

Kaufman County
Laura Hughes
County Clerk

Instrument Number: 2019-0010638

Billable Pages: 6
Number of Pages: 7

FILED AND RECORDED – REAL RECORDS	CLERKS COMMENTS
<p>On: 05/13/2019 at 08:34 AM</p> <p>Document Number: <u>2019-0010638</u></p> <p>Receipt No: <u>19-9777</u></p> <p>Amount: \$ <u>46.00</u></p> <p>Vol/Pg: <u>V:6008 P:255</u></p>	<p>E-RECORDING</p>



STATE OF TEXAS
COUNTY OF KAUFMAN

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the Official Public Records of Kaufman County, Texas.

Laura Hughes, County Clerk

Recorded By: Kylie Doss, Deputy

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.

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NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

AFTER RECORDING, RETURN TO:
Windmill Farms Association, Inc.
c/o Essex Association Management, L.P.
Attention: Ron Corcoran
1512 Crescent Drive, Suite 112
Carrollton, Texas 75006

STATE OF TEXAS §
§
COUNTY OF KAUFMAN §

**AMENDMENT AND SUPPLEMENT TO THE AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
WINDMILL FARMS**
(Windmill Farms Phase 3B)

THIS AMENDMENT AND SUPPLEMENT TO THE AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WINDMILL FARMS (this "Supplement") is made and entered into as of May 9, 2019 (the "Effective Date"), by QK BRIDGEVIEW PLAZA, LLC, a Delaware limited liability company (formerly known as EQK Bridgeview Plaza, Inc., a Nevada corporation) (the "Declarant").

PRELIMINARY STATEMENTS

A. On April 10, 2014 the Declarant executed that certain Amended and Restated Declaration of Covenants, Conditions and Restrictions for Windmill Farms recorded on April 16, 2014 as Document No. 2014-0006193, in Volume 4547, Page 266 of the Official Public Records of Kaufman County, Texas, as modified and amended by that certain First Amendment to Amended and Restated Declaration of Covenants, Conditions and Restrictions for Windmill Farms dated July 1, 2018, and recorded on August 10, 2018 under Document No. 2018-0019882, and in Volume 5768, Page 1 of the Official Public Records of Kaufman County, Texas, and as further modified and amended by that certain Second Amendment to Amended and Restated Declaration of Covenants, Conditions and Restrictions for Windmill Farms dated February 11, 2019, and recorded on February 21, 2019 under Document No. 2019-0003897, and in Volume 5937, Page 562 of the Official Public Records of Kaufman County, Texas, and as may be further modified, amended and supplemented now and hereafter from time to time (as so modified, amended and/or supplemented, the "Declaration") which amended, restated and superseded the Master Declaration (as defined in the Declaration) and the Phase 1 Declaration (as defined in the Declaration);

B. Declarant holds all Declarant rights reserved under the Declaration, and pursuant to its rights as Declarant, Declarant desires to amend and modify certain covenants, conditions and restrictions set forth in the Declaration, as more specifically provided in this Supplement.

Error! Unknown document property name.

RECORDED BY TEXAS AMERICAN TITLE COMPANY

2767519-05023

C. The Declarant desires to annex the real property described on Exhibit A-1 attached hereto and incorporated herein by reference (the "Additional Land"), and executes and records this Supplement as evidence of its approval of inclusion and annexation of the Additional Land into the Property subject to the Declaration pursuant to Declarant's rights under the Declaration. The Additional Land shall be annexed into the Property subject to the Declaration as part of the *Residential Lot Development Area – Part A* (as defined in the Declaration). The Additional Land is owned by LIBERTY BANKERS LIFE INSURANCE COMPANY, an Oklahoma life insurance company, ("Additional Land Owner") and the Additional Land Owner desires to join in this Supplement as "Owner" of the Additional Land to acknowledge, agree and approve of encumbering the Additional Land by the Declaration, as modified, amended and supplemented by this Supplement.

D. The Declarant and the Additional Land Owner intend that the Additional Land be considered Property and part of Residential Lot Development Area – Part A for purposes of this Declaration, and that all of the terms, covenants, conditions, restrictions and obligations of the Declaration that apply to the Property as part of Residential Lot Development Area – Part A will apply to the Additional Land, and Declarant desires to amend the Declaration to include such Additional Land within the Property and Residential Lot Development Area – Part A, subject to the terms of this Supplement.

E. As of the date of this Supplement, the Development Period (as defined in the Declaration) has not yet expired, and the Declarant desires to modify and amend the Declaration in accordance with its rights under the Declaration, including, without limitation, Section B.6 of Appendix 1 of the Declaration.

NOW, THEREFORE, Declarant does hereby adopt this Supplement as follows:

1. Definitions. Unless otherwise defined in this Supplement, all capitalized words or terms used herein shall be defined and have the meaning set forth in the Declaration as modified and amended hereby.

