

COVENANTS, CONDITIONS AND RESTRICTIONS 046920

STATE OF TEXAS            )  
                              )            KNOW ALL MEN BY THESE PRESENTS  
COUNTY OF DENTON        )

WHEREAS, BRAUCAM INVESTMENTS, L.P., A TEXAS LIMITED PARTNERSHIP  
FOLLOWING DESCRIBED PROPERTY, TO WIT:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

PREAMBLE

WHEREAS, BRAUCAM INVESTMENTS, L.P., A TEXAS LIMITED PARTNERSHIP, HEREINAFTER AS THE "SELLER OR DEVELOPER" DOES HEREBY FURTHER IMPRESS SAID PROPERTY WITH THE FOLLOWING RESTRICTIVE COVENANTS WHICH SHALL RUN WITH THE TITLE TO SAID LAND AND SHALL BE BINDING UPON ALL PARTIES AND PERSONS CLAIMING SAID LAND OR ANY PART THEREOF UNTIL DECEMBER 31, 2010, AT WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED IN SUCCESSIVE PERIODS OF TEN (10) YEARS, UNLESS BY UNANIMOUS CONSENT OF THE OWNERS OF THE LOTS COMPRISING SAID SUBDIVISION IT IS THEN AGREED TO CHANGE SAID COVENANTS IN WHOLE OR IN PART. ANY AND ALL OWNERS OF THE SAID LOTS COMPRISING SAID SUBDIVISION SHALL BE DEEMED TO BE SUBJECT TO THE RESTRICTIVE COVENANTS HEREIN SET FORTH, WHICH SHALL, FOR ALL LEGAL PURPOSES, BE CONCLUSIVELY DEEMED TO BE A PART OF EACH DEED OF CONVEYANCE OF ANY LOTS OR PORTION THEREOF IN SAID SUBDIVISION. INVALIDATION OF ANY ONE OF THESE COVENANTS OR RESTRICTIONS BY JUDGMENT OR ORDER OF THE COURT SHALL IN NO WAY AFFECT ANY OF THE OTHER PROVISIONS HEREOF, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

- (1) ALL LOTS IN THIS SUBDIVISION SHALL BE USED FOR SINGLE FAMILY RESIDENTIAL PURPOSES ONLY.
- (2) ANY ONE STORY RESIDENCE CONSTRUCTED ON THE PROPERTY SHALL HAVE A GROUND FLOOR AREA OF NOT LESS THAN 2,000 SQUARE FEET (ANY TWO STORY RESIDENCE CONSTRUCTED ON THE PROPERTY SHALL HAVE A GROUND FLOOR AREA OF NOT LESS THAN 1200 SQUARE FEET), EXCLUSIVE OF GARAGES, OPEN PORCHES, TERRACES, PATIOS, DRIVEWAYS, OR CARPORTS, AND SHALL BE COMPLETED WITHIN TWELVE (12) MONTHS FROM STARTING CONSTRUCTION.
- (3) AT LEAST SEVENTY PERCENT (70%) OF THE EXPOSED EXTERIOR MUST BE OF BRICK, STONE, OR MASONRY CONSTRUCTION. VICTORIAN HOMES MAY BE OF FRAME CONSTRUCTION, UPON APPROVAL.
- (4) NO STRUCTURE SHALL BE LOCATED WITHIN ONE HUNDRED (100) FEET OF THE STREET.

