

1/RTC/VV/LW
WE

00341039

AFTER RECORDING RETURN TO:

~~Michael D. Hesse
HESSE & HESSE, L.L.P.
15303 Dallas Parkway
Suite 1040
Addison, Texas 75001~~

**REUNION TITLE
5700 GRANITE PARKWAY, #180
PLANO, TEXAS 75024**

SECOND AMENDMENT

**TO THE
SUPPLEMENTAL DECLARATION TO THE
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR WOODCREEK AND
DECLARATION OF COVENANTS AND RESTRICTIONS
FOR WOODCREEK PHASE IV ADDITION**

STATE OF TEXAS §
 §
COUNTY OF ROCKWALL §

KNOW ALL MEN BY THESE PRESENTS:

This **SECOND AMENDMENT TO THE SUPPLEMENTAL DECLARATION TO THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR WOODCREEK AND DECLARATION OF COVENANTS AND RESTRICTIONS FOR WOODCREEK PHASE III-D ADDITION** (this "Second Amendment"), is made on the date hereinafter set forth by **PRA/FATE DEVELOPMENT CORP.**, a Texas corporation (hereinafter referred to as the "Declarant").

WITNESSETH:

WHEREAS, Declarant has heretofore executed that certain **Declaration of Covenants, Conditions, and Restrictions for Woodcreek**, which was filed for record on March 31, 2003, under **Clerk's File Number 275591**, in the land records of Rockwall County, Texas (hereinafter called the "Master Declaration");

WHEREAS, Declarant filed for record that certain Supplemental Declaration to the Declaration of Covenants, Conditions, and Restrictions for Woodcreek and Declaration of Covenants and Restrictions for Woodcreek Phase III-D Addition, on October 24, 2003, in **Volume 03266, Page 00064** of the Deed Records of Rockwall County, Texas (hereinafter referred to as the "Original Supplemental Declaration"), which affects the real property as more particularly described in **Exhibit A** attached hereto and incorporated herein by this reference for all purposes (sometimes referred to herein as the "Property");

WHEREAS, Declarant filed for record that certain First Amendment to Supplemental Declaration to the Declaration of Covenants, Conditions, and Restrictions for Woodcreek and

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Declaration of Covenants and Restrictions for Woodcreek Phase III-D Addition, on May 20, 2005, in **Volume 04019, Page 00127** of the Deed Records of Rockwall County, Texas (hereinafter referred to as the "First Amendment to Supplemental Declaration") (the Original Supplemental Declaration and the First Amendment to Supplemental Declaration being hereinafter collectively referred to as the "Supplemental Declaration");

WHEREAS, pursuant to Article V of the Supplemental Declaration, Declarant has the right to amend the Supplemental Declaration;

WHEREAS, FATE-WOODCREEK/2003, LTD., a Texas limited partnership (hereinafter referred to as "Owner"), is the owner of the Property and desires to modify certain restrictions as they apply to a limited number of Lots; and

WHEREAS, Declarant desires accommodate Owner and desires to amend the Supplemental Declaration for the purpose of modifying certain restrictions as they are applicable to a limited number of Lots and desires to correct the identification of the property so that it is known as Woodcreek Phase 4 rather than Woodcreek Phase III-D.

AMENDMENT:

NOW THEREFORE, Declarant hereby amends the Supplemental Declaration as follows:

1. **Correction of Phase Identification.** The property identified in the Supplemental Declaration was originally identified as Woodcreek Phase III-D. Declarant hereby changes the identification of such property so that it is now known as Woodcreek Phase 4. All references in the Supplemental Declaration and/or the Master Declaration to Woodcreek Phase III-D shall be deemed a reference to Woodcreek Phase 4.

