

Bob Heyen Realty

235 19th St. P.O. Box 156
Hondo, TX 78861
Tel: (830) 426-4333
Fax: (830) 741-2080

Internet Address
www.bobheyenrealty.com
E-mail Address
bobheyenrealty@sbcglobal.net

- LOCATION:** 506 Jack Nicklaus Dr.
Devine, Texas 78016
- LEGAL:** Devine Oaks Subdivision Unit 4, Block 2, Lot 4, 0.248 acres; and A#0551 J. Igonet Heirs, S#501, 0.298 acres.
- LOT SIZE:** 0.546 acres (MCAD).
- PRICE:** \$369,000.00
- TERMS:** Cash to Seller or third-party financing.
- SCHOOL:** Devine ISD
- TAXES:** 2023 taxes were approximately \$7,839.35 (without exemptions) or \$5,788.71 with exemptions (MCAD).
- UTILITIES:** City of Devine water, sewer, and trash service and TXU Energy is the electrical provider.
- IMPROVEMENTS:** Welcome to this beautiful 3 bedroom, 2 bath brick and rock home consisting of approximately 1738 sq. ft. (MCAD). The home was built in 2006 and has ceramic tile, laminate and carpet flooring. There is one central AC/H unit (replaced in 2018) and one electric water heater. The kitchen is spacious, has solid countertops, lots of storage and includes all the electric appliances consisting of a refrigerator, stove, built-in microwave and dishwasher. Off the kitchen is the laundry/utility room and door that leads to the attached two-car garage. On one side of the home is the large master suite and just as large master bath. The master bath has a large double vanity with solid countertop, his and her walk-in closets, a jetted tub and walk-in shower. The opposite side of the home has the other two bedrooms and one bath. The large living area has high ceilings and there is also a flex room (currently used as an office) that is just inside the front door and has double French doors.
- Outside of the home you will find a large front yard, beautiful Oak trees and in the back yard, there is a large Cottonwood and Sycamore tree near the back covered patio. Beyond the immediate back yard is an additional yard space overlooking the golf course.
- REMARKS:** This is a wonderful home with beautiful curb appeal on over a half-acre in the established neighborhood of Devine Oaks Subdivision on the beautiful golf course in Devine!! Located just a few minutes from IH-35 makes for an easy commute to San Antonio!!
- Note:** Seller is offering \$15,000.00 towards a rate buy-down or closing costs.

Although the broker has used reasonable care in obtaining data and making estimates and projections based upon that data, this material is submitted without representation or warranty. Generally, a substantial portion of information must be obtained from sources other than a broker's actual knowledge, and not all sources can be absolutely confirmed. Moreover, all information is subject to changes by the owner as to price or terms, to prior sale or lease, to withdrawal of the property from the market and to other events beyond the control of the broker. No representation is made as to the value of this possible investment; and the broker urges that you consult your business, tax and legal advisors before making a final determination.



SELLER'S DISCLOSURE NOTICE

©Texas Association of REALTORS®, Inc. 2022

Section 5.008, Property Code requires a seller of residential property of not more than one dwelling unit to deliver a Seller's Disclosure Notice to a buyer on or before the effective date of a contract. **This form complies with and contains additional disclosures which exceed the minimum disclosures required by the Code.**

CONCERNING THE PROPERTY AT 506 Jack Nicklaus Devine, TX 78016

THIS NOTICE IS A DISCLOSURE OF SELLER'S KNOWLEDGE OF THE CONDITION OF THE PROPERTY AS OF THE DATE SIGNED BY SELLER AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE BUYER MAY WISH TO OBTAIN. IT IS NOT A WARRANTY OF ANY KIND BY SELLER, SELLER'S AGENTS, OR ANY OTHER AGENT.

Seller is is not occupying the Property. If unoccupied (by Seller), how long since Seller has occupied the Property? _____ (approximate date) or never occupied the Property

Section 1. The Property has the items marked below: (Mark Yes (Y), No (N), or Unknown (U).)

This notice does not establish the items to be conveyed. The contract will determine which items will & will not convey.

Item	Y	N	U
Cable TV Wiring	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carbon Monoxide Det.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ceiling Fans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cooktop	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dishwasher	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disposal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Emergency Escape Ladder(s)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Exhaust Fans	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fences	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire Detection Equip.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
French Drain	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gas Fixtures	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liquid Propane Gas:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
-LP Community (Captive)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
-LP on Property	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Item	Y	N	U
Natural Gas Lines	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fuel Gas Piping:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
-Black Iron Pipe	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
-Copper	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
-Corrugated Stainless Steel Tubing	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hot Tub	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Intercom System	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Microwave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Outdoor Grill	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patio/Decking	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plumbing System	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pool	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pool Equipment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pool Maint. Accessories	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pool Heater	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Item	Y	N	U
Pump: sump grinder	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rain Gutters	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Range/Stove	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roof/Attic Vents	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sauna	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Smoke Detector	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Smoke Detector - Hearing Impaired	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Spa	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Trash Compactor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TV Antenna	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Washer/Dryer Hookup	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Window Screens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public Sewer System	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Item	Y	N	U	Additional Information
Central A/C	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> electric <input type="checkbox"/> gas number of units: <u>1</u>
Evaporative Coolers	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	number of units: _____
Wall/Window AC Units	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	number of units: _____
Attic Fan(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	if yes, describe: _____
Central Heat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	electric <input type="checkbox"/> gas number of units: _____
Other Heat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	if yes, describe: _____
Oven	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	number of ovens: _____ electric <input type="checkbox"/> gas other: _____
Fireplace & Chimney	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	wood <input type="checkbox"/> gas logs <input type="checkbox"/> mock other: _____
Carport	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	attached <input type="checkbox"/> not attached
Garage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> attached <input type="checkbox"/> not attached
Garage Door Openers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	number of units: _____ number of remotes: _____
Satellite Dish & Controls	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	owned <input type="checkbox"/> leased from: _____
Security System	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	owned <input type="checkbox"/> leased from: _____

(TXR-1406) 07-10-23

Initialed by: Buyer: _____ and Seller: _____

Concerning the Property at _____

Previous Roof Repairs	<input checked="" type="checkbox"/>
Previous Other Structural Repairs	<input checked="" type="checkbox"/>
Previous Use of Premises for Manufacture of Methamphetamine	<input checked="" type="checkbox"/>

Termite or WDI damage needing repair	<input checked="" type="checkbox"/>
Single Blockable Main Drain in Pool/Hot Tub/Spa*	<input checked="" type="checkbox"/>

If the answer to any of the items in Section 3 is yes, explain (attach additional sheets if necessary): _____

*A single blockable main drain may cause a suction entrapment hazard for an individual.

