

DECLARATION OF RESTRICTIONS

STATE OF TEXAS
COUNTY OF HOOD

|

KNOW ALL MEN BY THESE PRESENTS:

THAT, WHEREAS, REPUBLIC LAND COMPANY, a Texas corporation, d/b/a PECAN PLANTATION (hereinafter referred to as Dedicator) has heretofore filed a Declaration of Restrictions recorded at Vol. 189, page 508, Deed Records of Hood County, Texas, covering certain lands located in Hood County, Texas, and known by Dedicator and designated as Units IX and X of Pecan Plantation; and

WHEREAS, said Declaration of Restrictions and plat recorded therewith reflected and constituted Dedicator's preliminary plan for the subdivision of the lands covered thereby and none of said land has been sold by Dedicator and is still wholly owned by Dedicator; and

WHEREAS, Dedicator has revised and replatted said Units IX and X and desires to file its final plan for the subdivision thereof, which final plan includes the elimination of the lots in Unit X shown on the preliminary plat and referred to in the preliminary Declaration of Restrictions described above; and

WHEREAS, Dedicator desires to subdivide and plat the lands described in Exhibit "A" attached hereto, a map or plat of which is being recorded contemporaneously herewith at Vol. 2, page 49, of the Plat Records of Hood County, Texas, which plat is adopted by Dedicator as its revised plan for subdividing said lands into the lots as shown thereon, as Pecan Plantation, Unit IX, and being:

Lots 1666 through 1783, save and except Lots 1694, 1727, 1759, 1760 and 1780, Unit IX of Pecan Plantation, in the James W. Moore Survey, Abstract 344, Hood County, Texas; and

WHEREAS, Dedicator desires to subdivide and plat said land and other lands, in installments, from time to time, so as to orderly develop the same with areas for single family residences, areas for condominiums, areas for apartments, areas for commercial development, areas for marinas, and areas for recreational uses, with their allied facilities, and has caused the portion specifically described in Exhibit "A" to be subdivided and platted as shown by the said plat; and

WHEREAS, Dedicator desires to create and carry out an orderly plan for development, improvement and use of all the lots in PECAN PLANTATION, UNIT IX, so as to provide for the preservation of the values and amenities in said development and the maintenance of the facilities thereof for the benefit of the present and future owners of said lots;

NOW, THEREFORE, REPUBLIC LAND COMPANY, d/b/a PECAN PLANTATION, declares that the above described Declaration of Restrictions recorded at Vol. 189, page 508, Deed Records of Hood County, Texas, is hereby withdrawn and canceled and that the property described in Exhibit "A" attached hereto and being Lots 1666 through 1783, save and except Lots 1694, 1727, 1759, 1760 and 1780, UNIT IX, PECAN PLANTATION, shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens hereinafter set forth, which shall be and are hereby made to run with the land.

EASEMENTS

Easements designated on said plat as Ravenswood Road, Bayside Court, St. John Court and Lejeune Court, hereinafter referred to as "private ways" are to provide Dedicator, its successors and assigns, and the owners of the various lots in PECAN PLANTATION with ingress and egress to the area and facilities thereof and to all lands adjoining said dedicated land including the right of ingress and egress for pecan orchard operations or other access to said adjoining lands and the same are reserved as private ways, and no right of the public generally shall accrue in and to any of such private ways. Dedicator reserves to itself, its successors and assigns, the right to convey said easements or rights therein to the PECAN PLANTATION OWNERS ASSOCIATION, INC. (hereinafter referred to as "the Association"), to be retained by said Association for the benefit of the properties or for dedication to the public as public ways and easements.

Dedicator further reserves to itself, its successors and assigns, an easement and right to construct and maintain in, over and across the easements and private ways shown or noted on said plat, utilities of every kind, including but not limited to sewers, water mains, gas mains, irrigation and drainage systems, power and communication lines and all pipes, lines, culverts and other appurtenances in connection therewith. An easement 10 feet in width is hereby reserved along each lot line adjoining a private way and an easement of 5 feet in width is hereby reserved along each other lot boundary line and as may be necessary for the

installation and maintenance of said utilities and lines, except as to river front lots and no utility easement is reserved along the property line adjacent to the river. Dedicator, its successors and assigns, may, in its sole discretion and by written instrument duly recorded, abandon to the owner of a lot all or any part of a utility easement on said owner's lot if such easement is not being used for one or more of the above mentioned purposes at the time of such abandonment.