2. **Modification Regarding Roof Restrictions.** The Supplemental Declaration shall be modified so that Article III, Section 7 of the Supplemental Declaration shall not be applicable to **Lots 4, 5, 6, 7, 9 and 10, of Block B** of Woodcreek Phase 4 (said Lots being collectively referred to as the "Phase 4 Model Lots") but the Phase 4 Model Lots shall be subject to the following Article III, Section 7A, which provides as follows:

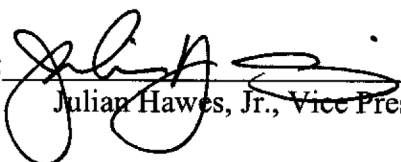
7A. **Roofs.** All roofs for the Phase 4 Model Lots shall be of composition shingles. Once a Phase 4 Model Lot is no longer used by a builder for sales purposes as a model home, such roof must be re-shingled with a dimensional or shadow line type shingle with a minimum twenty 20 year warranty. All major roof lines must be pitched a minimum of six (6) inches in twelve (12) inches (this requirement will not apply to the roof area over a front porch of a Home). The Committee may permit a lesser pitch where such pitch is consistent with the architectural style of the Home as judged by the Committee at its sole discretion. The Committee shall approve the color of all roofs. All roof venting and roof flashing that is not painted/finished by the manufacturer, shall be painted to match roof color.

3. **Remaining Terms.** This Second Amendment is declared to be, in pertinent part only, a restatement of the Master Declaration and the Supplemental Declaration and this Second Amendment is not made to modify, amend, change, extend, delete, extinguish, alter or revoke the Master Declaration and/or the Supplemental Declaration except as may be expressly set forth herein. All of the capitalized terms used in this Second Amendment, unless otherwise defined herein, shall have the same meaning as assigned to such terms in the Master Declaration and the Supplemental Declaration.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereto set its hand this 27 day of October, 2005.

DECLARANT:

PRA/FATE DEVELOPMENT CORP.,
a Texas corporation

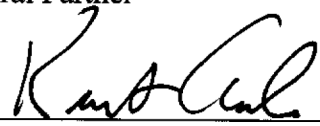
By: 
Julian Hawes, Jr., Vice President

CONSENT OF PROPERTY OWNER:

FATE-WOODCREEK/2003, LTD.,
a Texas limited partnership

By: S.K. Anderson Development, L.P.,
a Texas limited partnership
Its: General Partner

By: G.P. Anderson, L.L.C.,
a Texas limited liability company
Its: General Partner

By: 
Kent Anderson, President

ACKNOWLEDGMENTS

STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Julian Hawes, Jr., the Vice President of PRA/Fate Development Corp., a Texas corporation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as the act of said corporation, for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 27 day of October, 2005.

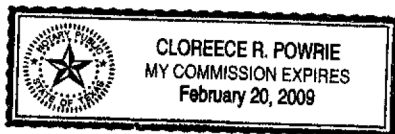


Denise Boutwell
NOTARY PUBLIC, STATE OF TEXAS
Printed Name: Denise Boutwell
My Commission Expires: 11-17-08

STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Kent Anderson, the President of G.P. Anderson, L.L.C., a Texas limited liability company, the General Partner of S. K. Anderson Development, L.P., a Texas limited partnership, the general partner of Fate-Woodcreek/2003, Ltd., a Texas limited partnership, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as the act of said partnership, for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 27th day of October, 2005.



Clore R. Powrie
NOTARY PUBLIC, STATE OF TEXAS
Printed Name: Clore R. Powrie
My Commission Expires: February 20, 2009

EXHIBIT A**LEGAL DESCRIPTION**

BEING a tract of land situated in the J. Hodges Survey, Abstract No. 103, and the S. Murphy Survey, Abstract No. 148, in the City of Fate, Rockwall County, Texas and being part of a called 348.201 acre tract of land described as Part 1 in a Special Warranty Deed from Fate Land, L.P. to PRA/FATE Development Corporation, recorded in Volume 02919, Page 00188 of the Deed Records of Rockwall County, Texas and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found for the Southwest corner of Philip Wetzel Addition, an addition to the City of Fate according to the plat thereof recorded in Cabinet E, Page 184, Map Records, Rockwall County, Texas, said rod also being a point on the North right-of-way line of State Highway No. 66 (60 foot wide right-of-way) and the Southeast corner of said PRA/FATE tract;