Section 4. Are you (Seller) aware of any item, equipment, or system in or on the Property that is in need of repair, which has not been previously disclosed in this notice? yes no If yes, explain (attach additional sheets if necessary): _____

Section 5. Are you (Seller) aware of any of the following conditions?* (Mark Yes (Y) if you are aware and check wholly or partly as applicable. Mark No (N) if you are not aware.)

- | | | |
|-------------------------------------|--------------------------|---|
| Y | N | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Present flood insurance coverage. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Previous flooding due to a failure or breach of a reservoir or a controlled or emergency release of water from a reservoir. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Previous flooding due to a natural flood event. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Previous water penetration into a structure on the Property due to a natural flood. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Located <input type="checkbox"/> wholly <input type="checkbox"/> partly in a 100-year floodplain (Special Flood Hazard Area-Zone A, V, A99, AE, AO, AH, VE, or AR). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Located <input type="checkbox"/> wholly <input type="checkbox"/> partly in a 500-year floodplain (Moderate Flood Hazard Area-Zone X (shaded)). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Located <input type="checkbox"/> wholly <input type="checkbox"/> partly in a floodway. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Located <input type="checkbox"/> wholly <input type="checkbox"/> partly in a flood pool. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Located <input type="checkbox"/> wholly <input type="checkbox"/> partly in a reservoir. |

If the answer to any of the above is yes, explain (attach additional sheets as necessary): _____

***If Buyer is concerned about these matters, Buyer may consult Information About Flood Hazards (TXR 1414).**

For purposes of this notice:

"100-year floodplain" means any area of land that: (A) is identified on the flood insurance rate map as a special flood hazard area, which is designated as Zone A, V, A99, AE, AO, AH, VE, or AR on the map; (B) has a one percent annual chance of flooding, which is considered to be a high risk of flooding; and (C) may include a regulatory floodway, flood pool, or reservoir.

"500-year floodplain" means any area of land that: (A) is identified on the flood insurance rate map as a moderate flood hazard area, which is designated on the map as Zone X (shaded); and (B) has a two-tenths of one percent annual chance of flooding, which is considered to be a moderate risk of flooding.

"Flood pool" means the area adjacent to a reservoir that lies above the normal maximum operating level of the reservoir and that is subject to controlled inundation under the management of the United States Army Corps of Engineers.

Concerning the Property at _____

"Flood insurance rate map" means the most recent flood hazard map published by the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. Section 4001 et seq.).

"Floodway" means an area that is identified on the flood insurance rate map as a regulatory floodway, which includes the channel of a river or other watercourse and the adjacent land areas that must be reserved for the discharge of a base flood, also referred to as a 100-year flood, without cumulatively increasing the water surface elevation more than a designated height.

"Reservoir" means a water impoundment project operated by the United States Army Corps of Engineers that is intended to retain water or delay the runoff of water in a designated surface area of land.

Section 6. Have you (Seller) ever filed a claim for flood damage to the Property with any insurance provider, including the National Flood Insurance Program (NFIP)? ___ yes no If yes, explain (attach additional sheets as necessary): _____

Homes in high risk flood zones with mortgages from federally regulated or insured lenders are required to have flood insurance. Even when not required, the Federal Emergency Management Agency (FEMA) encourages homeowners in high risk, moderate risk, and low risk flood zones to purchase flood insurance that covers the structure(s) and the personal property within the structure(s).

Section 7. Have you (Seller) ever received assistance from FEMA or the U.S. Small Business Administration (SBA) for flood damage to the Property? ___ yes no If yes, explain (attach additional sheets as necessary): _____

Section 8. Are you (Seller) aware of any of the following? (Mark Yes (Y) if you are aware. Mark No (N) if you are not aware.)

- | | |
|--|--|
| <input checked="" type="checkbox"/> Y
<input checked="" type="checkbox"/> N | Room additions, structural modifications, or other alterations or repairs made without necessary permits, with unresolved permits, or not in compliance with building codes in effect at the time. |
| <input checked="" type="checkbox"/> Y
<input checked="" type="checkbox"/> N | Homeowners' associations or maintenance fees or assessments. If yes, complete the following:
Name of association: _____
Manager's name: _____ Phone: _____
Fees or assessments are: \$ _____ per _____ and are: ___ mandatory ___ voluntary
Any unpaid fees or assessment for the Property? ___ yes (\$ _____) ___ no
If the Property is in more than one association, provide information about the other associations below or attach information to this notice. |
| <input checked="" type="checkbox"/> Y
<input checked="" type="checkbox"/> N | Any common area (facilities such as pools, tennis courts, walkways, or other) co-owned in undivided interest with others. If yes, complete the following:
Any optional user fees for common facilities charged? ___ yes ___ no If yes, describe: _____ |
| <input checked="" type="checkbox"/> Y
<input checked="" type="checkbox"/> N | Any notices of violations of deed restrictions or governmental ordinances affecting the condition or use of the Property. |
| <input checked="" type="checkbox"/> Y
<input checked="" type="checkbox"/> N | Any lawsuits or other legal proceedings directly or indirectly affecting the Property. (Includes, but is not limited to: divorce, foreclosure, heirship, bankruptcy, and taxes.) |
| <input checked="" type="checkbox"/> Y
<input checked="" type="checkbox"/> N | Any death on the Property except for those deaths caused by: natural causes, suicide, or accident unrelated to the condition of the Property. |
| <input checked="" type="checkbox"/> Y
<input checked="" type="checkbox"/> N | Any condition on the Property which materially affects the health or safety of an individual. |
| <input checked="" type="checkbox"/> Y
<input checked="" type="checkbox"/> N | Any repairs or treatments, other than routine maintenance, made to the Property to remediate environmental hazards such as asbestos, radon, lead-based paint, urea-formaldehyde, or mold.
If yes, attach any certificates or other documentation identifying the extent of the remediation (for example, certificate of mold remediation or other remediation). |
| <input checked="" type="checkbox"/> Y
<input checked="" type="checkbox"/> N | Any rainwater harvesting system located on the Property that is larger than 500 gallons and that uses a public water supply as an auxiliary water source. |

Concerning the Property at _____

- The Property is located in a propane gas system service area owned by a propane distribution system retailer.
- Any portion of the Property that is located in a groundwater conservation district or a subsidence district.