- (5) NO TRADE OR BUSINESS OF ANY TYPE SHALL BE CARRIED ON UPON ANY LOT, NOR SHALL ANYTHING BE DONE ON ANY LOT WHICH MAY BE NOXIOUS OR OFFENSIVE OR MAY BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD SAVE AND EXCEPT 10 ACRES ON THE SOUTHWEST CORNER OF HWY 720 AND MCCORMICK.
- (6) LOTS MAY BE SUBDIVIDED INTO NO LESS THAN 2.5 ACRE LOTS.
- (7) OUTBUILDING (BARN, STALLS, TOOL SHEDS, AND ALL OTHER BUILDINGS EXCEPT A DETACHED GARAGE) SHALL BE LIMITED TO FOUR (4) BUILDINGS AND MUST BE OF NEW CONSTRUCTION.
- (8) NO STRUCTURE OF TEMPORARY CHARACTER (TRAILER, MOBILE HOME, BASEMENT, TENT, SHACK, GARAGE OR OTHER OUTBUILDING) SHALL BE USED ON THE PROPERTY AT ANY TIME AS A RESIDENCE, EITHER TEMPORARILY OR PERMANENTLY.
- (9) NO INOPERATIVE MOTOR VEHICLE(S) AND/OR MACHINERY AND/OR EQUIPMENT SHALL BE KEPT ON THE PROPERTY. ALL TOOLS, EQUIPMENT, AND MATERIAL(S), SHALL BE KEPT OUT OF SIGHT IN OUTBUILDINGS.
- (10) NO MOVE-IN HOMES, MOVE-IN GARAGES, OR MOVE-IN BUILDINGS SHALL BE PLACED ON THE PROPERTY.
- (11) NO SWINE SHALL BE RAISED, BRED, OR KEPT ON THE PROPERTY. EACH TRACT SHALL BE LIMITED TO TWO HEAD OF LIVESTOCK PER ACRE.
- (12) NO GARBAGE OR OTHER WASTE SHALL BE KEPT EXCEPT IN SANITARY CONTAINERS. NO TRACT OR PART THEREOF SHALL BE USED OR MAINTAINED AS A DUMPING GROUND FOR RUBBISH OR TRASH.
- (13) EACH DWELLING SHALL CONTAIN IN-DOOR PLUMBING FIXTURE ATTACHED TO A SEWAGE DISPOSAL OR SEPTIC SYSTEM APPROVED BY THE DENTON COUNTY HEALTH DEPARTMENT, BEFORE BEING OCCUPIED. NO SEPTIC TANK OR LATERAL LINE CAN BE PLACED WITHIN ONE HUNDRED AND FIFTY (150 FEET OF A WATER WELL OR A PROPOSED WATER WELL.
- (14) 20' PUBLIC UTILITY EASEMENT ACROSS FRONT OF PROPERTY AND 5' PUBLIC UTILITY EASEMENT ON THE SIDES AND BACK. THE FOREGOING RESTRICTIONS SHALL RUN WITH THE LAND AND SHALL BE ENFORCEABLE AGAINST THE GRANTEE, THE GRANTEE'S HEIRS, AND ASSIGNS.
- (15) THESE RESTRICTIONS MAY BE CHANGED UPON 75% OF LAND OWNERS' APPROVAL.
- (16) COVENANTS RUNNING WITH LAND. EXCEPT AS SPECIFICALLY PROVIDED TO THE CONTRARY HEREIN, ALL OF THE RESTRICTIONS, COVENANTS AND EASEMENTS HEREIN PROVIDED FOR AND ADOPTED SHALL APPLY TO EACH AND EVERY LOT IN THE SUBDIVISION AND

SHALL BE COVENANTS RUNNING WITH THE LAND. DEVELOPER, ITS SUCCESSORS AND ASSIGNS, SHALL HAVE THE RIGHT TO ENFORCE OBSERVANCE AND PERFORMANCE OF SAME, SHALL HAVE THE RIGHT IN ADDITION TO ALL LEGAL REMEDIES OR REMEDIES ELSEWHERE PROVIDED HEREIN, TO ANY INJUNCTION EITHER PROHIBITIVE OR MANDATORY. THE OWNER OF ANY LOT OR LOTS IN THE SUBDIVISION AFFECTED SHALL LIKEWISE HAVE THE RIGHT EITHER TO PREVENT A BREACH OF ANY SUCH RESTRICTION OR COVENANT OR TO ENFORCE THE PERFORMANCE THEREOF.