DEFINITIONS, RESTRICTIONS, COVENANTS, CHARGES AND LIENS

The definitions, restrictions, covenants, charges and liens set out in the dedication of PECAN PLANTATION, UNIT I, dated July 26, 1972, and recorded in Vol. 186, page 166, Deed Records of Hood County, Texas, are hereby adopted and incorporated herein by reference as the definitions, restrictions, covenants, charges and liens for PECAN PLANTATION, UNIT IX, running with said land, with the following exceptions, changes and amendments:

A. Paragraph III.B.2. thereof is amended to read as follows:

} Floor Area. There shall not be erected or permitted to remain on any lot a residence having a floor area (when measured to exterior walls and exclusive of attached garage, open porches, patios or similar appendages) of less than the minimum number of square feet as set out for the respective lots as follows:

<u>Lots</u>	<u>Minimum Square Feet</u>
1666 thru 1693, 1695 thru 1721, 1732 thru 1743, 1753, 1757, 1762 and 1766	1200
1722 thru 1726, 1728 thru 1731, 1744 thru 1752, 1754 thru 1756, 1758, 1761, 1763 thru 1765, 1767 thru 1779, and 1781 thru 1783	1600

B. Paragraph III.C.14. thereof is amended to read as follows:

Enforcement. These restrictions, covenants, and conditions may be enforced by Dedicator herein or by the owner of any lot in PECAN PLANTATION either by proceedings for injunction or to recover damages for breach thereof, or both. However, only the Association may file suit to collect any of the charges, dues and expenses mentioned in paragraphs 5, 6, 7 and 8 above, all of which shall be payable to the Association in Hood and Johnson Counties, Texas, or to enforce foreclosure of any land therein granted.

C. Paragraph III.C.16. thereof is amended to read as follows:

Additional Subdivisions. As recited in the preamble to this instrument,

Dedicator is subdividing and platting land near to PECAN PLANTATION in UNIT IX in installments as a part of PECAN PLANTATION. Dedicator has heretofore subdivided and platted other units and Dedicator reserves the right to add to PECAN PLANTATION from time to time other land near PECAN PLANTATION, UNIT IX, and the other previously platted and subdivided units within PECAN PLANTATION. Dedicator further reserves the right to place on such additional subdivided land such restrictions and covenants as to use, improvements and otherwise as Dedicator shall deem advisable, whether more or less stringent than those provided herein; to extend the private ways shown on the plat of the unit covered by this instrument so as to serve such additional subdivided land; to use the easements reserved herein to serve such additional subdivided land; and to grant to the purchasers of such additional subdivided land the right to become members of the Association and to use the recreational facilities and private ways provided for herein. It is specifically understood that Dedicator may develop some additional land for single family residences, some for apartments, some for condominiums, and some for commercial uses and may at its election create and install additional recreational facilities. Unless otherwise provided in the instrument creating any such additional subdivision unit of PECAN PLANTATION, all purchasers of lots in PECAN PLANTATION, UNIT IX, and all purchasers of lots in all other units of PECAN PLANTATION, whether created prior or subsequent to PECAN PLANTATION, UNIT IX, shall be entitled equally to the use of all private ways and recreational facilities provided in PECAN PLANTATION, and shall further be equally entitled to enforce any applicable restrictions, covenants or conditions, and to participate in any modification or change in said restrictions, covenants and conditions under the provisions of paragraph 15 above, and to become members of the Association, just as though all of said subdivision units had been created at one time and by one instrument.

EXECUTED this 13th day of November, 1973.

REPUBLIC LAND COMPANY, d/b/a PECAN
PLANTATION

ATTEST:

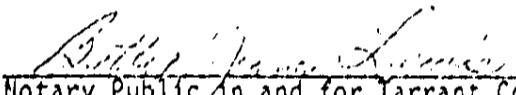
W. Donald Black
Wm. Donald Black, Secretary

By: Obie P. Leonard, Jr.
Obie P. Leonard, Jr., Vice President

STATE OF TEXAS
COUNTY OF TARRANT

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared GBIE P. LEONARD, JR., Vice President of REPUBLIC LAND COMPANY, d/b/a PECAN PLANTATION, a corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of the said REPUBLIC LAND COMPANY, d/b/a PECAN PLANTATION, a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 12th day of November, 1973.


Notary Public in and for Tarrant County,
Texas

FIELD NOTES

Boundary description for PECAN PLANTATION, UNIT NINE, out of the James W. Moore Survey, Abstract No. 344, Hood County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a steel rod for the Northeast corner of Lot 809, Pecan Plantation, Unit Eight, recorded in Volume 2, Page 29, Plat Records, Hood County, Texas;

THENCE North 88 degrees 24 minutes East 89-9/10 feet to a steel rod;

THENCE North 54 degrees 22 minutes East 799-9/10 feet to a steel rod;

THENCE North 54 degrees 20 minutes East 1490-0/10 feet to a steel rod;

THENCE North 77 degrees 58 minutes East 257-7/10 feet to a steel rod;