If the answer to any of the items in Section 8 is yes, explain (attach additional sheets if necessary): _____

Medina County Groundwater Conservation District

Section 9. Within the last 4 years, have you (Seller) received any written inspection reports from persons who regularly provide inspections and who are either licensed as inspectors or otherwise permitted by law to perform inspections? yes no If yes, attach copies and complete the following:

Inspection Date	Type	Name of Inspector	No. of Pages

Note: A buyer should not rely on the above-cited reports as a reflection of the current condition of the Property. A buyer should obtain inspections from inspectors chosen by the buyer.

Section 10. Check any tax exemption(s) which you (Seller) currently claim for the Property:

- Homestead Senior Citizen Disabled
- Wildlife Management Agricultural Disabled Veteran
- Other: _____ Unknown

Section 11. Have you (Seller) ever filed a claim for damage, other than flood damage, to the Property with any insurance provider? yes no

Section 12. Have you (Seller) ever received proceeds for a claim for damage to the Property (for example, an insurance claim or a settlement or award in a legal proceeding) and not used the proceeds to make the repairs for which the claim was made? yes no If yes, explain: _____

Section 13. Does the Property have working smoke detectors installed in accordance with the smoke detector requirements of Chapter 766 of the Health and Safety Code? unknown no yes. If no or unknown, explain. (Attach additional sheets if necessary): _____

**Chapter 766 of the Health and Safety Code requires one-family or two-family dwellings to have working smoke detectors installed in accordance with the requirements of the building code in effect in the area in which the dwelling is located, including performance, location, and power source requirements. If you do not know the building code requirements in effect in your area, you may check unknown above or contact your local building official for more information.*

A buyer may require a seller to install smoke detectors for the hearing impaired if: (1) the buyer or a member of the buyer's family who will reside in the dwelling is hearing-impaired; (2) the buyer gives the seller written evidence of the hearing impairment from a licensed physician; and (3) within 10 days after the effective date, the buyer makes a written request for the seller to install smoke detectors for the hearing-impaired and specifies the locations for installation. The parties may agree who will bear the cost of installing the smoke detectors and which brand of smoke detectors to install.

Concerning the Property at _____

Solar Panels	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	owned	leased from:
Water Heater	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> electric	gas other: _____ number of units: <u>1</u>
Water Softener	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	owned	leased from:
Other Leased Item(s)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	if yes, describe:	
Underground Lawn Sprinkler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> automatic	manual areas covered <u>5</u>
Septic / On-Site Sewer Facility	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	if yes, attach Information About On-Site Sewer Facility (TXR-1407)	

Water supply provided by: city well MUD co-op unknown other: _____

Was the Property built before 1978? yes no unknown

(If yes, complete, sign, and attach TXR-1906 concerning lead-based paint hazards).

Roof Type: comp shingle Age: 13 yrs (approximate)

Is there an overlay roof covering on the Property (shingles or roof covering placed over existing shingles or roof covering)? yes no unknown

Are you (Seller) aware of any of the items listed in this Section 1 that are not in working condition, that have defects, or are need of repair? yes no If yes, describe (attach additional sheets if necessary): _____

Section 2. Are you (Seller) aware of any defects or malfunctions in any of the following? (Mark Yes (Y) if you are aware and No (N) if you are not aware.)

Item	Y	N	Item	Y	N	Item	Y	N
Basement		<input checked="" type="checkbox"/>	Floors		<input checked="" type="checkbox"/>	Sidewalks		<input checked="" type="checkbox"/>
Ceilings		<input checked="" type="checkbox"/>	Foundation / Slab(s)		<input checked="" type="checkbox"/>	Walls / Fences		<input checked="" type="checkbox"/>
Doors		<input checked="" type="checkbox"/>	Interior Walls		<input checked="" type="checkbox"/>	Windows		<input checked="" type="checkbox"/>
Driveways		<input checked="" type="checkbox"/>	Lighting Fixtures		<input checked="" type="checkbox"/>	Other Structural Components		<input checked="" type="checkbox"/>
Electrical Systems		<input checked="" type="checkbox"/>	Plumbing Systems		<input checked="" type="checkbox"/>			
Exterior Walls		<input checked="" type="checkbox"/>	Roof		<input checked="" type="checkbox"/>			

If the answer to any of the items in Section 2 is yes, explain (attach additional sheets if necessary): _____

Section 3. Are you (Seller) aware of any of the following conditions? (Mark Yes (Y) if you are aware and No (N) if you are not aware.)

Condition	Y	N	Condition	Y	N
Aluminum Wiring		<input checked="" type="checkbox"/>	Radon Gas		<input checked="" type="checkbox"/>
Asbestos Components		<input checked="" type="checkbox"/>	Settling		<input checked="" type="checkbox"/>
Diseased Trees: <u>oak wilt</u>		<input checked="" type="checkbox"/>	Soil Movement		<input checked="" type="checkbox"/>
Endangered Species/Habitat on Property		<input checked="" type="checkbox"/>	Subsurface Structure or Pits		<input checked="" type="checkbox"/>
Fault Lines		<input checked="" type="checkbox"/>	Underground Storage Tanks		<input checked="" type="checkbox"/>
Hazardous or Toxic Waste		<input checked="" type="checkbox"/>	Unplatted Easements		<input checked="" type="checkbox"/>
Improper Drainage		<input checked="" type="checkbox"/>	Unrecorded Easements		<input checked="" type="checkbox"/>
Intermittent or Weather Springs		<input checked="" type="checkbox"/>	Urea-formaldehyde Insulation		<input checked="" type="checkbox"/>
Landfill		<input checked="" type="checkbox"/>	Water Damage Not Due to a Flood Event		<input checked="" type="checkbox"/>
Lead-Based Paint or Lead-Based Pt. Hazards		<input checked="" type="checkbox"/>	Wetlands on Property		<input checked="" type="checkbox"/>
Encroachments onto the Property		<input checked="" type="checkbox"/>	Wood Rot		<input checked="" type="checkbox"/>
Improvements encroaching on others' property		<input checked="" type="checkbox"/>	Active infestation of termites or other wood destroying insects (WDI)		<input checked="" type="checkbox"/>
Located in Historic District		<input checked="" type="checkbox"/>	Previous treatment for termites or WDI		<input checked="" type="checkbox"/>
Historic Property Designation		<input checked="" type="checkbox"/>	Previous termite or WDI damage repaired		<input checked="" type="checkbox"/>
Previous Foundation Repairs		<input checked="" type="checkbox"/>	Previous Fires		<input checked="" type="checkbox"/>

Concerning the Property at _____

Seller acknowledges that the statements in this notice are true to the best of Seller's belief and that no person, including the broker(s), has instructed or influenced Seller to provide inaccurate information or to omit any material information.

