

AMENDMENT AND RESTATEMENT OF RESTRICTIONS

STATE OF TEXAS |
 | KNOW ALL MEN BY THESE PRESENTS;
COUNTY OF HOOD |

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 April 25, 1977, under Clerk's File No. 2436, Deed Records of Hood County, Texas, covering certain lands located in Hood County, Texas, and known by Dedicator and designated as Unit XVII of Pecan Plantation; and

WHEREAS, REPUBLIC LAND COMPANY, d/b/a PECAN PLANTATION is desirous of amending said Dedication for the purpose of adding a paragraph requiring electrical service lines to be installed underground;

NOW, THEREFORE, said Dedication is hereby amended and restated as follows:

THAT REPUBLIC LAND COMPANY, a Texas corporation d/b/a PECAN PLANTATION (hereinafter referred to as Dedicator) is the owner of certain land in Hood County, Texas, and described in Exhibit "A" attached hereto, a map or plat of which is being recorded simultaneously herewith at Vol. 3 Page 70, of the Plat Records of Hood County, Texas, which plat is adopted by Dedicator as its plan for subdividing said land into lots as shown thereon, the same to be known as "PECAN PLANTATION, UNIT XVII," an addition in Hood County, Texas, and being:

Lots 2281 thru 2528, inclusive, of Pecan Plantation,
Unit XVII, in the James W. Moore Survey, Abstract
No. 344, Hood County, Texas; and

WHEREAS, Dedicator desires to subdivide and plat said real property and other land in and near UNIT XVII of PECAN PLANTATION in installments, from time to time, so as to develop the same in an orderly manner with areas for commercial development, areas for recreational uses, with their allied facilities; 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 XVII, 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of Restrictions recorded April 25, 1977, under Clerk's File No. 2436, Deed Records of Hood County, Texas, is hereby withdrawn and canceled and that the property described in Exhibit "A" attached hereto and being Lots 2281 thru 2528, inclusive, of Pecan Plantation, Unit XVII, shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, covenants, charges and liens hereinafter set forth, which shall be and are hereby made to run with the land.

I.
EASEMENTS

A. Easements shown on the above referenced plat as streets or roads shall provide Dedicator, its successors and assigns and the owners of the lots with the right of ingress and egress to the area and facilities thereof and to adjoining land and are reserved as private ways, and no right of the public generally shall accrue in and to any of such ways. Dedicator reserves to itself the right to convey said easements or rights therein to the Association, to be retained by said Association for the benefit of the properties or, in the discretion of the Association, to be dedicated to the public as public ways and easements.

B. Dedicator reserves to itself 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, pipelines, irrigation and drainage systems, power and communication lines and all pipes, lines, culverts and other appurtenances in connection therewith. An easement of ten feet in width is hereby reserved along the front line of each lot, and an easement five (5) feet in width is hereby reserved along each side lot line, and an easement five (5) feet in width is reserved along each back lot line except that for lots 2281 thru 2320 and 2323 thru 2334, the easement reserved hereby along the back lot line for such specified lots shall be twenty-five (25) feet in width. 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.

II.
DEFINITIONS, RESTRICTIONS, COVENANTS AND LIENS

The definitions, restrictions, covenants and liens set out in the Dedication and Declaration of Restrictions 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 and liens for PECAN PLANTATION, UNIT XVII, running with said land, with the following exceptions, changes and amendments:

A. Paragraph III. A. 4. thereof is amended to read as follows:

ANIMALS. No animals, livestock or poultry of any kind shall be raised, bred, boarded or kept on any lot excepting dogs or cats or other household pets not kept for commercial purposes and which are confined to the owner's lot by a leash, fencing or otherwise.

B. Paragraph III. A. 6. thereof is amended as follows:

NUISANCES. No noxious, offensive, dangerous or noisy activity shall be conducted on any lot, nor shall anything be done thereon which may be or become a nuisance to the neighborhood in which said lot is located. Lots shall be kept clean and free of trash, garbage and debris, and fires shall be contained in safe enclosures. No grass or weeds shall be allowed to grow to a height which is unsightly in the opinion of Dedicator or the Association. Dedicator or the Association shall have the right, after seven days' written notice to the owner of a lot, to remove from such lot accumulated trash, garbage or debris and to cut and remove unsightly grass and weeds and to charge the lot owner for all reasonable costs thereby incurred.