THENCE South 79 degrees 57 minutes 41 seconds West, along the North line of said highway and the South line of said PRA/FATE tract, a distance of 574.40 feet to a 5/8 inch iron rod with cap marked "PETITT-RPLS 4087" set for the Point of Beginning;

THENCE South 79 degrees 57 minutes 41 seconds West, along the North line of said highway and the South line of said PRA/FATE tract, a distance of 794.30 feet to a 5/8 inch iron rod with cap marked "PETITT-RPLS 4087" set for corner;

THENCE North 10 degrees 02 minutes 19 seconds West, leaving said North line, a distance of 50.00 feet to a 5/8 inch iron rod with cap marked "PETITT-RPLS 4087" set for corner;

THENCE North 27 degrees 47 minutes 58 seconds West, a distance of 388.93 feet to a 5/8 inch iron rod with cap marked "PETITT-RPLS 4087" set for corner;

THENCE North 62 degrees 12 minutes 02 seconds East, a distance of 118.20 feet to a 5/8 inch iron rod with cap marked "PETITT-RPLS 4087" set for corner;

THENCE North 27 degrees 47 minutes 58 seconds East, a distance of 30.00 feet to a 5/8 inch iron rod with cap marked "PETITT-RPLS 4087" set for the beginning of a non-tangent curve to the left;

THENCE in a Northeasterly direction along said non-tangent curve to the left having a central angle of 16 degrees 12 minutes 02 seconds a radius of 250.00 feet and a chord bearing North 54 degrees 06 minutes 01 seconds East, for 70.45 feet and an arc distance of 70.69 feet to a 5/8 inch iron rod with cap marked "PETITT-RPLS 4087" set for the end of said curve;

THENCE North 46 degrees 00 minutes 00 seconds East, a distance of 228.76 feet to a 5/8 inch iron rod with cap marked "PETITT-RPLS 4087" set for the beginning of a tangent curve to the right;

THENCE in a Northeasterly direction along said tangent curve to the right having a central angle of 42 degrees 44 minutes 11 seconds a radius of 250.00 feet and a chord bearing North 67 degrees 22

minutes 06 seconds East, for 182.18 feet and an arc distance of 186.47 feet to a 5/8 inch iron rod with cap marked "PETITT-RPLS 4087" set for the end of said curve;

THENCE North 88 degrees 44 minutes 11 seconds East, a distance of 175.11 feet to a 5/8 inch iron rod with cap marked "PETITT-RPLS 4087" set for the beginning of a tangent curve to the right;

THENCE in a Southeasterly direction along said tangent curve to the right having a central angle of 19 degrees 57 minutes 31 seconds a radius of 250.00 feet and a chord bearing South 81 degrees 17 minutes 03 seconds East, for 86.65 feet and an arc distance of 87.09 feet to a 5/8 inch iron rod with cap marked "PETITT-RPLS 4087" set for the end of said curve;

THENCE South 71 degrees 18 minutes 18 seconds East, a distance of 225.01 feet to a 5/8 inch iron rod with cap marked "PETITT-RPLS 4087" set for the beginning of a non-tangent curve to the left;

THENCE in a Southwesterly direction along said non-tangent curve to the left having a central angle of 28 degrees 44 minutes 58 seconds, a radius of 600.00 feet and a chord bearing South 04 degrees 19 minutes 14 seconds West, for 297.91 feet and an arc distance of 301.06 feet to a 5/8 inch iron rod with cap marked "PETITT-RPLS 4087" set for the end of said curve;

THENCE South 10 degrees 03 minutes 15 seconds East, a distance of 231.91 feet to the Point of Beginning and containing 529,495 square feet or 12.156 acres of land, more or less.

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