- (17) PARTIAL INVALIDITY. INVALIDATION OF ANY COVENANT, RESTRICTION, ETC. (BY COURT JUDGMENT OR OTHERWISE) SHALL NOT AFFECT, IN ANY WAY, THE VALIDITY OF ALL OTHER SUCH COVENANTS, RESTRICTIONS, ETC. - ALL OF WHICH SHALL REMAIN IN FULL FORCE AND EFFECT. ACQUIESCENCE IN ANY VIOLATION SHALL NOT BE DEEMED A WAIVER OF THE RIGHT TO ENFORCE AGAINST THE VIOLATOR OR OTHERS THE CONDITIONS SO VIOLATED OR ANY OTHER CONDITIONS, AND THE DEVELOPER SHALL HAVE THE RIGHT TO ENTER THE PROPERTY OF THE VIOLATOR AND CORRECT THE VIOLATION OR TO REQUIRE THAT THE SAME BE CORRECTED.
- (18) THE DEVELOPER MAY ASSIGN OR CONVEY BY APPROPRIATE INSTRUMENTS TO ANY PERSON OR CORPORATION, ANY OR ALL OF THE RIGHTS, RESERVATIONS, EASEMENTS AND PRIVILEGES HEREIN RESERVED BY IT, AND UPON THE RECORDATION OF SUCH ASSIGNMENT OR CONVEYANCE, THEIR ASSIGNS OR GRANTEES, AT THEIR OPTION, MAY EXERCISE, TRANSFER OR ASSIGN SUCH RIGHTS, RESERVATIONS, EASEMENTS AND PRIVILEGES OR ANY ONE OR MORE OF THEM AT ANY TIME OR TIMES IN THE SAME WAY AND MANNER AS THOUGHT DIRECTLY RESERVED BY THEM IN THIS INSTRUMENT.

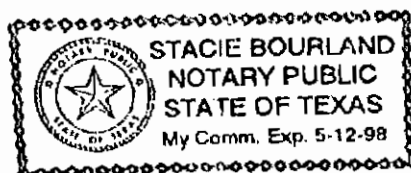
EXECUTED THIS THE 1<sup>ST</sup> DAY OF July, 1996.

BY: Jerry Campbell  
JERRY CAMPBELL,  
VICE PRESIDENT OF  
BRAUCAM INVESTMENTS, L.P.

STATE OF TEXAS                   X  
COUNTY OF DENTON           X

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED JERRY CAMPBELL, VICE PRESIDENT OF BRAUCAM INVESTMENTS, L.P. 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 1 DAY OF July, 1996.



Stacie Bourland  
NOTARY PUBLIC, STATE OF TEXAS  
MY COMMISSION EXPIRES: 5-12-98

## FIRST AMENDMENT TO COVENANTS, CONDITIONS AND RESTRICTIONS

STATE OF TEXAS                   §  
  §       KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF DENTON           §

THIS FIRST AMENDMENT TO COVENANTS, CONDITIONS AND RESTRICTIONS (this "First Amendment") is made to be effective as of the 1<sup>st</sup> day of June, 2011.

### WITNESSETH:

WHEREAS, the Covenants, Conditions and Restrictions for the Hunters Ridge Subdivision of Oak Point, Texas (the "Subdivision"), dated July 1, 1996, were recorded under document number 96-R0046920 of the Real Property Records of Denton County, Texas attached hereto as *Exhibit "B"* (the "Restrictions"); and

WHEREAS, the Restrictions provide that they may be changed "upon 75% of land owners' approval"; and

WHEREAS, the undersigned owners shown on *Exhibit "A"*, attached hereto, collectively own more than 75% of the land in the Subdivision and/or represent 75% of the land owners' (each, an "Owner", and collectively, the "Owners") hereby agree to amend the Restrictions by this First Amendment.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Restrictions are hereby amended as follows:

