

DEED RESTRICTIONS FOR HACIENDA ALTA

SUBDIVISION AND RIGHT-OF-WAY

HACIENDA ALTA SUBDIVISION: The *Hacienda Alta Subdivision* is a duly recorded 6 lot subdivision in the village of Hacienda la Labor, in the Municipality of Chapala, Jalisco, Mexico: scripted as Subdivision 3579147, Folio 3622499. The goal of the owners of the subdivision is to create a small exclusive development that affords the Owners of the Lots high quality of life. This deed has been written to protect Owners of the Lots, and is specifically written to preserve the views of Lake Chapala from all Lots; insure access to the private interior road that provide access to Lots 1, 2, 4, 5 and 6; and to prohibit commercial activities, above ground utilities, and the keeping of barnyard animals of any kind (including horses) on any lot at *Hacienda Alta*. These deed provisions and restrictions are detailed in the following 5 sections:

1.- RIGHT OF WAY OR EASEMENT FOR PRIVADA

The Owners of *Hacienda Alta Subdivision* build in this deed a right-of way or easement in Lot 7 of the *Hacienda Alta Subdivision*, which is built exclusively to provide access for lots 1,2,4,5 and 6 of the subdivision.

Hacienda Alta Subdivision Privada: Access to Lots 1, 2, 4, 5 and 6 is provided though the *Hacienda Alta Subdivision* main gate and empedrado-paved *Privada*. The *Privada* is built as per Chapala municipality regulations. The right of way is 6 meters in width and includes a 5 meter paved roadway and a 1 meter utility right-of-way. Underground utility conduits have been installed in the utility right-of way for the use of the buyers of Lots 1, 2, 4, 5 and 6. The *Privada* (recorded in the Town of Chapala as Lot 7 of the *Hacienda Alta Subdivision*, Folio 3632499) is currently owned by the developers of the *Hacienda Alta Subdivision*. The *Privada* shall be subject to the following rules:

1.1- Use: The *Privada's* purpose is to provide transit to Lots 1, 2, 4, 5 and 6 from the Hacienda Alta entry gate. Any other use of the *Privada* by any Lot Owner is expressly prohibited. This prohibition includes the parking of any vehicle on the *Privada*, the

placement or storage of any personal property on the *Privada*, planting of any plant material, or any other activity that would limit access to the *Privada* to other Lot Owners.

1.2- Repairs and Maintenance: The Owners of the *Hacienda Alta Subdivision* shall be responsible for arranging for any repairs and maintenance that should be needed to keep the main gate and the *Privada* in good working order. The cost for such repairs shall be borne by the *Hacienda Alta Subdivision* owners and the Lot Owners proportional to the amount of land owned by the individual lot owners. The Lot Owners' shares of repair and maintenance expenses are as follows: Lot 1 13.0%, Lot 2, 14.4%, Lot 4 17.0%, Lot 5 22.2%, Lot 6 33.4%. (Note: Lot 3 is not included in this list as it does not have access to the *Privada* or the main entry gate for the *Hacienda Alta Subdivision*.)

Until all the lots have been sold, the *Hacienda Alta Subdivision* owners shall be responsible for the portion of the costs of any repairs for all the unsold lots and the individual Lot Owners shall be responsible for the balance based on their proportional ownership as enumerated above. Property tax of Lot 7 shall be paid by its Owners until such time as Lot 6 is sold as specified in clause 5 of this deed.

1.3- Improvements: Improvements to the main gate and *Privada* beyond basic repairs and maintenance shall be authorized only upon the written agreement of a majority of the owners based on the ownership proportions as enumerated in **1.2- Repairs and Maintenance** clause. In the event that an improvement is agreed to by a majority of the Lot Owners, all Lot Owners shall be responsible for their proportional share of the expense, whether they approved of the improvement or not.

2.- LIMITATIONS TO THE OWNERSHIP OF ALL LOTS OF THE SUBDIVISION

2.1.- : Underground utility services.- The Owners of the *Hacienda Alta subdivision* have installed underground conduits for utilities in a right-of-way along the edge of the *Privada*. It shall be the responsibility of the Buyers of any of the *Hacienda Alta Subdivision* lots to contact

the various utility providers and install the appropriate underground services. **The installation of above-ground utility services is expressly prohibited.**

2.2.- Provision of utilities to other parties: Providing external access to any and all utilities via any lot or via the underground cabling from a lot to any properties outside of the *Hacienda Alta Subdivision* is expressly prohibited.

2.3.- Building Restrictions: The Buyer is free to construct any style of home desired with the following provisos:

2.3.1- Building Footprint: The buyer shall adhere to any and all set back and lot limit restrictions as stipulated by the Town of Chapala. Buyer shall leave at least one meter setback in all boundaries, which constitutes a restriction for no-construction

2.3.2- Building Height: To avoid blocking the view of lots 1, 2, 3 and 5 by construction on lots 4, 5 and 6 of the *Hacienda Alta Subdivision*, the upper most roof line of the any structure built on the properties shall adhere to the following restrictions.

2.3.2.1.- Lots 1, 2 and 3: The upper most roof line of any structures built on Lots 1, 2 and 3 shall not exceed 6.0 meters in height as measured at the highest point along the western edge of said Lots, except for houses built against the western boundary of the property (the stone wall that forms the western boundary of the *Hacienda Alta Subdivision*) where the height is limited to a max of 12 meters. The Owners of Lots 2 and 3 are hereby granted permission to incorporate the wall into any structures built if so desired. The Owner of Lot 3 is hereby granted permission to break through the wall to provide vehicular and/or pedestrian access to the Lot. In all cases, a maximum of 2 stories shall be permitted on any lot. It shall be permitted to build an open, that is, non-walled mirador/deck on the roof of any of the structures built.

2.3.2.2.- Lots 4, 5 and 6: The upper roof line of any structure built on Lots 4, 5 and 6 shall not exceed 6.0 meters in height as measured at the highest point along the western edge of the Lots 4, 5 and 6. In all cases, a maximum of 2 stories shall

be permitted on any lot. It shall be permitted to build an open, that is, non-walled mirador/deck on the roof of any of the structures built.

3.4.- Animals: Household pets: A maximum of 3 dogs and cats may be kept by buyers. All pets must be kept within the boundary of each individually owned lot. Pets outside of the individually owned lots shall be kept on a leash at all times. The keeping of horses, chickens, goats, sheep, burros, hogs or any other barnyard animals, on any lot, at any time, is expressly prohibited.

3.5.- Use of Property: All buildings in the *Hacienda Alta Subdivision* are to be residential in nature and there are to be no commercial enterprises / activities inside of the *Hacienda Alta Subdivision* .