C. Paragraph III. A. 7. thereof is amended to read as follows:

TOWERS AND WIRES. No radio or television tower or aerial wires shall be maintained (a) over any part of any lot, not occupied by a structure, or (b) at a height of more than thirty feet from the ground.

D. Paragraph III. A. 11. is added as follows:

ELECTRICAL SERVICE LINES. All electrical service lines (being the line from the distribution line to the residence) shall be installed underground.

E. 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>
2281 thru 2528, inclusive	1200

F. Paragraph III. B. 4. thereof is amended to read as follows:

BUILDING LINES. No building, fence or structure of any kind shall be located on a lot within twenty-five feet of the front line of such lot except that where a lot fronts on a cul-de-sac, the setback line from the front thereof is reduced to fifteen feet. No structure or building or part thereof shall be erected or maintained within seven feet of any side or back lot line. Further, with respect to lots 2281 thru 2320 and 2323 thru 2334, no building or structure of any kind shall be erected, maintained or located within 25 feet of the back lot line. For the purpose of this paragraph, eaves, steps and open porches shall be considered as part of the building. Lots shall be deemed to "front" on the adjoining private way, and corner lots shall be deemed to "front" on the private way adjoining the shortest lot line. Dedicator may, in its discretion, grant exceptions in writing to any or all of the requirements in this paragraph.

G. Paragraph III. C. 2. thereof is amended to read as follows:

PUMPING FROM RIVER. The pumping of water from the Brazos River is prohibited except by special permit, in writing, granted by the appropriate governmental authority.

H. Paragraph III. C. 3. thereof is amended to read as follows:

RECREATIONAL FACILITIES. Dedicator covenants that it will construct and complete the following recreational facilities: Eighteen hole golf course, club house, swimming pool, marina with boat launching ramp on Lake Granbury, tennis courts, skeet range, equestrian center, landing strip, and beach recreational areas on the Brazos River.

I. 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, due 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 lien therein granted.

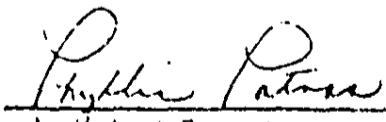
J. Paragraph III. C. 16 thereof is amended to read as follows:

ADDITIONAL SUBDIVISIONS. As recited in the preamble to this instrument, Dedicator is subdividing and platting land near to PECAN PLANTATION, UNIT XVII, 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 XVII, 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; 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 other 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 XVII, and all purchasers of lots in all other units of PECAN PLANTATION, whether created prior or subsequent to PECAN PLANTATION, UNIT XVII, 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 27th day of April, 1977.

REPUBLIC LAND COMPANY,
d/b/a PECAN PLANTATION

ATTEST:



Assistant Secretary



President

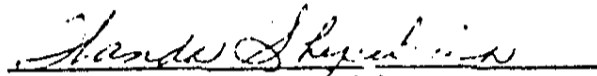
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STATE OF TEXAS |

COUNTY OF TARRANT |

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared W. Leonard, 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 27th day of April, 1977.



Notary Public in and for
Tarrant County, Texas

EXHIBIT "A"

FIELD NOTES
 PECAN PLANTATION, UNIT SEVENTEEN
 Hood County, Texas

All that certain lot, tract or parcel of land in the James W. Moore Survey, Abstract 344, Hood County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at the Northwest corner of Lot 498, Pecan Plantation, Unit Five, per plat recorded in Volume 1, Page 137, Plat Records, Hood County, Texas, said point of beginning also being the most Easterly corner of Lot 321, Pecan Plantation, Unit Two, per plat recorded in Volume 3, Page 6, Plat Records, Hood County, Texas;

THENCE with the East lines of said Unit Two the following:

North 9 degrees 17 minutes West 55-0/10 feet;

North 25 degrees 26 minutes 30 seconds East 278-0/10 feet (also called North 25 degrees 27 minutes East);

North 16 degrees 34 minutes East 254-5/10 feet;

North 7 degrees 16 minutes East 210-3/10 feet;

North 2 degrees 04 minutes West 208-6/10 feet;

North 23 degrees 10 minutes East 60-35/100 feet (also called North 23 degrees 09 minutes East 60-3/10 feet) to the Southwest corner of Lot 310;

North 43 degrees 51 minutes 30 seconds East 53-25/100 feet (also called North 43 degrees 52 minutes East 53-2/10 feet) to the Southwest corner of Lot 309;

THENCE with the South lines of said Unit Two the following:

North 81 degrees 25 minutes 30 seconds East 387-0/10 feet (also called North 81 degrees 26 minutes East);

North 82 degrees 32 minutes East 1499-75/100 feet (also called 1500-0/10 feet);

North 84 degrees 39 minutes East 200-0/10 feet (also called 200-1/10 feet);

North 78 degrees 50 minutes East 200-5/10 feet to a point, which bears South 78 degrees 50 minutes West 5-5/10 feet from the Southeast corner of Lot 287, Pecan Plantation, Unit Two;

THENCE departing said South line, South 12 degrees 53 minutes East 208-9/10 feet to a point on a curve, from which its radius point bears North 12 degrees 53 minutes West 1699-09/100 feet;

THENCE Southwesterly with the arc of said curve, 46-55/100 feet to a point on said curve, from which its radius point bears North 11 degrees 19 minutes West 1699-09/100 feet;

THENCE departing said curve, South 7 degrees 23 minutes East 663-0/10 feet to a point;

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THENCE South 0 degrees 30 minutes West 354-25/100 feet to a point;

THENCE South 10 degrees 07 minutes West 707-45/100 feet to a point;

THENCE South 30 degrees 25 minutes East 159-8/10 feet to a point;

THENCE South 27 degrees 48 minutes 30 seconds East 141-35/100 feet to a point;

THENCE South 9 degrees 41 minutes 30 seconds West 522-05/100 feet to a point;

THENCE South 33 degrees 05 minutes West 130-0/10 feet to a point;

THENCE North 56 degrees 55 minutes West 51-4/10 feet to a point;

THENCE South 33 degrees 05 minutes West 162-75/100 feet to a point on the rear lot line of Lot 470, Pecan Plantation, Unit Five, said point bears South 56 degrees 37 minutes East 12-90/100 feet from the Northwest corner of said Lot 470;

THENCE with the North lines of Unit Five, Pecan Plantation, the following:

North 56 degrees 37 minutes West 512-9/10 feet to a point;

North 56 degrees 52 minutes West 100-65/100 feet to a point;

North 56 degrees 55 minutes West 1100-0/10 feet to a point;

North 57 degrees 08 minutes West 100-85/100 feet to a point;

North 57 degrees 17 minutes West 999-6/10 feet to the place of beginning and containing some 115-95/100 acres of land, save and except the following described six tracts of land, ('O-5' through 'O-10').

TRACT 'O-5'

BEGINNING at a point in the South line of Lot 305, Pecan Plantation, Unit Two, said point of beginning bears North 82 degrees 32 minutes East 93-35/100 feet from the Southwest corner of said Lot 305;

THENCE South 0 degrees 41 minutes East 173-65/100 feet to a point for corner;

THENCE South 78 degrees 31 minutes West 54-4/10 feet and South 85 degrees 57 minutes West 172-3/10 feet to the beginning of a curve to the left, having a radius of 147-32/100 feet, and Southwesterly around the arc of said curve, a distance of 82-72/100 feet to a point on said curve, from which its radius point bears South 36 degrees 13 minutes East 147-32/100 feet;

THENCE departing said curve, North 36 degrees 05 minutes West 702-2/10 feet to a point on the rear lot line of Lot 309, Pecan Plantation, Unit Two, said point bears North 81 degrees 25 minutes 30 seconds East 57-0/10 feet from the Southwest corner of said Lot 309;

THENCE with the rear lot lines of 309, 308, 307 and 306, of said Unit Two, North 81 degrees 25 minutes 30 seconds East 330-0/10 feet (also called North 81 degrees 26 minutes East) and North 82 degrees 32 minutes East 93-35/100 feet to the place of beginning and containing some 1-43/100 acres of land.

TRACT 'O-6'

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BEGINNING at a point which bears South 34 degrees 47 minutes East 54-44/100 feet from the Southeast corner of Tract 'O-5' hereinabove described and being more particularly described by metes and bounds as follows:

THENCE South 34 degrees 47 minutes East 712-85/100 feet to a point for corner;

THENCE South 54 degrees 59 minutes 30 seconds West 55-0/10 feet to a point for corner;

THENCE North 34 degrees 47 minutes West 736-8/10 feet to a point for corner;

THENCE North 78 degrees 31 minutes East 59-9/10 feet to the place of beginning and containing some 0-92/100 acre of land.

