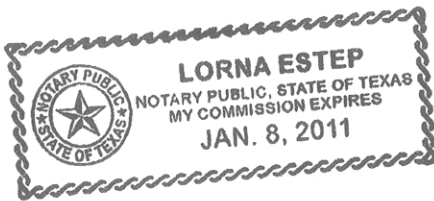


James G. Martin, Jr.
James G. Martin, Jr.

ACKNOWLEDGMENT

STATE OF TEXAS X
X
COUNTY OF HARRIS X

This instrument was acknowledged before me on the 15th day of
NOVEMBER, 2007, by James G. Martin, Jr.



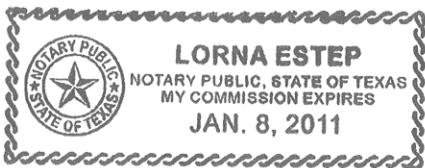
Lorna Estep
Notary Public, State of Texas

Jeanne B. Martin
Jeanne B. Martin

ACKNOWLEDGMENT

STATE OF TEXAS X
X
COUNTY OF HARRIS X

This instrument was acknowledged before me on the 15th day of
NOVEMBER, 2007, by Jeanne B. Martin.



Lorna Estep
Notary Public, State of Texas

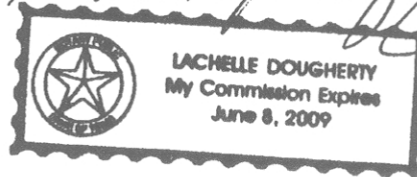
Tom Knight

ACKNOWLEDGMENT

STATE OF TEXAS X
COUNTY OF Travis X

This instrument was acknowledged before me on the 29 day of
November, 2007, by Tom Knight

Lachelle Dougherty
Notary Public, State of Texas



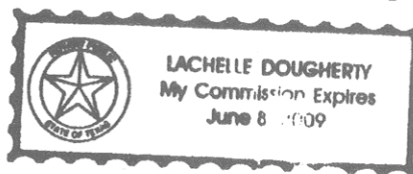
Becky Lourden Knight
Becky Lourden-Knight

ACKNOWLEDGEMENT

STATE OF TEXAS X
COUNTY OF Travis X

This instrument was acknowledged before me on the 29 day of
November, 2007, by Becky Lourden-Knight

Lachelle Dougherty
Notary Public, State of Texas



Amended and Restated
Declaration of Easements, Covenants,
Conditions and Restrictions

Page 7 of 7

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Alisha Herzog, Deputy
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Hays County