70 2018 00005724

Cameron County
Sylvia Garza-Perez
County Clerk
Brownsville, TX 78520

Instrument Number: 2018-00005724
As
Real Property

Recorded On: February 16, 2018

Billable Pages: 4

Number of Pages: 6

Comment:

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

Real Property	48.00
Total Recording:	**48.00**

******************** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT ********************************

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

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Record and Return To:

GARY MITZEL
1216 N PALMERA DR
LA FERIA TX 78559

I hereby certify that this instrument was filed on the date and time stamped hereon and was duly recorded in the Official Public Records in Cameron County, Texas.

Sylvia Garza-Perez
Cameron County Clerk

The State of Texas:
County of Cameron:

PALMERA PARK CORP
PROTECTIVE SUBDIVISION COVENANTS
January 16, 2018
(This Version supersedes all previous Versions of this Document)

WHEREAS, the undersigned is the owner of the following described land, to-wit:

PALMERA HEIGHTS SUBDIVISION, being a Mobile Home Park (B), in Cameron County, Texas, according to Map of said Subdivision recorded in Vol 33, Page 34, Map Records of Cameron County, Texas, being a subdivision of 9.598 acres, out of Block 4, Collins Subdivision, Cameron County, Texas; and

PALMERA HEIGHTS SUBDIVISION, UNIT NUMBER TWO (2), being a Mobile Home Park Type "B", according to Map of said Subdivision recorded in Cabinet 1, Page 57B, of the Map Records of Cameron County, Texas, being a Subdivision of 16.266 acres out of Block 4, Collins Subdivision, Cameron County, Texas.

The following restrictions are hereby imposed upon the above-described subdivision:

1. The lots in this subdivision shall be known and described as mobile home and RV lots and no permanent structure other than carports and accessory buildings as approved by the Developer shall be erected, altered, placed or permitted to remain on any mobile home lot other than one detached single family mobile home dwelling or RV as provided in Paragraph 9. However, within three (3) years from the date of the first sale or when thirty percent (30%) of the lots in this subdivision are sold, the approval and control of subdivision covenants shall vest in the lot owners, as required by the rules and regulations of the Office of Interstate Land Sales Regulations of the Department of Housing and Urban Development.

2. No commercial enterprises of any nature shall be operated on said lots, nor shall any obnoxious or offensive activity be carried on or upon any lot, nor shall anything be done thereon which may be or become an annoyance or a nuisance to the neighborhood.

3. Except as provided in Paragraph 9 herein, no mobile home smaller than 12 x 40 feet shall be permanently placed on any of the lots within this subdivision, and the mobile home located on any of the lots in the above Subdivision shall be installed as follows:

All tires and wheels shall be removed, and the mobile home shall have acceptable skirting within ninety (90) days after installation.

4. All setbacks must comply with the City of La Feria Zoning Ordinance.

5. "Pursuant to federal law, particularly 42 U.S.C.A. SS 3602, 3604, 3607, (1995): Supp. (1998), constituting provisions of the Fair Housing Law of the United States of America, as well as in compliance with rules issued by the Secretary of Housing and Urban Development, it is hereby declared and affirmed that PALMERA HEIGHTS PARK/SUBDIVISION constitutes "housing for older persons", in that each home, now or in the future located in Subdivision, is intended for occupancy by at least one (1) person fifty-five (55) years of age or older, and each such home shall not be occupied by any person

under thirty-five (35) years of age. Moreover, the owners of the land constituting PALMERA HEIGHTS PARK/SUBDIVISION have determined that such housing "is necessary to provide important housing opportunities for older persons," at least eighty percent (80%) of the units are occupied by at least one person fifty-five (55) years of age or older," and that there are, or shall be, published or adhered to "policies and procedures which demonstrate an intent by PALMERA HEIGHTS PARK/SUBDIVISION to maintain a community in compliance with "HOPA" (the Housing for Older Persons Act). As such, occupancy of all lots in the Subdivision is subject to these covenants and enforced by any lot owner (and/or the Subdivision's Property Owner Association if and when any such Association exists) to ensure compliance with the foregoing standards, and to maintain this Subdivision as "housing for older persons," pursuant to federal law, which does not constitute discrimination in housing and is explicity exempted from the application of other fair housing standards to the Subdivision by and under such federal law. Accordingly, persons not satisfying the above criteria may not permanently occupy or otherwise reside in the Subdivision. However, persons who do not meet these criteria may visit at a home for up to thirty (30) days during a calendar year provided that at least one (1) person fifty-five (55) years of age is present at the home during the period of the visitation. Further occupancy of property in the Subdivision by any person under the age of fifty-five (55) and/or under the age of thirty-five (35) is not prohibited if the person's occupancy of the property is derived by descent and distribution or by will, as appropriate."

