

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 § KNOW ALL MEN BY THESE PRESENTS:

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":

1. Lot 1450, 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.
2. 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.
3. Lot 965, 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.
4. 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.
5. 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.
6. 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.
7. Lot 2495, 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.
8. Lot 2496, 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.

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; and

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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 355<sup>th</sup> 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 the storage and maintenance of personal boat and trailer combinations, but not recreational vehicles ("RVs"), on the Property;

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 355<sup>th</sup> Judicial District Court of Hood County, Texas, the payment of a yearly Boat and 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 the storage and maintenance of personal boat and trailer combinations, but not recreational vehicles ("RVs") on the Property. 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. 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 1<sup>st</sup> day of January, 2009.

ACCEPTED:

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

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

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

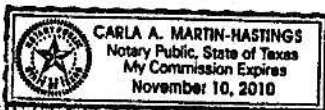
Ron Keeney  
Ron Keeney,  
Member of the Mediation Committee of Pecan Plantation Owners Association, Inc.

THE STATE OF TEXAS §

COUNTY OF HOOD §

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<sup>th</sup> day of May, 2009.



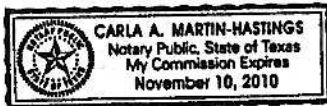
Carla A. Martin-Hastings  
NOTARY PUBLIC SIGNATURE

THE STATE OF TEXAS §

COUNTY OF HOOD §

BEFORE ME, the undersigned authority, on this day personally appeared <sup>cond</sup> 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.



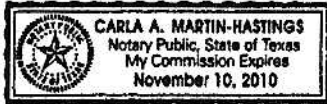
Carla A. Martin-Hastings  
NOTARY PUBLIC SIGNATURE

THE STATE OF TEXAS §  
COUNTY OF HOOD §

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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

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

FILED FOR RECORD  
AT 4:15 P M.

MAY 08 2009

*Sally Oubre*  
County Clerk, Hood County, TX