

After recording return to:

Robert J. Banta  
LOCKE LIDDELL & SAPP LLP  
2200 Ross Avenue, Suite 2200  
Dallas, Texas 75201

FILED  
TARRANT COUNTY TEXAS

2005 JUL 21 PM 1:41

SUZANNE BRIDGEMAN  
COUNTY CLERK

SECOND AMENDMENT TO DECLARATION  
OF  
COVENANTS, CONDITIONS, AND RESTRICTIONS  
FOR  
LOWE'S FARM

STATE OF TEXAS

COUNTY OF TARRANT

This SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR LOWE'S FARM ("Second Amendment") is made effective as of the 10<sup>th</sup> day of January, 2005 by LOWE'S FARM PARTNERS NO. 1, LTD., a Texas limited partnership ("Declarant").

WITNESSETH

WHEREAS, Declarant recorded that certain Declaration of Covenants, Conditions and Restrictions for Lowe's Farm dated as of January 22, 2002, in the Public Real Estate Records of Tarrant County, Texas as Instrument Number D202022149, as amended by that certain Declaration of Annexation and First Supplement to Declaration of Covenants, Conditions and Restrictions for Lowe's Farm dated as of November 18, 2004, and recorded in the Public Real Estate Records of Tarrant County, Texas as Instrument Number D204372939 (collectively, the "Declaration"); and

WHEREAS, the Conversion Date (as defined in the Declaration) has not yet occurred; and

WHEREAS, Declarant desires to amend the Declaration pursuant to its authority to do so under Section 8.2 of the Declaration.

NOW THEREFORE, Declarant hereby adopts the following amendment to the Declaration:

1. AMENDMENT. Sections 3.9 and 3.10 are hereby amended and restated in a single Section 3.9 to read in its entirety as follows:

**"Section 3.9. Lien for Assessments.** The Declarant does hereby establish, reserve, create and subject each Lot to a perfected

contractual lien in favor of the Association to secure payment of delinquent assessments owed on account of such Lot, as well as interest (subject to the limitations of Texas law) and costs of collection (including attorney's fees). Such lien shall be prior and superior to all other liens, except (a) the liens of all taxes, bonds, assessments and other levies which by law would be superior thereto, and (b) the lien or charge of any first mortgage of record (meaning any recorded mortgage with first priority over other mortgages) made in good faith and for value. Declarant hereby assigns such lien to the Association without recourse. The lien shall be self operative and shall continue in inchoate form without being reserved or referenced in any deed or other document and without any other action required. Such lien, when delinquent, may be enforced by suit, judgment and judicial or non-judicial foreclosure in accordance with Texas law.

Although no further action is required to create or perfect the lien, the Association may, as further evidence and notice of the lien, execute and record a document setting forth as to any Lot the amount of the delinquent sums due the Association at the time such document is executed and the fact that lien exists to secure the repayment thereof. However, the failure of the Association to execute and record any such document shall not, to any extent, affect the validity, enforceability or priority of the lien. The lien may be foreclosed through judicial or, to the extent allowed by law, non-judicial foreclosure proceedings in accordance with Chapter 51 of the Texas Property Code (the "Foreclosure Statute"), as it may be amended from time to time, in like manner of any deed of trust on real property. In connection with the lien created herein, each Owner of a Lot hereby grants to the Association, whether or not it is so expressed in the deed or other conveyance to such Owner, a power of sale to be exercised in accordance with the Foreclosure Statute. At any foreclosure proceeding, any person, including but not limited to Declarant, the Association and any Owner, shall have the right to bid for the Lot at foreclosure sale and to acquire and hold, lease, mortgage and convey the same. Suit to recover a money judgment for unpaid assessments and attorney's fees shall be maintainable without foreclosing or waiving the lien securing the same.