TRACT 'O-7'

BEGINNING at the most Westerly corner of the herein described tract, said point of beginning bears North 80 degrees 11 minutes East 1076-7/10 feet from the Northwest corner of Lot 498, Pecan Plantation, Unit Five and being more particularly described by metes and bounds as follows:

THENCE North 54 degrees 59 minutes 30 seconds East 122-9/10 feet passing a point which bears South 34 degrees 47 minutes East 50-0/10 feet from the Southwest corner of Tract 'O-6' hereinabove described and continuing in all 551-95/100 feet to a point on a curve, from which its radius point bears North 57 degrees 09 minutes East 1106-39/100 feet, and Southeasterly around the arc of said curve to the left, a distance of 72-09/100 feet to the end of said curve;

THENCE South 36 degrees 35 minutes East 297-3/10 feet to the beginning of a curve to the right, having a radius of 206-27/100 feet, and Southeasterly around the arc of said curve, a distance of 74-15/100 feet to a point on said curve, from which its radius point bears South 74 degrees 01 minute West 206-27/100 feet;

THENCE departing said curve, North 79 degrees 53 minutes West 313-5/10 feet to a point;

THENCE South 54 degrees 59 minutes 30 seconds West 225-0/10 feet to a point;

THENCE South 57 degrees 01 minute West 102-4/10 feet to a point;

THENCE North 35 degrees 00 minutes 30 seconds West 216-35/100 feet to the place of beginning and containing some 3-40/100 acres of land.

TRACT 'O-8'

BEGINNING at a point which bears South 84 degrees 24 minutes East 63-42/100 feet from the most Easterly corner of Tract 'O-7' hereinabove described, said point of beginning also being on a curve, from which its radius point bears South 79 degrees 02 minutes 30 seconds West 266-27/100 feet, and said Tract 'O-8' being more particularly described by metes and bounds as follows:

THENCE Northwesterly with the arc of said curve, a distance of 43-8/10 feet to a point at the intersection of two curves, from which their radius points bear South 69 degrees 36 minutes 30 seconds West 266-27/100 feet, and South 07 degrees 42 minutes 30 seconds East 325-0/10 feet;

THENCE departing said first curve and Northeasterly with the arc of said second curve, a distance of 101-1/10 feet to the end of said curve;

THENCE South 79 degrees 53 minutes East 195-55/100 feet to a point on a curve, from which its radius point bears North 82 degrees 29 minutes 30 seconds West 1760-05/100 feet;

THENCE Southwesterly with the arc of said curve, a distance of 55-02/100 feet to a point on said curve, from which its radius point bears North 80 degrees 41 minutes 50 seconds West 1760-05/100 feet;

THENCE departing said curve, North 79 degrees 53 minutes West 277-65/100 feet to the place of beginning and containing some 0-35/100 acre of land.

TRACT 'O-9'

BEGINNING at a point which bears South 79 degrees 53 minutes East 50-0/10 feet from the Southeast corner of Tract 'O-8' hereinabove described, said point of beginning also being a point on a curve, from which its radius point bears North 80 degrees 40 minutes 30 seconds West 1810-05/100 feet, and said Tract 'O-9' being more particularly described by metes and bounds as follows:

THENCE Northeasterly with the arc of said curve a distance of 55-03/100 feet to a point on said curve, from which its radius point bears North 82 degrees 25 minutes West 1810-05/100 feet;

THENCE departing said curve, South 79 degrees 53 minutes East 260-2/10 feet to a point on a curve, from which its radius point bears North 82 degrees 06 minutes West 2070-05/100 feet;

THENCE Southwesterly with the arc of said curve, a distance of 55-02/100 feet to a point on said curve, from which its radius point bears North 80 degrees 34 minutes 30 seconds West 2070-05/100 feet;

THENCE departing said curve, North 79 degrees 53 minutes West 260-0/10 feet to the place of beginning and containing some 0-33/100 acre of land.

TRACT 'O-10'

BEGINNING at a point which bears South 79 degrees 53 minutes East 50-0/10 feet from the Southeast corner of Tract 'O-9' hereinabove described, said point of beginning also being a point on a curve, from which its radius point bears North 80 degrees 33 minutes 30 seconds West 2120-05/100 feet, and said Tract 'O-10' being more particularly described by metes and bounds as follows:

THENCE Northeasterly with the arc of said curve a distance of 55-02/100 feet to a point on said curve, from which its radius point bears North 82 degrees 02 minutes 45 seconds West 2120-05/100 feet;

THENCE departing said curve, South 79 degrees 53 minutes East 131-5/10 feet to a point;