[Signature] 8/9/17
Signature of Seller Date Signature of Seller Date

Printed Name: Michael Smith Printed Name: _____

ADDITIONAL NOTICES TO BUYER:

- (1) The Texas Department of Public Safety maintains a database that the public may search, at no cost, to determine if registered sex offenders are located in certain zip code areas. To search the database, visit <https://publicsite.dps.texas.gov>. For information concerning past criminal activity in certain areas or neighborhoods, contact the local police department.
- (2) If the Property is located in a coastal area that is seaward of the Gulf Intracoastal Waterway or within 1,000 feet of the mean high tide bordering the Gulf of Mexico, the Property may be subject to the Open Beaches Act or the Dune Protection Act (Chapter 61 or 63, Natural Resources Code, respectively) and a beachfront construction certificate or dune protection permit may be required for repairs or improvements. Contact the local government with ordinance authority over construction adjacent to public beaches for more information.
- (3) If the Property is located in a seacoast territory of this state designated as a catastrophe area by the Commissioner of the Texas Department of Insurance, the Property may be subject to additional requirements to obtain or continue windstorm and hail insurance. A certificate of compliance may be required for repairs or improvements to the Property. For more information, please review *Information Regarding Windstorm and Hail Insurance for Certain Properties* (TXR 2518) and contact the Texas Department of Insurance or the Texas Windstorm Insurance Association.
- (4) This Property may be located near a military installation and may be affected by high noise or air installation compatible use zones or other operations. Information relating to high noise and compatible use zones is available in the most recent Air Installation Compatible Use Zone Study or Joint Land Use Study prepared for a military installation and may be accessed on the Internet website of the military installation and of the county and any municipality in which the military installation is located.
- (5) If you are basing your offers on square footage, measurements, or boundaries, you should have those items independently measured to verify any reported information.
- (6) The following providers currently provide service to the Property:

Electric: <u>TXU</u>	phone #: <u>800-818-6132</u>
Sewer: <u>City of Devine</u>	phone #: <u>830-663-2804</u>
Water: <u>" "</u>	phone #: _____
Cable: <u>Dish Network</u>	phone #: <u>800-333-3474</u>
Trash: <u>City of Devine</u>	phone #: <u>830-663-2804</u>
Natural Gas: <u>n/a</u>	phone #: _____
Phone Company: _____	phone #: _____
Propane: <u>n/a</u>	phone #: _____
Internet: <u>AT&T and/or fiber</u>	phone #: <u>844-452-5114</u>

506 Jack Nicklaus
Devine, TX 78016

Concerning the Property at _____

(7) This Seller's Disclosure Notice was completed by Seller as of the date signed. The brokers have relied on this notice as true and correct and have no reason to believe it to be false or inaccurate. YOU ARE ENCOURAGED TO HAVE AN INSPECTOR OF YOUR CHOICE INSPECT THE PROPERTY.

The undersigned Buyer acknowledges receipt of the foregoing notice.

_____ Signature of Buyer	_____ Date	_____ Signature of Buyer	_____ Date
_____ Printed Name:	_____ Printed Name:	_____ Printed Name:	_____ Printed Name:

Medina County

Groundwater



Conservation District

NOTICE TO PURCHASERS

1607 Avenue K
Houma, Texas 78861
Telephone: 830.741.3162
Fax: 830.741.3540

The Medina County Groundwater Conservation District (GCD) is not a water provider or utility. The service it provides, is the registration or permitting of groundwater wells, and regulations related to those wells. The purpose is to provide of the GCDs taxing authority. The following is from WATER CODE, TITLE 4., CHAPTER 49., SUBCHAPTER M., Section 49.452.(d) <https://statutes.capitol.texas.gov/Docs/WA/htm/WA.49.htm>

The real property, described below, that you are about to purchase is located in the Medina County Groundwater Conservation District. The district has taxing authority separate from any other taxing authority and may, subject to voter approval, issue an unlimited amount of bonds and levy an unlimited rate of tax in payment of such bonds. As of this date, the rate of taxes levied by the district on real property located in the district is \$0.007903 on each \$100 of assessed valuation. If the district has not yet levied taxes, the most recent projected rate of tax, as of this date, is \$0.007903 on each \$100 of assessed valuation. The total amount of bonds, excluding refunding bonds and any bonds or any portion of bonds issued that are payable solely from revenues received or expected to be received under a contract with a governmental entity, approved by the voters and which have been or may, at this date, be issued is \$0.00, and the aggregate initial principal amounts of all bonds issued for one or more of the specified facilities of the district and payable in whole or in part from property taxes is \$0.00.

The district has the authority to adopt and impose a standby fee on property in the district that has water, sanitary sewer, or drainage facilities and services available but not connected and which does not have a house, building, or other improvement located thereon and does not substantially utilize the utility capacity available to the property. The district may exercise the authority without holding an election on the matter. As of this date, the most recent amount of the standby fee is \$0.00. An unpaid standby fee is a personal obligation of the person that owned the property at the time of imposition and is secured by a lien on the property. Any person may request a certificate from the district stating the amount, if any, of unpaid standby fees on a tract of property in the district.

The purpose of this district is to provide water services within the district in whole or in part from property taxes. The legal description of the property you are acquiring is as follows:

506 Jack Nicklaus, Lot 4, Block 2, Devine Oaks Subd., Unit 4, Devine, Texas 78016

(Date) 9/5/24

Signature of Seller

[Handwritten Signature]

PURCHASER IS ADVISED THAT THE INFORMATION SHOWN ON THIS FORM IS SUBJECT TO CHANGE BY THE DISTRICT AT ANY TIME. THE DISTRICT ROUTINELY ESTABLISHES TAX RATES DURING THE MONTHS OF SEPTEMBER THROUGH DECEMBER OF EACH YEAR, EFFECTIVE FOR THE YEAR IN WHICH THE TAX RATES ARE APPROVED BY THE DISTRICT. PURCHASER IS ADVISED TO CONTACT THE DISTRICT TO DETERMINE THE STATUS OF ANY CURRENT OR PROPOSED CHANGES TO THE INFORMATION SHOWN ON THIS FORM.

The undersigned purchaser hereby acknowledges receipt of the foregoing notice at or prior to execution of a binding contract for the purchase of the real property described in such notice or at closing of purchase of the real property.