1. Unless otherwise specifically set forth herein, all capitalized terms herein shall have the same meaning as set forth in Restrictions.
2. Notwithstanding anything contained in the Restrictions to the contrary, in addition to the uses permitted by the Restrictions, each lot, parcel or property in the Subdivision may be used for: (a) general recreational use, (b) polo club, country club or equestrian club purposes, (c) veterinary services, (d) agricultural and farm uses including crop sales, (e) animal boarding and/or related amenities and services, (f) church, and (g) any use permitted by the City of Oak Point.
3. Each property owner shall be entitled to obtain zoning of their own choosing for their respective property from the City of Oak Point, and to the extent that such zoning, development codes and/or requirements differ from the Restrictions, then the approved zoning or development code or requirements will prevail and supersede the applicable provision of the Restrictions.
4. In accordance with Section 201.005 of the Texas Property Code any Owner is authorized to execute on behalf of the Owners a petition to amend the Restrictions in accordance with this First Amendment, and to cause the petition and First Amendment to be recorded in the Real Property Records of Denton County, Texas.
5. This First Amendment shall in all respects be governed by the laws of the State of Texas Except as expressly modified herein; the Restrictions shall remain in full force and effect.

(SIGNATURE PAGE FOLLOWS)



Cab M Pg 322

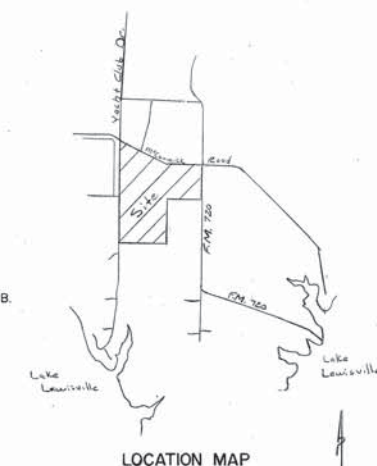
# LEGEND FOR DRAINAGE EASEMENTS

- 1 S 15°04'42" W 940'
- 2 S 23°04'42" W 400'
- 3 S 47°34'42" W 292'
- 4 S 06°25'18" E 250'
- 5 S 11°34'42" W 420'
- 6 S 14°55'18" E 560'
- 7 S 09°44'09" W 2293'
- 8 S 00°59'44" W 1010'

CURVE DATA			
C-1	C-2	C-3	C-4
A = 23°13'53"	A = 24°31'37"	A = 39°16'58"	A = 41°04'42"
R = 670.0'	R = 730.0'	R = 670.0'	R = 730.0'
T = 139.55'	T = 158.68'	T = 239.12'	T = 273.50'
L = 275.17'	L = 312.49'	L = 459.36'	L = 523.37'

C-5	C-6	C-7	C-8
A = 41°04'42"	A = 39°16'58"	A = 24°31'37"	A = 23°13'53"
R = 670.0'	R = 730.0'	R = 670.0'	R = 730.0'
T = 251.02'	T = 260.53'	T = 145.64'	T = 152.05'
L = 480.36'	L = 500.50'	L = 286.81'	L = 299.81'

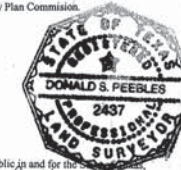


Filed for Record in:  
DENTON COUNTY, TX  
HONORABLE TINI HODGES/COUNTY CLERK  
On Oct 21 1996  
At 1:22pm  
Doc/Num : 96-RB075158  
Doc/Type : PLO  
Recording : 29.00  
Doc/Mgmt : 6.00  
Receipt #: 32893  
Deputy - HARRY

APPROVED BY:  
PLANNING & ZONING COMMISSION  
CITY OF OAK POINT  
BY: Susan K. Sizemore 10-10-96  
Chairman Date  
CITY COUNCIL  
BY: Ken Goldwell 10-18-96  
Mayor Date

## SURVEYOR'S CERTIFICATE

This is to declare that I, Donald Stewart Peebles, a Registered Professional Land Surveyor of the State of Texas, having prepared this drawing from an actual on the ground survey, and that all lot corners, angle points and points of curve shall be properly marked on the ground, and that this plat correctly represents the survey made by me or under my direction and supervision in accordance with the Planning and Zoning Regulations of the City Plan Commission.  
Donald S. Peebles Date 10-11-96  
Donald S. Peebles  
R.P.L.S. No. 2437



## STATE OF TEXAS

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Donald S. Peebles, known to me to be the person whose name is subscribed to the above instrument, and acknowledged to me that he or she executed the same for the purposes and consideration expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 11 day of Oct, 1996.  
SCOTT GERVAIS  
MY COMMISSION EXPIRES  
February 22, 1998  
Notary Public in and for the State of Texas

