

AMENDED DECLARATION OF COVENANTS, STIPULATIONS AND RESTRICTIONS
HIDDEN VALLEY RANCH SUBDIVISION
(also known as HIDDEN VALLEY RANCH RV AND MOBILE HOME PARK (ALL PHASES))

STATE OF TEXAS, COUNTY OF HILDAGO:

This Amended Declaration of Covenants, Stipulations and Restrictions of Hidden Valley Ranch Subdivision (also known as Hidden Valley Ranch RV and Mobile Home Park, All Phases) is made this 17th day of February, 2006.

NOW, THEREFORE, the undersigned members of the Board of Directors of Hidden Valley Ranch Property Owners' Association, Inc. (hereinafter referred to as H.V.R.P.O.A.) hereby declare their intent to amend the covenants, stipulations and restrictions for the purpose of protecting the value and desirability of the real property located in said subdivision and that the following be binding on all parties having any right, title or interest in the above described property, or any part thereof, their heirs successors and assigns, and shall inure to the benefit of each owner thereof.

1. PURPOSE. By adoption of this Amended Declaration of Covenants, Stipulations and Restrictions it is hereby agreed that it is the intent of the members of H.V.R.P.O.A. to operate as private residential housing for persons age 55 and older in accordance with all rules and requirements set forth in the Housing for Older Persons Act of 1995 (HOPA), as amended.

2. AGE RESTRICTIONS.

- a. A minimum of eighty percent (80%) of the units, if occupied, shall be occupied by at least one person 55 years of age or older. The remaining twenty percent (20%) of the shall be occupied by at least one person 45 years of age or older. Occupancy is restricted to the situations set out in this paragraph, temporary and limited absences excepted. Also exempted are instances where such qualifying occupancy involuntarily ceases due to death or physical or mental disability of the qualifying person 55 years of age or older. Also exempted from the provisions of this subsection (a) shall be properties not in compliance with such provisions at the time of the recording of this document; all instances of this exemption will cease upon any subsequent conveyance of the lot or residence by sale, lease, inheritance, becoming in compliance herewith or otherwise.
- b. There shall be no child or children under the age of eighteen (18) years of age in residency in the subdivision. Children under eighteen (18) years of age may visit the property for a period of not more than thirty (30) days in any one calendar year. No children under eighteen (18) years of age shall be permitted to use the recreational facilities unless accompanied by an adult resident.

3. VERIFICATION OF OCCUPANCY: A census shall be taken including all units in the H.V.R.P.O.A. subdivision to confirm that the above occupancy requirements have been met. The following documentation shall be used to verify the age of residents.

- a. A self certification of his or her age by an individual such as a driver's license, birth certificate, passport, military identification or any other local, state or national official document containing a birth date of comparable reliability.
- b. An affidavit from someone who knows the age of the occupant(s) and states his/her basis for the knowledge.

- c. In the event there is a change in the occupancy of a residential unit, the occupant shall immediately notify the Board of Directors of H.V.R.P.O.A. in writing of such change.

4. CONVEYANCE OF PROPERTY: No property in the subdivision shall be conveyed to any party, whether by sale, lease, re-lease or renewal of any existing lease, for the benefit of an identified or prospective occupant without at least one member of such identified or prospective occupant being fifty-five (55) years of age or older. Nothing contained in this subsection shall prohibit the conveyance of property to:

- a. Parties taking possession and/or ownership in such property for the benefit of one or more relatives age fifty-five (55) years or older and such relative or relatives in fact being the actual occupants of such property; and
- b. Households purchasing property for future occupancy for such future times as when at least one person is fifty-five (55) years of age or older.

5. VERIFICATION OF OCCUPANCY REQUIREMENTS UPON SALE OF A RESIDENTIAL UNIT. At the time a prospective purchaser enters into a purchase agreement, the purchaser should be required to certify as to compliance with the fifty-five (55) and older occupancy requirement. The completed certificate form shall be completed by the prospective purchaser and submitted to the Board of Directors of H.V.R.P.O.A. Upon receipt of the certification containing all required information, the Board of Directors shall determine whether the proposed occupancy of the residential unit is in compliance with the required provisions, and either grant or disapprove the proposed occupancy. The prospective occupants may not take occupancy until written approval of the proposed occupancy is granted by the Board of Directors.