2. Additional Land Subject to Declaration. In accordance with the provisions of the Declaration, including, without limitation, Section B.6 of Appendix 1 of the Declaration, the Declarant does hereby amend the Declaration to include the Additional Land as part of the Property and Residential Lot Development Area – Part A subject to the Declaration, with such Additional Land developed or to be developed as Lots and/or Common Area, in accordance with the Plat approved and recorded or to be recorded in the map/plat records of Kaufman County, Texas. In this regard, the Declarant hereby adopts, establishes and imposes the covenants, conditions, restrictions, assessments, easements, liens and charges of the Declaration as they apply to Lots and Common Areas upon the Additional Land, and declares that Additional Land and all portions thereof are and shall be developed, held, used, sold, and conveyed subject to the provisions of the Declaration, as may be modified or amended from time to time, and all such covenants, conditions, restrictions, assessments, easements, liens and charges as set forth in the Declaration with respect to Additional Land as set forth in this Supplement. All of the provisions of the Declaration, as amended shall apply to the Additional Land with the same force and effect

as if such Additional Land was originally included in the Declaration, and the total number of Lots under the Declaration increased accordingly. Each Lot within the Additional Land shall be subject to the use restrictions and architectural controls as provided in the Declaration applicable to Residential Lot Development Area – Part A and which apply to Lots and any residence or other improvement or structure constructed thereon. *Exhibit A* attached to the Declaration is hereby modified and amended to add to the land originally described on such *Exhibit A* of the Declaration, the Additional Land described on Exhibit A-1 attached hereto as if same was originally included in the Declaration.

3. Membership and Voting Rights. Each Owner of a Lot within the Additional Land shall automatically be, and must remain, a Member of the Association so long as such person or entity is an Owner, as provided in the Declaration.

4. Assessments. An Assessment Lien is hereby created and reserved in favor of the Association to secure the collection of Assessments as provided in the Declaration, and as provided for, authorized, or contemplated herein. Each Owner of a Lot within the Additional Land, by acceptance of a deed or other conveyance or transfer of legal title to a Lot, whether or not it shall be so expressed in any such deed or other conveyance or transfer, shall be deemed to have covenanted and agreed to pay to the Association, or to an independent entity or agency which may be designated by the Association to receive such monies, Assessments as provided in the Declaration. Until and unless otherwise determined by the Board of Directors of the Association, the annual assessment for Lots in the Additional Land shall be the same as that charged to all other Lots within the Property.

5. No Other Effect. Except as expressly amended by this Supplement, the terms and provisions of the Declaration and Design Guidelines are not amended, modified or supplemented, and the Declaration and Design Guidelines, as amended hereby, are hereby supplemented and amended by the Declarant and the Additional Land is hereby affected by and included in the Property affected by such Declaration as set forth herein.

6. Severability. Invalidation of anyone provision of this Supplement by judgment or court order shall in no way affect any other provision of this Supplement or the remainder of this Supplement which shall remain in full force and effect. Furthermore, in lieu of each such illegal, invalid, or unenforceable provision, there shall be added automatically as a part of this Supplement a provision as similar in terms to such illegal, invalid, or unenforceable provision as may be possible and be legal, valid, and enforceable.

7. Headings. The headings contained in this Supplement are for reference purposes only and shall not in any way affect the meaning or interpretation of this Supplement.

REMAINDER OF PAGE LEFT BLANK - SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed to be effective as of the Effective Date.

DECLARANT:

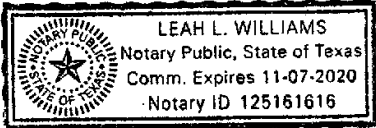
EOK BRIDGEVIEW PLAZA, LLC,
a Delaware limited liability company

By: [Signature]
Name: RL Lemke
Title: Vice President

STATE OF TEXAS §
 §
COUNTY OF Dallas §

BEFORE ME, the undersigned authority, a Notary Public, on this day personally appeared RL Lemke, as Vice President of **EOK BRIDGEVIEW PLAZA, LLC**, a Delaware limited liability company, known to me to be the person and duly authorized officer whose name is subscribed to the foregoing instrument, and who acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated on behalf of said limited liability company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 9th day of may, 2019.



[Signature]
Notary Public in and for the State of Texas
My Commission Expires: 11/07/2020

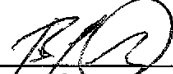
[ADDITIONAL SIGNATURE PAGE OF THE ADDITIONAL LAND OWNER FOLLOWS]

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THE FOREGOING SUPPLEMENT IS HEREBY ACKNOWLEDGED, AGREED TO AND ACCEPTED BY:

ADDITIONAL LAND OWNER:

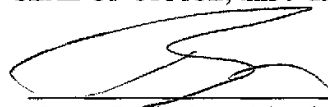
LIBERTY BANKERS LIFE INSURANCE COMPANY,
an Oklahoma life insurance company

By: 
Name: Bradford A. Phillips
Title: PRESIDENT

STATE OF TEXAS §
 §
COUNTY OF **Dallas** §

BEFORE ME, the undersigned authority, a Notary Public, on this day personally appeared Bradford A. Phillips, as President of **LIBERTY BANKERS LIFE INSURANCE COMPANY**, an Oklahoma life insurance company, known to me to be the person and duly authorized officer whose name is subscribed to the foregoing instrument, and who acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated on behalf of said life insurance company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 9 day of May, 2019.


Notary Public in and for the State of Texas
My Commission Expires: 09/12/2022

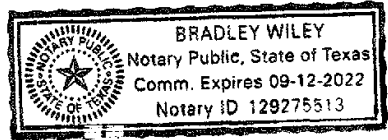


EXHIBIT A-1

LEGAL DESCRIPTION OF THE ADDITIONAL LAND

All of that land described in the Final Plat, Windmill Farms Phase 3B, situated in the S. Smith survey, Abstract No. 450, Kaufman County, Texas, addition to the City of Forney, Kaufman County Texas, as described on the map or plat thereof recorded as Instrument NO. 2019-0009070, and in Volume 3, Page 491, Plat Records, Kaufman County, Texas.

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Exhibit A-1
Page A-1

#2019-0010638
Filed for Record in Kaufman County TX
05/13/2019 08:34:14 AM