The sale or transfer of any Lot shall not affect the assessment lien or relieve such Lot from the lien for any assessments thereafter becoming due. However, the sale or transfer of any Lot pursuant to judicial or non-judicial foreclosure of a first mortgage shall extinguish the lien as to any installments of such assessments which became due prior to such sale or transfer. Where the mortgagee holding a first mortgage of record

or other purchaser of a Lot obtains title pursuant to judicial or non-judicial foreclosure of the mortgage, it shall not be personally liable for the share of the assessments by the Association chargeable to such Lot which became due prior to such acquisition of title."

2. RATIFICATION. Except as provided in this Second Amendment, the Declaration shall continue in full force and effect in accordance with its terms.

3. DEFINED TERMS. Terms defined in the Declaration shall have the same meaning when used in this Amendment.

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EXECUTED to be effective as of the date first set forth above.

**DECLARANT:**

LOWE'S FARM PARTNERS NO. 1, LTD., a  
Texas limited partnership

By: Mansfield-GP Partners, Ltd., a  
Texas limited partnership,  
its general partner

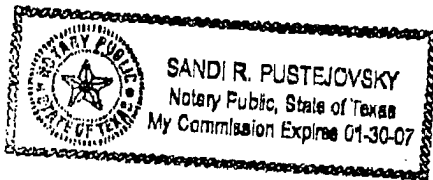
By: Hanover Services Group, Inc.  
a Texas corporation,  
its general partner

