

FIFTH SUPPLEMENT TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR EAGLE'S BLUFF

This Fifth Supplement to Declaration of Covenants, Conditions and Restrictions for **EAGLES'S BLUFF** (This "supplemental Declaration") is executed by **EAGLES BLUFF CLUB, LLC, a Texas Limited Partnership** ("Declarant"), the sole owner of the Annexed Property (defined below).

RECITALS

A. Declarant executed The First Amended Declaration of Covenants, Conditions and Restrictions for Eagle's Bluff dated August 7, 2014, which was recorded in Volume 2233, Page 147 of the Real Property Records of Cherokee County, Texas (the "Declaration"). Declarant rights were assigned to Eagles Bluff Club, LLC by Pars at the Lake, LLC and associated entities Grace Creek Development, LP, and Cypress Hills Premier Homes, LLC., on February 22, 2016, which was recorded in Volume 2311, Page 131 of the Real Property Records of Cherokee County, Texas. Declarant executed the Second Amended Declaration of Covenants, Conditions and Restrictions for Eagle's Bluff dated June 23, 2016, which was recorded in Volume 2329, Page 148 of the Real Property Records of Cherokee County, Texas (the "Declaration").

B. Section 9.1 of the Declaration allows Declarant, at any time until December 31, 2028, to unilaterally subject any real property immediately adjacent to and contiguous with the Properties to the provisions of the Declaration by filing a supplemental declaration in the Real Property Records of Cherokee County, Texas.

C. Declarant is the sole owner of the real property described in Exhibit "A" attached to this Supplement (the "Annexed Property"), which is immediately adjacent to and contiguous with the Properties. In accordance with Section 9.1 of the Declaration, Declarant desires to annex the Annexed Property into the Properties and to subject the Annexed Property to the provisions of the Declaration, under the terms as noted below.

NOW, THEREFORE. Declarant hereby annexes the Annexed Property into the Properties covered by the Declaration and subjects the Annexed Property to the provisions of the

Declaration. The Annexed Property is now a part of the "Properties", as defined in the Declaration. Declarant declares that all of the Annexed Property shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements, conditions, reservations, charges and liens set out in the Declaration, as if the Annexed Property had been originally described in the Declaration as part of the Properties. Declarant reserves all rights and benefits provided in the Declaration in connection with the Annexed Property.

Except as supplemented and amended as noted above, the Declaration shall remain in full force and effect, and Declarant reserves the right in the future to annex additional real property under the terms of the Declaration and as provided by law.

DECLARANT

EAGLES BLUFF CLUB, LLC

By:

Steven C. Plybon

Printed Name:

Steven C. Plybon

Title:

Managing Director

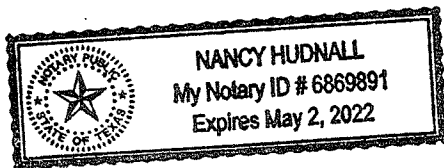
STATE OF TEXAS

COUNTY OF CHEROKEE

2019 This instrument was acknowledged before me, the undersigned notary public, on <sup>Jan.</sup> ~~June~~ 2017, by Steven Plybon as the Managing Director of and on behalf of Eagles Bluff Club,

LLC, a Texas corporation, the corporation acting in its capacity as the general partner of and on behalf of Eagles Bluff Club, LLC

SEAL



Nancy Hudnall

Notary Public, State of Texas

Nancy Hudnall

Printed Name of Notary Public

My commission expires: 5-2-2022



315 HWY 110 SOUTH WHITEHOUSE TEXAS 75791 LICENSE NO: 10129100 PHONE 903-839-1104 FAX 903-839-1184

**BEING 15.586** acres situated in the John Walker Survey, Abstract 54, being part of that certain called Tract 11, 26.770 acre tract and Tract 2, 29.9 acre tract conveyed to Eagles Bluff Club LLC as recorded in Volume 2233, Page 387 of the Deed Records of Cherokee County, Texas. Said 15.586 acres being more particularly described by Metes and Bounds as follows.

**BEGINNING** at a ½" Iron Rod set in the North Right-of-Way of County Road No. 3506 in the South line of said 35.419 acres;

**THENCE** with the South line of said 35.419 acres North Right-of-Way of County Road No. 3506 as follows:

South 85°02'35" West 61.66 feet to a ½" Iron Rod set;  
South 65°12'26" West 53.83 feet to a ½" Iron Rod set;  
South 53°39'44" West 79.25 feet to a ½" Iron Rod set;  
South 47°12'13" West 57.85 feet to a ½" Iron Rod set;  
South 26°46'12" West 54.63 feet to a ½" Iron Rod set;

