

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

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VARIANCE AGREEMENT

STATE OF TEXAS
COUNTY OF HOOD

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KNOW ALL MEN BY THESE PRESENTS:

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THIS VARIANCE AGREEMENT ("Agreement") is made and entered into this 8 day of MAY, 2009 by the undersigned Pecan Plantation Owners Association, Inc., by and through its duly appointed and authorized Mediation Committee, for the lot owners of the property identified herein below within Units 1-18, Pecan Plantation, a subdivision in Hood and Johnson Counties, Texas.

RECITALS:

WHEREAS, the real properties that are the subject of this Variance Agreement are described as follows and are hereinafter collectively referred to as the "Property", to wit:

1. Lot 2046, Unit 11, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 2, Page 50, of the Map Records of Hood County, Texas.
2. Lot 966, Unit 6, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 2, Page 47, of the Map Records of Hood County, Texas.
3. Lot 589, Unit 5, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 1, Page 137, of the Map Records of Hood County, Texas.
4. Lot 1604, Unit 7, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 2, Page 48, of the Map Records of Hood County, Texas.
5. Lot 2048, Unit 11, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 2, Page 50, of the Map Records of Hood County, Texas.
6. Lot 1102, Unit 6, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 2, Page 47, of the Map Records of Hood County, Texas.
7. Lot 360, Unit 2, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 2, Page 14, of the Map Records of Hood County, Texas.
8. Lot 2313, Unit 17, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 3, Page 70, of the Map Records of Hood County, Texas.
9. Lot 1006, Unit 6, Pecan Plantation, Hood County, Texas, according to the

map or plat thereof recorded in Volume 2, Page 47, of the Map Records of Hood County, Texas.

10. Lot 1901, Unit 3, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 3, Page 10, of the Map Records of Hood County, Texas (hereinafter referred to as the "Property").
11. Lot 2118, Unit 12, Pecan Plantation, Johnson County, Texas, according to the map or plat thereof recorded in Volume 1, Page 433, of the Map Records of Johnson County, Texas.
12. Lot 988, Unit 6, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 2, Page 47, of the Map Records of Hood County, Texas.
13. Lot 2105, Unit 12, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 1, Page 325, of the Map Records of Hood County, Texas.
14. Lot 688-R, Unit 5, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 3, Page 7, of the Map Records of Hood County, Texas.
15. Lot 971, Unit 6, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 2, Page 47, of the Map Records of Hood County, Texas.
16. Lot 972, Unit 6, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 2, Page 47, of the Map Records of Hood County, Texas.
17. Lot 1505, Unit 7, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 2, Page 48, of the Map Records of Hood County, Texas.
18. Lot 503, Unit 5, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 1, Page 137, of the Map Records of Hood County, Texas.
19. Lot 2501, Unit 17, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 3, Page 70, of the Map Records of Hood County, Texas.
20. Lot 2170, Unit 12, Pecan Plantation, Johnson County, Texas, according to the map or plat thereof recorded in Volume 3, Page 325, of the Map Records of Johnson County, Texas.
21. Lot 645, Unit 5, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 1, Page 137, of the Map Records of Hood County, Texas.
22. Lot 95, Unit 1, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 1, Page 133, of the Map Records of Hood County, Texas.
23. Lot 2089, Unit 11, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 2, Page 50, of the Map Records of Hood County, Texas.
24. Lot 291, Unit 2, Pecan Plantation, Hood County, Texas, according to the map

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or plat thereof recorded in Volume 2, Page 14, of the Map Records of Hood County, Texas.