506 Jack Nicklaus, Lot 4, Block 2, Devine Oaks Subd., Unit 4, Devine, Texas 78016

(Date)

Signature of Purchaser

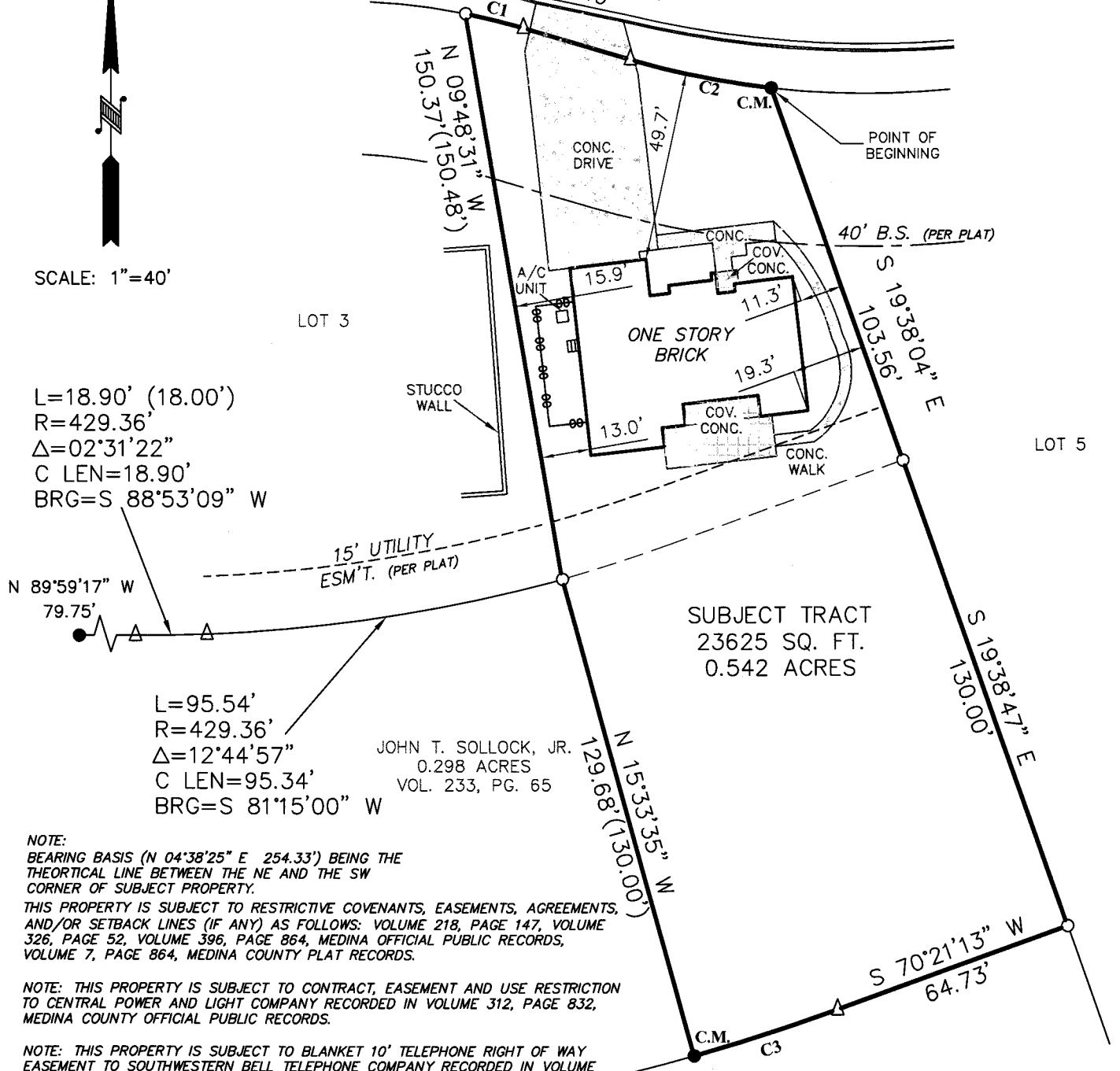
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	175.00'	15.80' (17.00')	15.79'	S 76°16'14" E	05°10'22"
C2	225.00'	38.14'	38.09'	S 78°32'23" E	09°42'40"
C3	559.36'	39.89'	39.88'	S 72°23'48" W	04°05'09"

JACK NICKOLAUS DRIVE

(50' R.O.W.) (DEVINE OAKS DRIVE PER PLAT)



SCALE: 1"=40'



L=18.90' (18.00')
R=429.36'
Δ=02°31'22"
C LEN=18.90'
BRG=S 88°53'09" W

L=95.54'
R=429.36'
Δ=12°44'57"
C LEN=95.34'
BRG=S 81°15'00" W

JOHN T. SOLLOCK, JR.
0.298 ACRES
VOL. 233, PG. 65

SUBJECT TRACT
23625 SQ. FT.
0.542 ACRES

49.94 ACRES
DEVINE GOLF ASSOCIATION
VOL. 216, PG. 179

THIS SURVEY IS
ACKNOWLEDGED AND
IS ACCEPTED:

NOTE:
BEARING BASIS (N 04°38'25" E 254.33') BEING THE
THEORETICAL LINE BETWEEN THE NE AND THE SW
CORNER OF SUBJECT PROPERTY.

THIS PROPERTY IS SUBJECT TO RESTRICTIVE COVENANTS, EASEMENTS, AGREEMENTS,
AND/OR SETBACK LINES (IF ANY) AS FOLLOWS: VOLUME 218, PAGE 147, VOLUME
326, PAGE 52, VOLUME 396, PAGE 864, MEDINA OFFICIAL PUBLIC RECORDS,
VOLUME 7, PAGE 864, MEDINA COUNTY PLAT RECORDS.

NOTE: THIS PROPERTY IS SUBJECT TO CONTRACT, EASEMENT AND USE RESTRICTION
TO CENTRAL POWER AND LIGHT COMPANY RECORDED IN VOLUME 312, PAGE 832,
MEDINA COUNTY OFFICIAL PUBLIC RECORDS.

NOTE: THIS PROPERTY IS SUBJECT TO BLANKET 10' TELEPHONE RIGHT OF WAY
EASEMENT TO SOUTHWESTERN BELL TELEPHONE COMPANY RECORDED IN VOLUME
315, PAGE 330, MEDINA COUNTY OFFICIAL PUBLIC RECORDS.

