

DEED RESTRICTIONS FOR HACIENDA ALTA

SUBDIVISION AND RIGHT-OF-WAY

HACIENDA ALTA SUBDIVISION: The *Hacienda Alta Subdivision* is a duly recorded 6 lot subdivision (plus a 7th lot which is the private interior access road) 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 residential development that affords the Owners of the Lots a high quality of life. These deed restrictions have been written to protect the Owners of the Lots, and are specifically written to: 1-preserve the views of Lake Chapala from all Lots; 2-insure access to the private interior road that provide access to all Lots; and, 3-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 (Private interior access road)

The Owners of *Hacienda Alta Subdivision* have built into every *Hacienda Alta* deed a right-of way or easement to Lot 7 of the *Hacienda Alta Subdivision*, which is exclusively designated as a right of way to provide an interior access road for all of the lots in the subdivision.

Hacienda Alta Subdivision Privada: Access to Lots 1, 2, 4, 5 and 6 is provided directly through the *Hacienda Alta Subdivision* main gate and the (cobblestone plus pavers) 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 on the south side of the roadway. Underground utility conduits have been installed in the utility right-of way for the direct use of the buyers of Lots 1, 2, 4, 5 and 6.

Access to Lot 3 is provided via a separate access driveway that runs from the *privada*, along the east side of lot 2. The owner of lot 3 may choose to access utilities, that is, water, electric and telecommunications, directly onto the lot from the road on the west side of the sub-division, or, the owner may choose to use the underground utility conduits in place on the south side of the

privada, and then run the utility services under the access driveway. In any event, as noted in 2.1 below, all utility services must be underground.

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 directly to Lots 1, 2, 4, 5 and 6, and access to the lot 3 access driveway 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: 12%, Lot 2: 12%, Lot 3: 11%, Lot 4: 16%, Lot 5: 20%, Lot 6: 30%.

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; the individual Lot Owners shall be responsible for the balance based on their proportional ownership as enumerated above. Property taxes for Lot 7 shall be paid by its Owners until such time as all Lots in the sub-division are sold.

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 USE 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 south 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—electric, water, telecommunications. **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 (electric, water, telecommunications) 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 new construction

2.3.2- Building Height: To avoid blocking the views from other *Hacienda Alta* lots by construction on any lot 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 prohibited from breaking through the wall on the west side of the Lot 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 and 5: The upper roof line of any structure built on Lots 4 and 5 shall not exceed 6.0 meters in height as measured at the highest point along the western edge of Lots 4 and 5 respectively. 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 of *Hacienda Alta* properties or their tenants. 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* .

No RVs are to be parked at Hacienda Alta. No one should be living in a trailer parked on your property. No large trailers (over 15 feet in length) shall be stored on any Hacienda Alta property.

No short-term leasing arrangements are permitted, including the use of *Hacienda Alta* properties as weekend party house rentals, or short-term rental listings in such sites as VRBO, AirBnB, etc.