By: Walter Damon  
Name: WALTER DAMON  
Title: PRESIDENT

STATE OF TEXAS

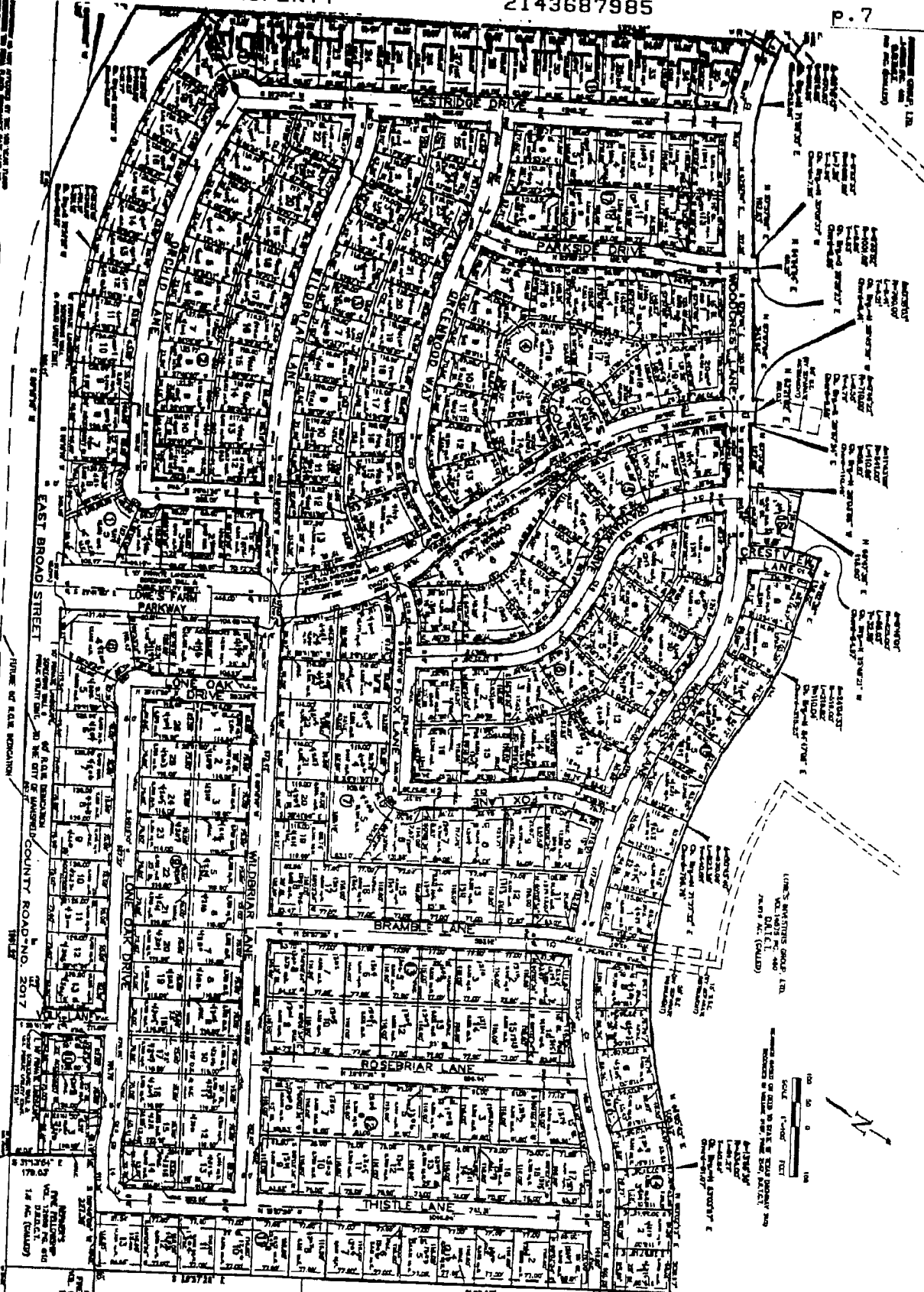
COUNTY OF DALLAS

This instrument was acknowledged before me this 20<sup>th</sup> day of July, 2005, by Walter Damon, President of Hanover Services Group, Inc., a Texas corporation, on behalf of said corporation, acting in its capacity as general partner of Mansfield-GP Partners, Ltd., a Texas limited partnership, which in turn, is acting in its capacity as general partner of Lowe's Farm Partners No. 1, Ltd., a Texas limited partnership, and acknowledged to me that he executed the foregoing instrument for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said corporation.



Sandi R. Pustejovsky  
Notary Public for the State of Texas

Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



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MATERIAL BOOK NUMBER  
VOL. 1041, P. 100  
DATE: 11/18/04 (CALLED)

LONG'S SAWTIMBER GROUP, LTD.  
VOL. 1041, P. 440  
DATE: 11/18/04 (CALLED)

MABASHON INVESTMENT CORP.  
VOL. 11041, P. 200  
DATE: 11/24/04 (CALLED)

SINDRA SHEET MARSHALL  
VOL. 11041, P. 492  
DATE: 11/24/04 (CALLED)

LOWE'S FARM, PHASE  
0.238 ACRES TRACT OF LAND OUT OF A  
WATSON SURVEY, ABSTRACT NO. 143  
CITY OF WASHINGTON  
TARRANT COUNTY, TEXAS  
LONG'S FARM PARTNERS NO. 1, LTD. OR  
SINDRA SHEET MARSHALL TRACT  
MABASHON INVESTMENT CORP.  
JONES & BOWEN, INC.  
DATE: 11/24/04 (CALLED)

2143687985

APR 05, 2005



North 62 degrees 21 minutes 02 seconds East, a distance of 50.03 feet to a 1/2" iron rod set for the beginning of a non-tangent curve to the left with a radius of 710.00 feet, a central angle of 0 degrees 46 minutes 22 seconds, and a chord bearing and distance of South 29 degrees 57 minutes 24 seconds East, 9.58 feet;

Southeasterly, with said curve, an arc distance of 9.68 feet to a 1/2" iron rod set for corner;

North 57 degrees 57 minutes 06 seconds East, a distance of 127.66 feet to a 1/2" iron rod set for the beginning of a non-tangent curve to the right with a radius of 541.00 feet, a central angle of 11 degrees 43 minutes 09 seconds, and a chord bearing and distance of North 26 degrees 03 minutes 56 seconds West, 110.46 feet;