Furthermore, Palmera Heights Park/Subdivision mandates that a Park Resident who has a person or persons under the age of 35 that will be staying/living/visiting temporarily with said park resident is required to report to the Palmera Park Corp President within 24 hours. The resident is required to make this report in order to keep the Palmera Park Corp informed so that the 30 (thirty) day limit visitation rule may be enforced. Failure to inform the Palmera Park Corp President will subject the Park Resident to a $100.00 (One Hundred and no/100) Dollar fine for each daily violation, and subject the Park Resident to a possible eviction of the person or persons under the age of 35 staying/living/visiting temporarily with said Park Resident from Palmera Heights Park/Subdivision.

Park Resident must provide proof of age for any person when requested by the Palmera Park Corp President. Valid forms as proof of age are current: Birth Certificate / Driver's License / Passport.

The fine will be considered a lien against the Park Resident's property and may be enforced according to Texas State Law. The fine will be an Obligation of the Park Resident and will accrue interest at the maximum amount allowed by law until paid.

By the recording of this Amendment to the Declaration of Covenants, a lien to secure the payment of all regular assessments, special assessments, dues, fees, charges, interest, late fees, fines, collection costs, attorneys fees, and any other amounts due to Palmera Park Corp for Palmera Heights Park/Subdivision is hereby created as of the filing of the original Declaration, September 26, 1978.

6. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste and shall not be kept except in sanitary containers. All equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition. Each lot shall be mowed and maintained in a tidy manner by each owner.

7. Regulations for all fences, carports and other structures must comply with the City of La Feria Zoning Ordinance.

8. All mobile homes located in this subdivision shall use "tie downs" which comply with acceptable safety standards within the mobile home industry.

9. It is permissible for travel trailers, or motor homes and recreational vehicles to be located in the subdivision on a temporary basis, temporary basis being defined as no longer than a six month duration. At the end of the six months, the motor home, travel trailers and recreational vehicles must be removed from the premises for a period of at least ninety (90) days. This may be done for a maximum of three (3) years from the date of the purchase of the lot, except when a mobile home is permanently located on the lot.

In regard to lots numbers 16 through 45, Palmera Heights Subdivision, there are no limitations on the period of time that travel trailers, motor homes and recreational vehicles may be located on same.

10. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 2001, at which time said covenants shall be automatically extended for successive periods of ten (10) years. At any time, however, these restrictions may be altered by a 2/3rd majority vote of the land owners of the subdivision. Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect. Notwithstanding the above provisions in this paragraph, control shall vest in the lot owners within three (3) years from the date of the first sale or when thirty percent (30%) of the lots are sold, whichever occurs first, and the undersigned developer shall not be entitled to vote any more than forty-nine percent (49%) of the votes regardless of the number of lots owned at that time by the undersigned developer, pursuant to the guidelines of the Office of Interstate Land Sales Regulations of the Department of Housing and Urban Development.

These covenants may be enforced by any lot owner in the area covered by these restrictions in a Court of equity by injunctive relief.

11. All new property owners will be obligated to pay the mandatory annual Palmera Park Corp fees. Membership dues run from March 1 to the last day of February the following year. All current property owners as of January 2015 are grandfathered in to pay Palmera Park Corp dues voluntarily.

12. Park residents who need a caregiver who does not meet age requirements must have a physician's letter verifying their disability.

EXECUTED THIS 26th day of September, 1978.

George J. Martin, Jr., Trustee

State of Texas:

County of Dallas:

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared George J. Martin, Jr., known to be to be the person whose name is authorized to the foregoing instrument, and acknowledged to me that he executed same for the purpose and consideration therein expressed, and in the capacity the reinstated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 26th day of September, 1978.

Notary Public in and for Dallas County, Texas

GARY MITZEL

President

Date: FEB 16, 2018

Robert R. Hobson

Vice President

Date: 2-16-18

Notarized:

State of Texas
County of Cameron

This instrument was acknowledged before me on Feb. 16, 2018 by Gary Mitzel and Robert R. Hobson.

Notary Public

(Seal)

PATRICIA ANN APODACA
Notary Public, State of Texas
Notary ID# 12482577-9
My Commission Expires 04-05-2020

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By
David Jacinto
Sylvia Garza-Perez, County Clerk
Cameron County