6. VERIFICATION OF OCCUPANCY REQUIREMENTS FOR LEASING: Owners desiring to lease their residential units must comply with the required provisions and submit a written request to the Board of Directors of H.V.R.P.O.A. for approval of the proposed lessees. The request must include a completed Age Verification for Renters form available from the association business office. Upon receipt of the written request containing all the required information, the Board of Directors shall determine whether the proposed leasing of a residential unit is in compliance with the required provisions, and either grant or disapprove the proposed occupancy. The proposed tenant shall not take occupancy until written approval of the lease is granted by the Board of Directors.

7. AGE VERIFICATION UPDATE: Verification of compliance information shall be updated every two (2) years. The re-survey shall not require that all supporting documents be collected again—only that the subdivision confirm that those persons counted as occupying residential units for purposes of meeting the eighty percent (80%) requirements are, in fact, still in occupancy.

8. CONFIRMATION SUMMARY. A summary of the information gathered in support of the occupancy verification shall be retained for confirmation purposes. Copies of supporting information gathered shall be retained in a separate file with limited access and not in general or resident files that may be widely accessible to employees or other residents. The segregated documents shall be considered confidential and not generally available for public inspection. HUD, state or local fair housing enforcement agencies or the Department of Justice shall be permitted to review the documentation during the course of any investigation.

9. DEMONSTRATION OF INTENT: The H.V.R.P.O.A. Board of Directors shall publish and adhere to policies and procedures that demonstrate its intent to operate as housing for persons 55 years of age and older by adopting the following:

- a. The manner in which the subdivision is described to prospective residents;
- b. Any advertising designed to attract prospective residents;
- c. Written rules, regulations, covenants or other restrictions;
- d. The maintenance and consistent application of relevant procedures;
- e. Actual practices of the housing community; and
- f. Public posting in common areas of statements describing the subdivision as housing for persons age fifty (55) years of age and older.

10. MODIFICATION OF RULES: The foregoing rules may be modified from time to time as may be deemed necessary in the sole discretion of Hidden Valley Ranch Property Owners' Association, Inc., including without limitation, for purposes of compliance with 42 U.S.C. Sec. 3607(b)(2)(C), A.R.S. Sec. 41-1491.04 and 24 CFR Part 100. In the event of any conflict between these rules and the Declaration, the Declaration shall control. In the event of any conflict between these rules and the Bylaws of H.V.R.P.O.A. the Bylaws shall control.

11. All current existing covenants, stipulations and restrictions shall remain in full force and effect.

WITNESS OUR HANDS at Mission, Hidalgo County, Texas, this 17th day of February, 2006, by the undersigned members of the Board of Directors Property Owners' Association (H.V.R.P.O.A.)

/s/ Jan Coon, President, H.V.R.P.O.A.

/s/ Sandra Kienast, Vice-President, H.V.R.P.O.A.

/s/ Jessie Hills, Secretary, H.V.R.P.O.A.

/s/ Carol McCulloch, Treasurer, H.V.R.P.O.A.

/s/ Leo Brayman, Director, H.V.P.O.A.

/s/ Louie Cagler, Director, H.V.R.P.O.A.

/s/ Ron Kling, Director, H.V.R.P.O.A.

/s/ Margaret Leonard, Director, H.V.R.P.O.A.

/s/ Herb O'Neal, Director, H.V.R.P.O.A.

THIS INSTRUMENT was duly acknowledged and signed before me by the above persons on the 17th day of February, 2006.

/s/ Sybil L. Smith Beller, Notary Public, State of Texas
(My Commission Expires December 6, 2006.)

Filed for Record in Hidalgo County
by Eddy Trevino, County Clerk
February 17, 2006, 11:14 a.m.
Total Fees \$24.00
Receipt No. 7433301
Document No. 1580202