Northwesterly, with said curve, an arc distance of 110.66 feet to a 1/2" iron rod set for corner;

North 69 degrees 47 minutes 38 seconds East, a distance of 116.00 feet to a 1/2" iron rod set for the beginning of a non-tangent curve to the right with a radius of 425.00 feet, a central angle of 8 degrees 46 minutes 01 seconds, and a chord bearing and distance of North 15 degrees 49 minutes 21 seconds West, 64.97 feet;

Northwesterly, with said curve, an arc distance of 65.03 feet to a 1/2" iron rod set for corner;

North 78 degrees 52 minutes 36 seconds East, a distance of 138.72 feet to a 1/2" iron rod set for the beginning of a non-tangent curve to the right with a radius of 516.00 feet, a central angle of 24 degrees 04 minutes 33 seconds, and a chord bearing and distance of North 84 degrees 47 minutes 05 seconds East, 215.23 feet;

Northeasterly, with said curve, an arc distance of 216.82 feet to a 1/2" iron rod set for the beginning of a reverse curve to the left with a radius of 930.00 feet, a central angle of 50 degrees 43 minutes 40 seconds, and a chord bearing and distance of North 71 degrees 27 minutes 32 seconds East, 796.76 feet;

Northeasterly, with said curve, an arc distance of 823.39 feet to a 1/2" iron rod set for corner;

North 46 degrees 05 minutes 42 seconds East, a distance of 105.52 feet to a 1/2" iron rod set for the beginning of a tangent curve to the right with a radius of 334.00 feet, a central angle of 13 degrees 56 minutes 30 seconds, and a chord bearing and distance of North 53 degrees 03 minutes 57 seconds East, 81.07 feet;

Northeasterly, with said curve, an arc distance of 81.27 feet to a 1/2" iron rod set for corner;

North 60 degrees 02 minutes 12 seconds East, a distance of 209.17 feet to a 1/2" iron rod set in the west line of a 11.54 acre tract of land described in deed to Marathon Investment, Corp., recorded in Volume 11041, Page 2305 of the Deed Records of Tarrant County, Texas;

**THENCE** with said west line, along a fence and with the west line of a 3.00 acre tract of land described in deed to Sandra Handlin, recorded in Volume 13477, Page 492 of the Deed Records of Tarrant County, Texas, South 29 degrees 57 minutes 26 seconds East, a distance of 1192.57 feet to a 1/2" iron rod found for the northeast corner of said 1.8 acre Refiner's Fire Fellowship tract;

**THENCE** with the north line of said 1.8 acre tract and along a fence, South 58 degrees 40 minutes 09 seconds West, a distance of 227.39 feet to a 1/2" iron rod found for the northwest corner of said 1.8 acre tract;





## PROPERTY DESCRIPTION

### LOWE'S FARM, PHASE 2

**WHEREAS** LOWE'S INVESTORS GROUP, LTD., a Texas limited partnership, is the owner of a tract of land out of the Joab Watson Survey, Abstract No. 1632, in the City of Mansfield, Tarrant County, Texas, being part of a 78.919 acre tract of land conveyed to Lowe's Investors Group, Ltd. as recorded in Volume 14575, Page 480, Deed Records Tarrant County, Texas and being further described as follows:

**BEGINNING** at a one-half inch iron rod found for corner, said point being the north corner of Lot 1, Block 14, Lowe's Farm, Phase 1, an addition to the City of Mansfield, as recorded in Cabinet A, Page 7097, Plat Records Tarrant County, Texas, said point being in the east line of said 78.919 acre tract of land, and said point being in the west line of a tract of land conveyed to Bankston Third Family, L.P. as recorded in Volume 14655, Page 85, Deed Records Tarrant County, Texas;