NOTE: THIS PROPERTY IS SUBJECT TO BLANKET EASEMENTS FOR UTILITIES, ROADS,
AND IRRIGATION STRUCTURES AS RECORDED IN VOLUME 136, PAGE 74, VOLUME 116,
PAGE 116, VOLUME 123, PAGE 511, MEDINA COUNTY DEED RECORDS AND RECORDED
IN VOLUME 2, PAGES 1 AND 2, MEDINA COUNTY PLAT RECORDS AND AS AMENDED
IN VOLUME 307, PAGE 468, MEDINA COUNTY OFFICIAL PUBLIC RECORDS.

NOTE:
BEARINGS SHOWN HEREON ARE BASED ON RECORD PLAT INDICATED BELOW.

FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSONS TO VERIFY THE ACCURACY OF FEMA FLOOD ZONE DESIGNATION OF THIS PROPERTY WITH FEMA AND STATE AND LOCAL OFFICIALS, AND TO DETERMINE THE EFFECT THAT SUCH DESIGNATION MAY HAVE REGARDING THE INTENDED USE OF THE PROPERTY. The property made the subject of this survey appears to be included in a FEMA Flood Insurance Rate Map (FIRM), identified as Community No. 48325C, Panel No. 0670 C, which is Dated 04-03-2012. By scaling from that FIRM, it appears that all or a portion of the property may be in Flood Zone(s) X. Because this is a boundary survey, the survey did not take any actions to determine the Flood Zone status of the surveyed property other than to interpret the information set out on FEMA's FIRM, as described above. THIS SURVEYOR DOES NOT CERTIFY THE ACCURACY OF THIS INTERPRETATION OF THE FLOOD ZONES, which may not agree with the interpretations of FEMA or state or local officials, and which may not agree with the tract's actual conditions. More information concerning FEMA's Special Flood Hazard Areas and Zones may be found at <http://www.fema.gov/index.shtml>.



Property Address: 506 JACK NICKOLAUS DRIVE
(DEVINE OAKS PER PLAT)

Property Description:

Being 0.542 acres of land, more or less, consisting of Lot 4, Block 2, Devine Oaks Subdivision, Unit 4, in the City of Devine, Medina County, Texas, according to the map or plat thereof recorded in Volume 7, Page 360, of the Plat Records of Medina County, Texas, and a called 0.298 acre tract of out of the Heirs of the John Igomet Survey Number 501, Abstract 551, Medina County, Texas, being that same tract of land described by Correction Warranty Deed recorded in Volume 241, Page 5, Official Public Records of Medina County, Texas, said 0.542 acres being more particularly described by metes and bounds attached hereto.

Owner: MICHAEL J. SMITH, JR.

FIRM REGISTRATION NO.
10111700

Westar Alamo
LAND SURVEYORS, LLC.
P.O. BOX 1036 HELOTES, TEXAS 78023-1036
PHONE (210) 372-9500 FAX (210) 372-9999

- LEGEND**
- = 1/2" IRON ROD TO BE SET
 - = FND 1/2" IRON ROD
 - () = RECORD INFORMATION
 - - - = BUILDING SETBACK
 - C.M. = CONTROLLING MONUMENT
 - △ = CALCULATED POINT



I, MARK J. EWALD, Registered Professional Land Surveyor, State of Texas, do hereby certify that the above plat represents an actual survey made on the ground under my supervision, and there are no discrepancies, conflicts, shortages in area or boundary lines, or any encroachment or overlapping of improvements, to the best of my knowledge and belief, except as shown herein.

Mark J. Ewald
MARK J. EWALD
Registered Professional Land Surveyor
Texas Registration No. 5095

DRAWN BY: JW

G.F. NO. 1403097-22

JOB NO. 61229

TITLE COMPANY: N/A

DATE: 08-22-2014

99756

**DECLARATION OF COVENANTS,
CONDITIONS & RESTRICTIONS**

Preamble

This Declaration of Covenants, Conditions and Restrictions is made on July 14, 1998, at Medina County, Texas, by GUY W. HUGHES and SHIRLEY K. HUGHES, whose mailing address is 14502 Brookhollow, San Antonio, Texas 78232, and whose principal primary place of business is P.O. Box 510, Comfort, Texas 78013 (Kendall County, Texas).

Recitals

1. Declarant is owner of all that certain property (the "Property") known as Devine Oaks Subdivision, Unit 4, located in Devine, Medina County, Texas, according to plat thereof recorded in Volume 7, Page 360, Plat Records of Medina County, Texas. The Property is more clearly described as follows, to-wit:

See Exhibit "A" attached.

2. This original plan will benefit the Property in general, the parcels and lots that constitute the Property, the Declarant, and each successive owner of an interest in the Property.
3. Therefore, in accordance with both the doctrines of restrictive covenant and implied equitable servitude, the Declarant desires to restrict the Property according to these covenants, conditions, and restrictions in furtherance of this general development plan.

NOW, THEREFORE, it is declared that all of the Property shall be held, sold, and conveyed subject to the following easements, restrictions, covenants, and conditions.

ARTICLE 1

Definitions

DEVELOPER:

- 1.01. "Developer" means Declarant and its successors and assigns who acquire all of the undeveloped Lots from Declarant for the purpose of development.

LOT:

- 1.02. "Lot" means any of the plots of land shown on the plat and subdivision map concerning the Property recorded in the Plat Records of Medina County, Texas (the "Map"), on which there is or will be built a single family dwelling designated as a Lot.

Page 1 of 9 Pages

Vol. 326 Pg. 52

OWNER:

1.03. "Owner" means the record owner or owners of the fee simple title to any Lot in the Property on which there is or will be built a detached single family dwelling. "Owner" includes contract sellers but excludes persons have only a security interest.

QUALIFIED PERSON:

1.04. A "qualified person" means a person who is a partner of Developer, architect, landscape architect, general contractor, or house planer.

ARTICLE 2

Architectural Control

ARCHITECTURAL CONTROL COMMITTEE:

2.01. Developer shall designate and appoint an Architectural Control Committee consisting of no less than 2 qualified persons, which shall serve at the pleasure of the Developer.

APPROVAL OF PLANS AND SPECIFICATIONS:

2.02. The Architectural Control Committee must review and approve in writing all of the following projects on the Property:

- (a) Construction of any building, fence, wall, or other structure.
- (b) Any exterior addition, change, or alteration in any building, fence, wall or other structure.
- (c) Any grading of any Lot or Lots.

