

Amendments to Whispering Oaks Restrictive Covenants

Official Property Owner Ballot

Understanding Restrictive Covenants

The developers who founded the Whispering Oaks subdivision nearly 60 years ago attached community rules to every property deed known as Restrictive Covenants. These common sense neighborly rules reduce potential conflict among residents and safeguard property values. The Covenants apply to all properties and automatically transfer to new owners. The developers filed the Covenants with Bexar County over a period of several years in over two dozen groupings known as Units.

The Covenants take precedent over local or state ordinances whenever allowed by law. Covenants that overlap or replicate City ordinances can reduce the community's reliance on City staff for enforcement of similar local ordinances.

Modifying the Covenants

The Covenants haven't been amended in decades and therefore do not guard against modern concerns such as Short Term Rental properties. Proposed amendments can be ratified via simple majority approval among owners listed on property deeds within each respective Unit, therefore it is possible your spouse may be entitled to a separate ballot. Once amendments (which achieve the threshold) are filed with Bexar County, they will apply to all properties within the Unit. WOHA membership is not required to submit a ballot.

Enforcing the Covenants

Each property owner is legally empowered to insist upon Covenant compliance within the respective Unit. Amendment #7 herein would enable WOHA to provide supplemental community-wide support.

Please indicate your preference for each amendment. Please do not make modifications to the wording shown.

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| Amendment 1 - Short Term Rental of Property (a) Leasing any portion of a dwelling, lot, or amenity thereon, for which the owner receives any consideration or benefit, for less than 30 consecutive days is prohibited, except as provided in subsection (b) below. (b) Property owners in possession of Short Term Rental permits issued by the City of San Antonio prior to the date this Amendment was filed in the Bexar County Real Property Records shall be permitted to operate through the expiration of said permit's current term. Subsection (a) above shall prevail thereafter. <i>Why is this amendment needed?</i> <i>A steady stream of short term rental guests can become disruptive for nearby neighbors, particularly when noisy gatherings, a swimming pool, or lax management become recurring issues. Some nearby subdivisions have banned short term rentals and this amendment would phase them out of Whispering Oaks in a reasonable manner.</i> | <input type="checkbox"/> Approve <input type="checkbox"/> Reject |
| Amendment 2 - Accessory Dwelling Units Each lot within Whispering Oaks shall be allowed a maximum of one single-family dwelling. <i>Why is this amendment needed?</i> <i>Multiple dwellings on a single lot can result in increased noise, reduced privacy, and parking problems. This amendment reinforces that all lots within Whispering Oaks are allowed only one dwelling.</i> | <input type="checkbox"/> Approve <input type="checkbox"/> Reject |
| Amendment 3 - Oak Wilt Mitigation Oaks trees shall not be cut from February 1 through June 30, except in response to an act of nature, life-threatening emergency, or removal of the entire tree. Each cut shall be properly sealed within 30 minutes. Property Owners who become aware of oak wilt infection within their lot shall promptly advise owners of adjoining properties. <i>Why is this amendment needed?</i> <i>Oak Wilt is an infectious, lethal, and costly threat to our namesake neighborhood. This amendment establishes common sense safeguards to mitigate additional outbreaks and thereby protect neighboring properties from preventable losses.</i> | <input type="checkbox"/> Approve <input type="checkbox"/> Reject |

>>> Continue Other Side >>>

This portion will be detached.

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| <p>Amendment 4 - Lot Maintenance</p> <p>Yards visible from the street shall be maintained in a tidy manner. Grass shall not exceed 10” in height, weeds shall be deterred, and debris shall be removed. Dead or visibly dying trees and shrubs shall be removed and stumps reduced to soil level. Fencing shall be maintained. Rainwater cisterns shall be concealed behind fencing. Household furnishings intended for indoor usage shall not be stored in view of the street. This Amendment shall supersede any existing clause regarding Lot Maintenance.</p> <p><i>Why is this amendment needed?</i></p> <p><i>Enforcement of local ordinances regarding yard maintenance can be a low priority for City staff. This amendment empowers Whispering Oaks residents to ensure basic upkeep is maintained community-wide.</i></p> | <input type="checkbox"/> Approve <input type="checkbox"/> Reject |
| <p>Amendment 5 - Inoperable & Dormant Vehicles</p> <p>Vehicles that cannot be legally operated on roadways in the state of Texas, or cannot be shown to be operable, shall be stored inside a garage or under a carport.</p> <p><i>Why is this amendment needed?</i></p> <p><i>Junk vehicles parked in driveways are an increasingly common eyesore. This amendment will require inoperable vehicles be stored to be less visible.</i></p> | <input type="checkbox"/> Approve <input type="checkbox"/> Reject |
| <p>Amendment 6 - Common Area Fund</p> <p>Each residence shall remit an assessment in the amount of twenty-five dollars (\$25) to the Whispering Oaks Common Area Fund during March of each year. Contributions to the Fund shall be used to maintain and enhance the entrances and perimeter landscaping of the subdivision and to administer the Fund. The Fund shall be administered by the Whispering Oaks Homeowners Association Inc. who shall publish an annual summary of collections and expenses. The assessment shall increase one dollar (\$1) each calendar year. A processing fee of four percent (4%) may be applied to electronic remittances. Delinquent remittances shall incur a five percent (5%) penalty each calendar month and shall be paid in full prior to transfer of property ownership.</p> <p><i>Why is the amendment needed?</i></p> <p><i>Every household benefits from attractive community entrances. This amendment would collect a nominal annual contribution from each residence without requiring membership to WOHA which provides the caretaking.</i></p> | <input type="checkbox"/> Approve <input type="checkbox"/> Reject |
| <p>Amendment 7 - Enforcement</p> <ul style="list-style-type: none"> The Whispering Oaks Homeowners Association shall be authorized to enforce Restrictive Covenants within the Unit indicated below. <p><i>Why is this amendment needed?</i></p> <p><i>Every homeowner is legally empowered to insist upon Covenant compliance within his or her Unit. However WOHA volunteers are frequently asked to approach a neighbor over a potentially contentious issue. This amendment formalizes that support across the community while still allowing homeowners to take their own action if desired.</i></p> | <input type="checkbox"/> Approve <input type="checkbox"/> Reject |

The undersigned is a legal owner of the property below and authorizes amendment(s) to the Whispering Oaks Restrictive Covenants attached to its deed as indicated above provided the majority of property owners within the Unit consent.

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| WO Property Address: <p style="text-align: center; color: green;">[EXAMPLE – NOT VALID]</p> | | WO Unit Number: |
| Property Owner Name (please print clearly): | Signature: | Date: |

PROMPT RETURN OF YOUR COMPLETED BALLOT IS APPRECIATED AND WILL EXPEDITE TALLYING

Mail to: Whispering Oaks HOA - 11515 Whisper Forest #B - San Antonio TX 78230

This ballot is intended for name shown.
Each owner appearing on deed may receive a ballot.