**THENCE** along the northwest line of said Lowe's Farm, Phase 1 as follows:

South 60 degrees 02 minutes 12 seconds West, 209.17 feet to a one-half inch iron rod found for corner;  
 Southwesterly, 81.27 feet along a curve to the left having a central angle of 13 degrees 56 minutes 30 seconds, a radius of 334.00 feet, a tangent of 40.84 feet, and whose chord bears South 53 degrees 03 minutes 57 seconds West, 81.07 feet to a one-half inch iron rod found for corner;  
 South 46 degrees 05 minutes 42 seconds West, 105.52 feet to a one-half inch iron rod found for corner;  
 Southwesterly, 823.39 feet along a curve to the right having a central angle of 50 degrees 43 minutes 40 seconds, a radius of 930.00 feet, a tangent of 440.88 feet, and whose chord bears South 71 degrees 27 minutes 32 seconds West, 796.76 feet to a one-half inch iron rod found for corner;  
 Southwesterly, 216.82 feet along a curve to the left having a central angle of 24 degrees 04 minutes 33 seconds, a radius of 516.00 feet, a tangent of 110.04 feet, and whose chord bears South 84 degrees 47 minutes 05 seconds West, 215.23 feet to a one-half inch iron rod found for corner;  
 South 78 degrees 52 minutes 36 seconds West, 138.72 feet to a one-half inch iron rod found for corner;  
 Southeasterly, 65.03 feet along a curve to the left having a central angle of 8 degrees 46 minutes 01 seconds, a radius of 425.00 feet, a tangent of 32.58 feet, and whose chord bears South 15 degrees 49 minutes 21 seconds East, 64.97 feet to a one-half inch iron rod found for corner;  
 South 69 degrees 47 minutes 38 seconds West, 116.00 feet to a one-half inch iron rod found for corner;  
 Southeasterly, 110.66 feet along a curve to the left having a central angle of 11 degrees 43 minutes 09 seconds, a radius of 541.00 feet, a tangent of 55.52 feet, and whose chord bears South 26 degrees 03 minutes 56 seconds East, 110.46 feet to a one-half inch iron

rod found for corner;  
South 57 degrees 57 minutes 06 seconds West, 127.66 feet to a one-half inch iron rod found for corner;  
Northwesterly, 9.58 feet along a curve to the right having a central angle of 0 degrees 46 minutes 22 seconds, a radius of 710.00 feet, a tangent of 4.79 feet, and whose chord bears North 29 degrees 57 minutes 24 seconds West, 9.58 feet to a one-half inch iron rod found for corner;  
South 62 degrees 21 minutes 02 seconds West, 50.03 feet to a one-half inch iron rod found for corner;  
Southeasterly, 8.41 feet along a curve to the left having a central angle of 0 degrees 38 minutes 03 seconds, a radius of 760.00 feet, a tangent of 4.21 feet, and whose chord bears South 29 degrees 45 minutes 39 seconds East, 8.41 feet to a one-half inch iron rod found for corner;  
South 57 degrees 57 minutes 06 seconds West, 243.94 feet to a one-half inch iron rod found for corner;  
Northwesterly, 9.86 feet along a curve to the right having a central angle of 0 degrees 33 minutes 52 seconds, a radius of 1001.00 feet, a tangent of 4.93 feet, and whose chord bears North 29 degrees 59 minutes 23 seconds West, 9.86 feet to a one-half inch iron rod found for corner;  
South 54 degrees 54 minutes 54 seconds West, 50.21 feet to a one-half inch iron rod found for corner;  
Southeasterly, 7.20 feet along a curve to the left having a central angle of 0 degrees 23 minutes 33 seconds, a radius of 1051.00 feet, a tangent of 3.60 feet, and whose chord bears South 30 degrees 09 minutes 37 seconds East, 7.20 feet to a one-half inch iron rod found for corner;  
South 57 degrees 57 minutes 06 seconds West, 192.83 feet to a one-half inch iron rod found for corner;