APPLICATION FOR APPROVAL:

2.03. To obtain approval to do any of the work described in Paragraph 2.02, an Owner must submit an application to the Architectural Control Committee showing the plans and specifications for the proposed work. Such plans are to be submitted to the Developer at his principal place of business as stated int he preamble, or as may be designated upon request.

STANDARD FOR REVIEW:

2.04. The Architectural Control Committee shall review applications for proposed work in order to (1) ensure conformity of the proposal with these covenants, conditions, and restrictions and (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 should detail the reasons for rejection and suggest how the applicant could remedy the deficiencies.

FAILURE OF COMMITTEE TO ACT:

2.05. If the Architectural Control Committee fails either to approve or reject an application for proposed work within 30 days after submission, then committee approval shall not be required, and the applicant shall be deemed to have fully complied with this Article.

ARTICLE 3

Exterior Maintenance

3.01. If an Owner of any Lot fails to maintain the premises in a neat and orderly manner, the Developer or the Architectural Control Committee shall have the rights, through its agents and employees, to enter the Lot in order to repair, maintain, and restore the Lot, including landscaping, and the exterior of any buildings, and other improvements located on the Lot, all at the expense of the Owner.

ARTICLE 4

Use Restrictions and Architectural Standards

RESIDENTIAL USE ONLY:

4.01. All Lots shall be used for single-family residential purposes only. However, Developer, as well as any other person engaged in the construction and sale of residences on the Property, shall have the right, during the construction and sale period, to use facilities as may be reasonably necessary or convenient for its purpose of constructing and sell residences on the Property as approved by the Architectural Control Committee.

TYPE OF BUILDINGS PERMITTED:

4.02. No building shall be erected, altered, or permitted on any Lot other than one single-family dwelling not to exceed two stories in height, with an attached or detached private garage for not more than four automobiles and at least two automobiles and one accessory building of the same construction as the house with the same set-back requirements. However, Developer as well as any other person engaged in construction and sale of residences on the Property, shall have the right, during the construction and sales period, to construct and maintain such facilities as may be reasonably necessary or convenient for its business of constructing and selling dwelling units on the Property, including, but not limited to, offices and storage areas as approved by the Architectural Control Committee.

DESIGN, MINIMUM FLOOR AREA, AND EXTERIOR WALLS:

- 4.03. The ground floor area of the main structure, exclusive of one story open porches and garages, shall be not less than 2000 square feet for a one story dwelling and not less than 2200 square feet for a two story dwelling. The exterior walls of any residence shall consist of not less than 75 percent masonry construction, or approved equivalent. All roofs shall be constructed of materials consisting of at least 20 year shingles, tin, wood shake or concrete tile. All exterior colors, textures, and materials must be compatible with adjacent and surrounding Lots, and over-all community appearance. No existing dwelling may be moved onto the Property.

SETBACKS:

- 4.04. No building shall be located on any Lot nearer to the front Lot line or nearer to the side street line than the minimum building setback lines. For purposes of this covenant, eaves, steps, and open porches shall not be considered a part of the building; provided, however, that this shall not be construed to permit any portion of the building on any Lot to encroach upon another Lot. If two or more Lots, or portions of two or more Lots, are consolidated into a building site in conformity with Paragraph 4.05, these building set-back requirements shall apply to the resulting building site as if it were one original platted Lot.

RESUBDIVISION OR CONSOLIDATION:

- 4.05. No Lot shall be resubdivided or split. However, any person owning two or more adjacent Lots may petition the Architectural Control Committee for approval to consolidate those Lots into building sites, with the privilege of constructing improvements as permitted by this Declaration on the resulting building site.

EASEMENTS:

- 4.06. Easements for the installation and maintenance of utilities, drainage facilities, and the golf course crossovers are reserved as shown on the Map. No utility company, water district, political subdivision, or other authorized entity using these easements shall be liable for any damage done by them or their assigns, agents, employees, or servants, to shrubbery, trees, flowers, or to other property of the Owner situated in the easement.

NOXIOUS OR OFFENSIVE ACTIVITIES PROHIBITED:

- 4.07. No noxious or offensive activity shall be conducted on any Lot that may be or may become an annoyance or nuisance to the neighborhood.

PROHIBITED RESIDENTIAL USES:

- 4.08. No structure not approved for residential use by the Architectural Control Committee, including but not limited to trailers, mobile homes, motor homes, basements, tents, shacks,

garages, and other outbuildings and accessory structures, shall be used on any Lot at any time as a residence, either temporarily or permanently.

SIGNS:

- 4.09. No signs of any type shall be allowed on any Lot except one sign of not more than six square feet advertising the Property for sale or rent. However, Developer, as well as any other person engaged in the construction and sale of residences on the Property shall have the rights, during the construction and sales period, to construct and maintain signs advertising the construction and sale.

OIL DEVELOPMENT AND MINING PROHIBITED:

- 4.10. No oil well drilling, development, or refining, and no mineral quarrying or mining operations of any kind shall be permitted on any Lot. No oil well, tank, tunnel, or mining excavation shall be permitted on any Lot. No derrick or other structure designed for use in boring for oil, natural gas, or other minerals shall be erected, maintained, or permitted on any Lot.

RUBBISH, TRASH AND GARBAGE:

- 4.11. No Lot shall be used or maintained as a dumping ground for rubbish or trash. All garbage and other waste shall be kept in sanitary containers. There shall be no burning or incineration of trash, garbage, leaves, brush, or other debris.

WATER SUPPLY:

- 4.12. No individual water-supply system shall be permitted on any Lot. A central water supply shall be provided in accordance with State statutes and regulations.

SIGHT DISTANCE AT INTERSECTIONS:

- 4.13. No fence, wall, hedge, or shrub planting that obstructs sight lines at elevations between two and six feet above the roadway shall be placed or permitted to remain on any corner Lot in the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the street property lines as extended. The same sight-line limitations shall apply on any Lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley. No tree shall be permitted to remain within such distances of intersection unless the foliage is maintained to meet the sight line requirements set forth above.

LAND NEAR GOLF COURSE:

- 4.14. No building shall be placed, nor shall any material or refuse be placed or stored, nearer than 30 feet of the golf course property line. The 30 foot strip of land to be maintained by the homeowner in substantially the same manner as the golf course is maintained. Any rock walls or fences to be placed along the golf course shall not be more than 30" in height and must be approved by the Architectural Control Committee prior to construction. Buyers are responsible for constructing homes with the golf players in mind.