## FINAL PLAT

## HUNTER'S RIDGE ADDITION

GEORGE W. DANIELS SURVEY, ABSTRACT NO. 331  
CITY OF OAK POINT  
DENTON COUNTY, TEXAS

PEEBLES & ASSOCIATES  
CIVIL ENGINEERS / LAND SURVEYORS  
530 BEDFORD ROAD  
BEDFORD, TEXAS 76022  
METRO (817) 268-3316

DRAWN BY: P&A	PROJECT NO.	SHEET
DATE: 10-9-96	FILE NO.	1 OF 1

GEORGE W. DANIELS SURVEY, ABSTRACT NO. 331

## DEDICATION

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS, THAT BRAUCAM INVESTMENTS, L.P., a Texas Limited Partnership by and through the undersigned does hereby adopt this plat designating the above described property as the HUNTER'S RIDGE ADDITION, an addition to the City of Oak Point, Denton County, Texas and do hereby dedicate the easements shown on this plat for the mutual use and accommodation of the public utilities desiring to use same.

WITNI SS our hands at Denton County, Texas, this 13 day of Oct, 1996

Jerry Campbell  
JERRY CAMPBELL  
Vice President  
David J. & Barbara J. VanLackey  
DAVID J. & BARBARA J. VANLACKEY  
Vice President  
Victor J. & Francis S. Ramon  
VICTOR J. & FRANCIS S. RAMON  
Vice President  
Gerald C. & Genevieve M. Golden  
GERALD C. & GENEVIEVE M. GOLDEN  
Vice President

STATE OF TEXAS  
BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared JERRY CAMPBELL, DAVID J. & BARBARA J. VANLACKEY, VICTOR J. & FRANCIS S. RAMON, GERALD C. & GENEVIEVE M. GOLDEN known to me to be the person whose name is subscribed to the above instrument, and acknowledged to me that he or she executed the same for the purposes and consideration expressed and in the capacity therein stated.  
GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 13 day of Oct, 1996



OWNER  
BRAUCAM INVESTMENTS, L.P.  
P.O. BOX 1706, LEWISVILLE, TX. 75067  
(214) 724-1226

## OWNER'S CERTIFICATE

WHEREAS JERRY CAMPBELL INVESTMENTS are the owners of a 390.00 acre tract of land situated in the George W. Daniels Survey, Abstract No. 331 as recorded in Volume 3243, Page 917 of the Deed Records of Denton County, Texas and being more particularly described as follows:

BEGINNING at a found 3/8" iron rod at the northeast corner of said 390.00 acre tract, same being the intersection of the approximate centerline of McCormick Road and the west line of F.M. Road 720;

THENCE S 00°07'07" W along the said west line of F.M. 720 for 1080.87 to a found wooden Hwy. Monument;

THENCE S 09°31'14" W continuing along said west line for 919.43' to a set 1/2" iron rod;

THENCE N 87°12'32" W leaving said west line and along the most northerly, south line of said 390.00 acre tract for 1810.83' to a set 1/2" iron rod;

THENCE S 00°09'08" W along the most westerly, east line of said 390.00 acre tract for 2407.93' to a set 1/2" iron rod at the southeast corner of said 390.00 acre tract;

THENCE N 89°00'16" W along the south line of said 390.00 acre tract for 2654.83' to a set 1/2" iron rod at the southwest corner of said 390.00 acre tract, said being the approximate centerline of Yacht Club Drive, and the recognized west line of said Daniels Survey;

THENCE Due north along the west line of said 390.00 acre tract and said Survey Line for 5707.38' to a found R.R. spike in the said approximate centerline of McCormick Road;

THENCE S 61°55'18" E along the said approximate centerline of McCormick Road for 2845.77' to a found 1/2" iron rod;

THENCE S 87°15'55" E continuing along said approximate centerline for 1971.51' to the POINT OF BEGINNING AND CONTAINING 16,988,373 square feet or 390.00 acres of land more or less.