25. Lot 2300, Unit 17, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 3, Page 70, of the Map Records of Hood County, Texas.
26. Lot 546, Unit 5, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 1, Page 137, of the Map Records of Hood County, Texas.
27. Lot 2347, Unit 17, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 3, Page 70, of the Map Records of Hood County, Texas.
28. Lot 699, Unit 5, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 1, Page 137, of the Map Records of Hood County, Texas.
29. Lot 700, Unit 5, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 1, Page 137, of the Map Records of Hood County, Texas.
30. Lot 2163, Unit 12, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 2, Page 47, of the Map Records of Hood County, Texas (current owner being Joe Henson).
31. Lot 1072, Unit 6, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 2, Page 47, of the Map Records of Hood County, Texas.
32. Lot 628, Unit 5, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 1, Page 137, of the Map Records of Hood County, Texas.
33. Lot 2395, Unit 17, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 3, Page 70, of the Map Records of Hood County, Texas; owner John Morgan and Lauri Morgan, husband and wife.

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WHEREAS, the Property is encumbered by the certain set of Covenants and Restrictions (hereinafter referred to as the "Restrictions") for Unit I, Pecan Plantation, recorded at Volume 186, Page 166 of the Deed Records of Hood County, Texas, which in accordance with Article III, Section A, Subsections 3(A)(1), (2), and (3) of the Restrictions, prohibit the storage of personal boats, trailers, recreational vehicles and other such vehicles at the Property;

WHEREAS, Pecan Plantation Owners Association, Inc., in consideration of the amicable settlement of Cause No. C2007-00259, styled *T. Avery, et al. v. Pecan Plantation Owners Association, Inc.*, in the 355th Judicial District Court of Hood County, Texas, has agreed to allow a variance of the Restrictions Article III, Section A, Subsections 3(A)(1), (2), and (3) so as to allow (i)

the storage and maintenance of a (one) recreational vehicle ("RV") on the Property and (ii) to allow the temporary parking of a (one) boat on the Property, with the combination of a boat and an RV to remain on the Property for no more than seventy-two (72) contiguous hours or otherwise in accordance with the construction and interpretation of the temporary parking rules set forth in Section 5.1.25 of the Rules and Regulations of Pecan Plantation Owners Association, Inc., as may be amended;

WHEREAS, the variances identified in the immediately preceding paragraph is hereinafter referred to as the "Variance";

WHEREAS, all other Restrictions shall continue and remain in full effect pursuant to the Restrictions, except as otherwise expressly specified herein; and

WHEREAS, Pecan Plantation Owners Association, Inc., by and through its duly appointed and authorized Mediation Committee, has the power and authority to grant such variance as specified in the Resolution of the Board of Directors of Pecan Plantation Owners Association, Inc.

NOW, THEREFORE, in consideration of the settlement of Cause No. C2007-00259, styled *T. Avery, et al. v. Pecan Plantation Owners Association, Inc.*, in the 355th Judicial District Court of Hood County, Texas, the payment of a yearly RV Parking Permit and/or Boat or Trailer Parking Permit to Pecan Plantation Owners Association, Inc., the sum of \$10.00 and other good and valuable consideration, Pecan Plantation Owners Association, Inc. has agreed to the following:

1. Pecan Plantation Owners Association, Inc. hereby grants a variance of the Restrictions Article III, Section A, Subsections 3(A)(1), (2), and (3) so as to allow (i) the storage and maintenance of a (one) recreational vehicle ("RV") on the Property and (ii) to allow the temporary parking of a (one) boat on the Property, with any combination of a boat and an RV to remain on the Property for no more than seventy-two (72) contiguous hours or otherwise in accordance with the construction and interpretation of the temporary parking rules set forth in Section 5.1.25 of the Rules and Regulations of Pecan Plantation Owners Association, Inc., as may be amended. All other Restrictions shall continue to remain in effect pursuant to the Restrictions, without affecting any of the other rights and obligations associated with the Property pursuant to the Restrictions.