ANIMALS:

- 4.15. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any Lot, except that not more than 4 total of dogs, cats, or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose. All animals must be kept fenced and are not allowed to run at large.

FENCES AND WALLS:

- 4.16. No fence or rock wall to be constructed past the front part of the dwelling. Fences to be of good quality materials and workmanship. Specification for construction to be submitted to Architectural Control Committee for review prior to construction. Fencing requirements vary greatly from area to area. Chain link fence is not recommended in most areas. Refer to article 4.14 for walls and fences along the golf course property.

TRUCKS, BUSES, TRAILERS, BOATS, RV'S AND ALL OTHER VEHICLES:

- 4.17. No truck or bus (except a passenger van for personal use) or boat, trailer or RV shall be left parked in the street in front of any Lot, except for construction and repair equipment while a residence or residences are being built or repaired in the immediate vicinity. No truck or bus (except a passenger van for personal use) or boat or trailer shall be parked on the driveway or any portion of the Lot in such a manner as to be visible from the street or golf course. No other vehicle shall be allowed to remain parked in the street on a permanent basis.

PROHIBITED ACTIVITIES:

- 4.18. No business, or commercial activity to which the general public is invited shall be conducted on any Lot.

WOOD-BURNING STOVES AND FIREPLACES:

- 4.19. No fireplace or wood-burning stove shall be installed or used on any Lot unless it meets the requirements, standards, and recommendations of the Southern Building Code.

POLES, MASTS, AND ANTENNAS:

4.20. No poles, masts, antennas, basketball goals or satellite dishes of any type, size, or height shall be installed on any Lot unless approved by the Architectural Control Committee.

WATER SOFTENERS AND AIR CONDITIONING EQUIPMENT:

4.21. No water softener shall be installed or used that discharges effluent brine into the sewage system. Location, type and screening of water softeners and air conditioning units shall be first approved by the Architectural Control Committee before installation or use.

CONSTRUCTION COMPLETION:

4.22. Entire exterior of main residence, plus driveways and sidewalks, must be complete within 12 months of commencement of work thereon. All construction must be complete prior to moving in.

DRIVEWAYS AND SIDEWALKS:

4.23. All Lots must have a driveway and sidewalk; and they must be constructed of concrete. The sidewalk must be 4 feet in width and located along the front property line. Any variation from this covenant must be approved by the Architectural Control Committee.

ARTICLE 5

Easements

RESERVATION OF EASEMENTS:

5.01. All easements and all alleys for the installation and maintenance of utilities, golf course, and drainage facilities are reserved as shown on the Plat or Plats. Rights of use for ingress and egress shall be available at all times over any dedicated easement or alleyway for purposes of installing, operating, maintaining, repairing, or removing any utility or any obstruction placed in such easement or alleyway that would interfere with the installation, maintenance, operation or removal of such utility or with play from the golf course.

ARTICLE 6

General Provisions

ENFORCEMENT:

6.01. The Developer or any Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, and restrictions imposed by this Declaration. Failure to

enforce any covenant or restriction shall not be deemed a waiver of the right of enforcement either with respect to the violation in question or any other violation. All waivers must be in writing and signed by the party to be bound.

SEVERABILITY:

- 6.02. Invalidation of any one of these covenants or restrictions by judgment of court order shall in no way affect any other provisions, and all other provisions shall remain in full force and effect.

COVENANTS RUNNING WITH THE LAND:

- 6.03. These easements, restrictions, covenants, and conditions are for the purpose of protecting the value and desirability of the Property. Consequently, they shall run with the real property and shall be binding on all parties having any right, title, or interest in the Property in whole or in part, and their heirs, successors, and assigns. These easements, covenants, conditions and restrictions shall be for the benefit of the Property, each Lot and each Lot Owner.

DURATION AND AMENDMENT:

- 6.04. The covenants, conditions, and restrictions of this Declaration shall be effective for a term of 20 years from the date this Declaration is recorded, after which period the covenants, conditions, and restrictions shall be automatically extended for successive periods of 10 years subject to termination by an instrument signed by more than 50 percent of the Owners. The covenants, conditions, and restrictions of this Declaration may be amended by an instrument signed by more than 50 percent of the Owners. Neither an amendment nor any termination shall be effective until recorded in the Official Public Records of Medina County, Texas, and all requisite governmental approvals, if any, have been obtained.

ATTORNEY'S FEES:

- 6.05. If any controversy, claim or dispute arises relating to this instrument, its breach, or enforcement, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorney's fees, and costs.

LIBERAL INTERPRETATION:

6.06. This Declaration shall be liberally construed to effectuate its purposes of creating a uniform plan for the Property.

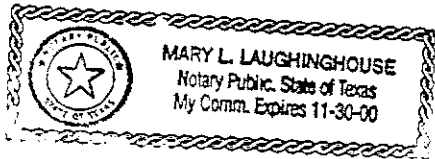
Guy W. Hughes
GUY W. HUGHES

Shirley K. Hughes
SHIRLEY K. HUGHES

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF Medina §

This instrument was acknowledged before me by GUY W. HUGHES, on this the 15th day of July, 1998.

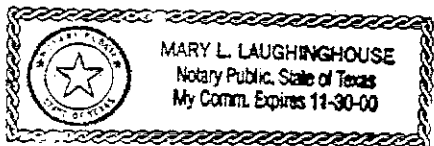


Mary L. Laughinghouse
NOTARY PUBLIC, STATE OF TEXAS

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF Medina §

This instrument was acknowledged before me by SHIRLEY K. HUGHES, on this the 15th day of July, 1998.



Mary L. Laughinghouse
NOTARY PUBLIC, STATE OF TEXAS

LEGAL DESCRIPTION EXHIBIT "A"

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13, Block 1, and
Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, Block 2, Devine Oaks
Subdivision, Unit 4, a subdivision in the City of Devine,
Medina County, Texas, according to plat of record in Volume 7,
Page 360, Medina County Plat Records.

FILED IN MY OFFICE
ANNA VAN DE WALLE

'98 JUL 15

AM - 10 25

COUNTY CLERK, MEDINA CO.

ANY PROVISION HERE WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL
PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW
THE STATE OF TEXAS
COUNTY OF MEDINA

I hereby certify that this instrument was FILED in file number
Sequence on the date and at the time stamped hereon by me; and was
duly RECORDED in the Official Public Records of Medina County, Texas
on



JUL 15 1998

Anna Van De Walle
COUNTY CLERK
MEDINA COUNTY TEXAS

326

Vol. _____ Pg. 61