THENCE North 51 degrees 28 minutes East 270-0/10 feet to a steel rod;

THENCE North 62 degrees 55 minutes East 349-1/10 feet to a steel rod;

THENCE North 24 degrees 47 minutes East 102-15/100 feet to a steel rod;

THENCE North 41 degrees 47 minutes East 227-55/100 feet to a steel rod;

THENCE North 60 degrees 00 minutes East 227-55/100 feet to a steel rod;

THENCE North 79 degrees 18 minutes East 226-6/10 feet to a steel rod;

THENCE North 89 degrees 21 minutes East 631-0/10 feet to a steel rod;

THENCE South 46 degrees 29 minutes East 338-5/10 feet to a steel rod;

THENCE North 83 degrees 30 minutes East 133-5/10 feet to a steel rod;

THENCE North 77 degrees 11 minutes East 220-0/10 feet to a steel rod;

THENCE North 76 degrees 08 minutes East 141-3/10 feet to a steel rod;

THENCE South 8 degrees 56 minutes West 47-0/10 feet to a steel rod;

THENCE South 66 degrees 10 minutes East 173-1/10 feet to a steel rod;

THENCE South 56 degrees 49 minutes East 50-0/10 feet to a steel rod;

THENCE South 49 degrees 43 minutes East 176-8/10 feet to a steel rod;

THENCE South 56 degrees 15 minutes West 160-0/10 feet to a steel rod;

THENCE North 35 degrees 15 minutes West 2-0/10 feet to a point;

THENCE South 54 degrees 45 minutes West, passing a steel rod at 50-0/10 feet, 122-0/10 feet, in all, 165-0/10 feet to a steel rod;

THENCE South 1 degree 00 minutes West, passing a steel rod at 182-6/10 feet, in all, approximately 220 feet to a point on a Northeast bank of the Brazos River;

THENCE downstream with the bank of said river, and in a Southwesterly direction, approximately 905 feet to a point, said point being approximately 3 feet East of the Southeast corner, as occupied, of that certain tract conveyed to Peter Molyneaux and A. T. Mickle by an Agreement of Sale recorded in Volume 74, Page 584, Deed Records, Hood County, Texas;

THENCE departing said river bank, North 0 degrees 24 minutes West, being approximately 3 feet East of and parallel to the East line of said Mickle Tract, as occupied, passing a steel rod at approximately 62 feet, 158 feet, 293 feet, and in all, approximately 560 feet to a steel rod set approximately 3 feet East and 3 feet North of a fence corner, for the Northeast corner of said Mickle Tract as occupied;

THENCE South 89 degrees 32 minutes 30 seconds West, approximately 3 feet North of and parallel to the North line of said Mickle property, as occupied, 668-0/10 feet to a steel rod set approximately 3 feet North and 3 feet West of a fence corner, for the Northwest corner of said Mickle Tract, as occupied;

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THENCE South 0 degrees 03 minutes East, being approximately 3 feet West of and parallel to the West line of said Mickle property, as occupied, passing a steel rod at 165-0/10 feet, 435-0/10 feet, 714-9/10 feet, 854-1/10 feet, in all, approximately 900 feet to a point on a North bank of the Brazos River, said point being approximately 3 feet West of the Southwest corner, as occupied, of said Mickle property;

THENCE downstream with the bank of said river, and in a South-westerly direction approximately 3205 feet to a point for the Southeast corner of Lot 808, said Pecan Plantation, Unit Eight;

THENCE along the Northeast line of said Lot 808, North 37 degrees 43 minutes West, passing a steel rod at approximately 126 feet, 381 feet, in all, approximately 580 feet to a steel rod and North 32 degrees 46 minutes West passing a steel rod at 75-6/10 feet, in all, 118-0/10 feet to a steel rod for the Northeast corner of said Lot 808, said point being in the curved Southeast right-of-way of Ravenswood Road, as dedicated, said curve having a radius of 140-09/100 feet;

THENCE around the arc of said curved right-of-way, to the left and in a Northeasterly direction, 6-0/10 feet to a steel rod at the end of said curve;

THENCE North 54 degrees 22 minutes East 12-0/10 feet to a point;

THENCE North 35 degrees 38 minutes West 50-0/10 feet to a steel rod for the Southeast corner of Lot 809, said Pecan Plantation, Unit 8;

THENCE along the Northeast line of said Lot 809, North 22 degrees 50 minutes West 205-5/10 feet to the place of beginning.

SEMPCO, INC.
October 31, 1973
1195

FILED FOR RECORD: THE 14 DAY OF November 1973 AT 1:00 P.M.
RECORDED THE 16 DAY OF November 1973 AT 1:00 P.M.
BY: Christina Workley Deputy BRUCE PRICE, COUNTY CLERK
HOOD COUNTY, TEXAS