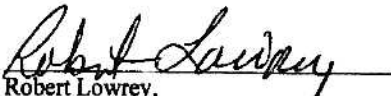
2. PROVIDED, HOWEVER, that the aforementioned Variance rights granted to and/or in favor of Lot 966, Unit 6, Pecan Plantation, Hood County, Texas, according to the map or plat thereof recorded in Volume 2, Page 47, of the Map Records of Hood County, Texas, currently

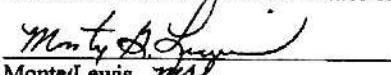
owned by Fain Little and Lynda Little, may be transferred from Lot 966, Unit 6, ~~Pecan~~ ^{PG.} Plantation, to another Lot within Pecan Plantation Units 1-18 acquired by Fain Little and Lynda Little, PROVIDED that such transfer and acquisition shall be accomplished before December 31, 2010, it being the intent of Pecan Plantation Owners Association, Inc. that only Lot 966, Unit 6 or subsequent lot acquired by Fain Little and Lynda Little by December 31, 2010 may benefit from the effect of the variances granted herein.

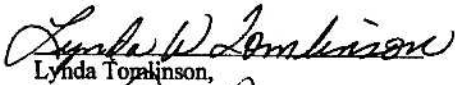
- 2. The undersigned accepts the terms and conditions contained herein.
- 3. This variance shall be deemed to run with the Property and shall be binding upon and inure to the benefit of all parties who have any right, title or interest (whether legal or equitable) in and to the Property.


EXECUTED on the date of the acknowledgment herein below, to be EFFECTIVE as of the 1st day of January, 2009.

ACCEPTED:


 Robert Lowrey,
 Member of the Mediation Committee of Pecan Plantation Owners Association, Inc.


 Monty Lewis,
 Member of the Mediation Committee of Pecan Plantation Owners Association, Inc.

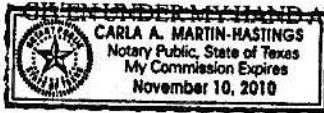

 Lynda Tomkinson,
 Member of the Mediation Committee of Pecan Plantation Owners Association, Inc.


 Ron Keeney,
 Member of the Mediation Committee of Pecan Plantation Owners Association, Inc.

THE STATE OF TEXAS §
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BEFORE ME, the undersigned authority, on this day personally appeared Robert Lowrey, a duly appointed member of the Mediation Committee Member of Pecan Plantation Owners Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said committee.



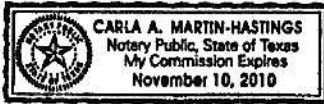
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 6 day of May, 2009.

Carla A. Martin-Hastings
NOTARY PUBLIC SIGNATURE

THE STATE OF TEXAS §
COUNTY OF HOOD §

BEFORE ME, the undersigned authority, on this day personally appeared ^{comb} Monty Lewis, a duly appointed member of the Mediation Committee Member of Pecan Plantation Owners Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said committee.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 28 day of April, 2009.

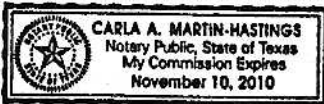


Carla A. Martin-Hastings
NOTARY PUBLIC SIGNATURE

THE STATE OF TEXAS §
COUNTY OF HOOD §

BEFORE ME, the undersigned authority, on this day personally appeared Lynda Tomlinson, a duly appointed member of the Mediation Committee Member of Pecan Plantation Owners Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said committee.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 28 day of April, 2009.

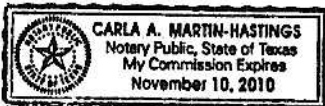


Carla A. Martin-Hastings
NOTARY PUBLIC SIGNATURE

THE STATE OF TEXAS §
COUNTY OF HOOD §

BEFORE ME, the undersigned authority, on this day personally appeared Ron Keeney, a duly appointed member of the Mediation Committee Member of Pecan Plantation Owners Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said committee.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 28 day of April, 2009.



Carla A. Martin-Hastings
NOTARY PUBLIC SIGNATURE

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FILED FOR RECORD
AT 4:15 P M.

MAY 08 2009

Sally Oubre
County Clerk, Hood County, TX

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.
STATE OF TEXAS COUNTY OF HOOD
I hereby certify that this instrument was filed on the date and at the time stamped herein by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS OF HOOD COUNTY TEXAS, in the Volume and Page as shown hereon.



Sally Oubre
SALLY OUBRE, County Clerk
Hood County, Texas