**THENCE** Southwesterly, 215.85 feet passing a one-half inch iron rod found for the northwest corner of said Lowe's Farm in all a total distance of 228.37 feet along a curve to the right having a central angle of 27 degrees 50 minutes 24 seconds, a radius of 470.00 feet, a tangent of 116.49 feet, and whose chord bears South 71 degrees 52 minutes 18 seconds West, 226.13 feet to a one-half inch iron rod set for corner;

**THENCE** South 85 degrees 47 minutes 30 seconds West, 12.25 feet to a one-half inch iron rod set for corner;

**THENCE** North 09 degrees 16 minutes 13 seconds East, 1777.17 feet to a one-half inch iron rod set for corner, said point being in the south line of a 177.78 acre tract of land described in deed to the United States of America, recorded in Volume 7235, Page 2280 of the Deed Records of Tarrant County, Texas;

**THENCE** South 65 degrees 27 minutes 08 seconds East, 408.92 feet along the south line said United States tract of land to a concrete monument found for the southwest corner of a 18.86 acre tract of land described in deed to the United States of America, recorded in Volume 6999, Page 1399 of the Deed Records of Tarrant County, Texas;

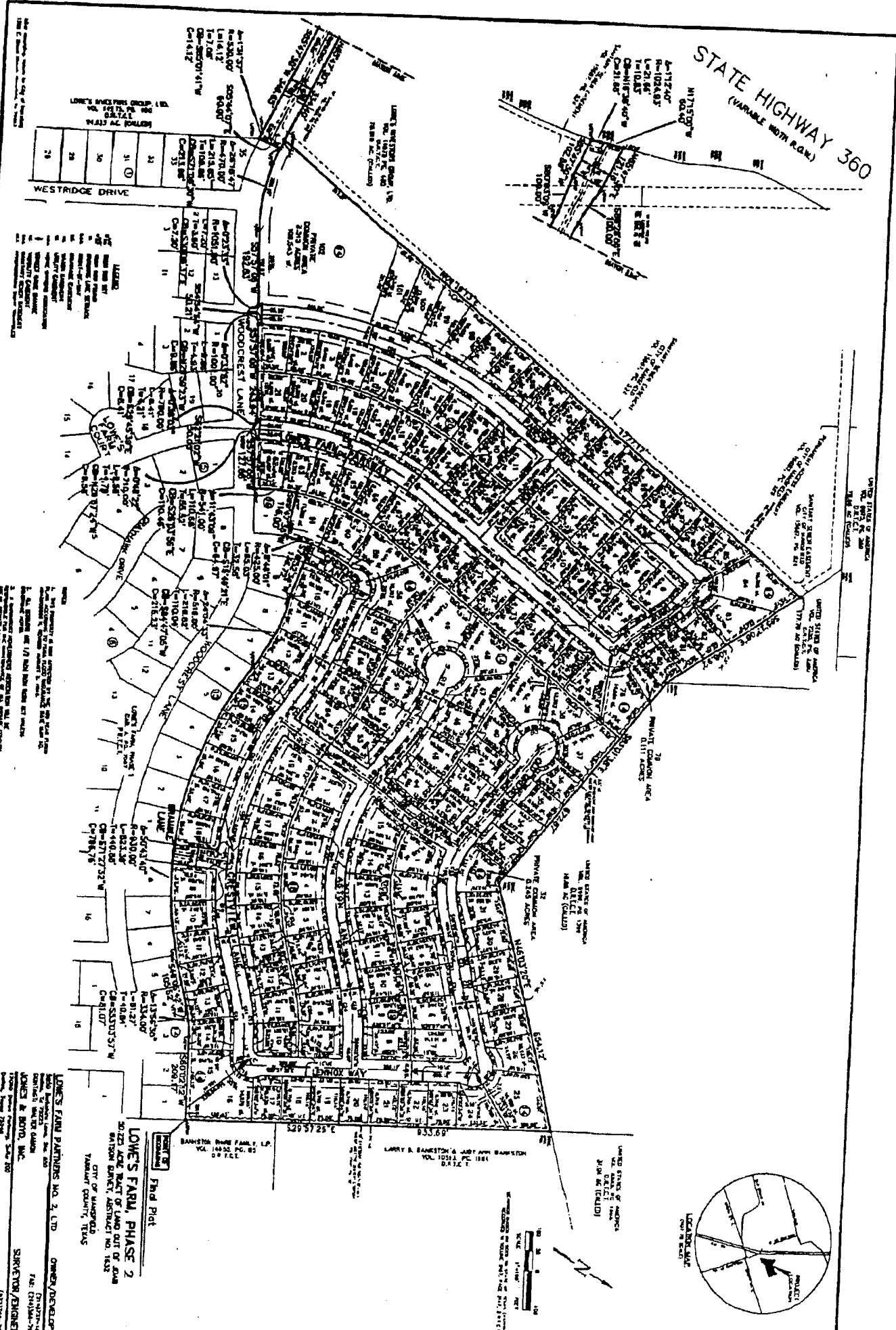
**THENCE** along the south line of said 18.86 acre tract as follows:

South 83 degrees 01 minutes 38 seconds East, 672.87 feet to a concrete monument found for corner;

North 46 degrees 03 minutes 20 seconds East, 654.12 feet to a concrete monument found for the northwest corner of a 39.02 acre tract of land described in deed to Larry Bankston, et ux, recorded in Volume 10593, Page 1984 of the Deed Records Tarrant County, Texas, for the southwest corner of a 31.04 acre tract of land described in deed to the United States of America, recorded in Volume 6885, Page 1595 of the Deed Records Tarrant County, Texas;

**THENCE** South 29 degrees 57 minutes 26 seconds East; 933.69 feet along the west line of said 39.02 acre tract of land and along the west line of said Bankston Third Family, L.P. tract of land to the **POINT OF BEGINNING** and containing 2,150,275 square feet or 49.364 acres of land.

Bearing system based on the monuments found in the east right-of-way line of State Highway No. 360 as described in deed to the State of Texas, recorded in Volume 9107, Page 2153 of the Deed Records of Tarrant County, Texas



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**NOTES**

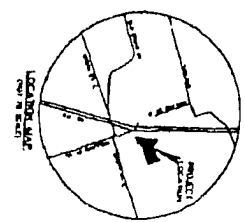
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**LOWER FARM PARTNERS NO. 2, LTD.**  
 OWNER/DEVELOPER  
 10000 WOODCREST LANE  
 SUITE 200  
 HANOVER, TEXAS 75042  
 (972) 261-1111  
 FAX: (972) 261-1111

**LOWER FARM PHASE 2**  
 30722 JOE BLANK OF LAND OUT OF JOHN  
 BRIDEN BARNETT, ABSTRACT NO. 1822  
 CITY OF HANOVER  
 HANOVER COUNTY, TEXAS

**RECORDED OCTOBER 23, 2003**  
 SEPTEMBER 24, 2003

Sheet 1 of 2





HANOVER PROPERTY  
WALTER DAMON  
5950 BERKSHIRE LANE #850  
DALLAS TX 75225  
Submitter: WALTER DAMON

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SUZANNE HENDERSON  
TARRANT COUNTY CLERK  
TARRANT COUNTY COURTHOUSE  
100 WEST WEATHERFORD  
FORT WORTH, TX 76196-0401

**DO NOT DESTROY**  
**WARNING - THIS IS PART OF THE OFFICIAL RECORD.**

Filed For Registration: 07/21/2005 01:41 PM  
Instrument #: D205210937  
OPR 14 PGS \$38.00

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**D205210937**

ANY PROVISION WHICH RESTRICTS THE SALE, RENTAL OR USE  
OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR  
RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.