**THENCE** across said 26.770 acres and 35.419 acres as follows,

North 75°42'21" West 105.45 feet to a ½" Iron Rod set;  
North 38°47'02" West 169.05 feet to a ½" Iron Rod set;  
North 15°27'40" West 301.64 feet to a ½" Iron Rod set;  
North 29°04'45" West 83.70 feet to a ½" Iron Rod set;  
North 04°17'34" East 133.30 feet to a ½" Iron Rod set;  
North 38°37'46" East 113.11 feet to a ½" Iron Rod set;  
North 72°43'10" East 93.73 feet to a ½" Iron Rod set;  
South 66°21'00" East 68.54 feet to a ½" Iron Rod set;  
South 85°39'00" East 749.82 feet to a ½" Iron Rod set;  
North 88°45'04" East 297.73 feet to a ½" Iron Rod set;  
South 86°24'09" East 136.10 feet to a ½" Iron Rod set;  
South 57°55'48" East 128.89 feet to a ½" Iron Rod set;  
South 15°51'58" East 179.55 feet to a ½" Iron Rod set;  
South 33°06'07" West 153.95 feet to a ½" Iron Rod set;  
South 84°29'16" West 142.54 feet to a ½" Iron Rod set;  
North 89°54'49" West 113.76 feet to a ½" Iron Rod set;  
North 83°34'08" West 576.20 feet to a ½" Iron Rod set;  
North 85°20'50" West 144.00 feet to a ½" Iron Rod set;  
South 14°07'10" East 220.71 feet to the place of beginning and containing 15.586 acres of land.

# Cherokee Title Company

106 East Fifth Street

Eldridge Moak, President

Janice Beckworth, Executive Vice President

P. O. Box 514

Rusk, Texas 75785

Tel 903-683-4044

Fax 903-683-6553

Carrie Moak Kesler, Vice President

Carrie Duncan, Vice President - Closings

## TITLE REPORT PREPARED FOR SURVEYOR

File No. 59501

End date of title research: October 4, 2018, at 5:00 O'clock P.M.

RECORD TITLE APPEARS VESTED IN: EAGLES BLUFF CLUB, LLC

VESTING DOCUMENT: Volume 2233, Page 387, Official Records, Cherokee County, Texas

### PROPERTY:

Being a called 29.9 acre tract of land in the John Walker Survey, Abstract Number 54, Cherokee County, Texas, and being described by metes and bounds on Exhibit "A" attached hereto. (Deed plot shows 35.68 acres)

### PROPERTY APPEARS TO BE SUBJECT TO THE FOLLOWING MATTERS:

Right of Way from E. O. Doggett to Texas Power & Light Company in instrument dated April 4, 1979, recorded in Volume 659, Page 324, of the Deed Records of Cherokee County, Texas.

Easement Agreement between NationsBank of Texas, Successor Trustee, and Cherokee County, Texas, dated November 4, 1992, recorded in Vol. 1186, Page 151 of the Official Public Records of Cherokee County, Texas, affecting a larger tract of land from which subject property was taken.

Order creating the Cherokee County Development District No. 1. together with all rights and claims incident thereto, recorded in Volume 1406, Page 640 of the Official Public Records of Cherokee County, Texas.

Right of Way Easement from Lake Palestine Associates, L. P. to Cherokee County Electric Cooperative Association dated April 20, 1999 and recorded in Volume 1432, Page 657, Official Records of Cherokee County, Texas.

Right of Way from Archie Miller et ux to State of Texas in instrument dated May 28, 1964, recorded in Volume 553, Page 52, of the Deed Records of Cherokee County, Texas.

Right of Way from Burstena Hamlett et vir to Tex P & L Company, Dallas in instrument dated September 27, 1970, recorded in Volume 625, Page 206, of the Deed Records of Cherokee County, Texas.

Right of Way from Robert Broughton to Texas Power & Light Company in instrument dated May 8, 1970, recorded in Volume 625, Page 208, of the Deed Records of Cherokee County, Texas.

Right of Way from Lake Palestine Associates, Inc. to Eagle's Bluff Country Club, L. L. C. in instrument dated January 13, 2005, recorded in Volume 1699, Page 102, of the Official Records of Cherokee County, Texas.

Effluent Easement and Irrigation Agreement between Eagles Bluff Club, LLC and Aqua Texas, Inc. dated 8-1-2016 and recorded in Volume 2353, Page 196, Official Records of Cherokee County, Texas.

This report has been prepared for the sole purpose of assisting the surveyor in completing his survey of the referenced property. The report is limited to showing the record owner's name, legal description, and those matters that appear on Schedule B of the Commitment for Title Insurance issued to the proposed insured.

The surveyor's certificate must specifically state that he has shown on the plat all discrepancies, conflicts in boundary lines, encroachments, overlapping of improvements, and visible or apparent easements.

Cherokee Title Company

EXHIBIT A

BEING A TRACT OF LAND JOHN WALKER SURVEY, ABSTRACT NUMBER 54, SITUATED IN CHEROKEE COUNTY, TEXAS. BEING OUT OF A CALLED 56.219 ACRE TRACT CONVEYED TO LAKE PALESTINE ASSOCIATES, L.P. AS RECORDED IN VOLUME 1385, PAGE OF 355 OF THE DEED RECORDS OF CHEROKEE COUNTY, TEXAS; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** at a 1/2 inch steel rod found at the northwest corner of a 56.219 acres; THENCE S 88 degrees 57 minutes 50 seconds **Et** along the north line of said 56.219 acres, a distance of 60.54 feet to a 1/2 inch steel rod found on the east line of a county road for the POINT OF **BEGINNING**;

THENCE S 88 degrees 57 minutes 50 seconds **B.** along the northern line of the said 56.219 acres, a distance of 1560.42 feet to a 1/2 inch steel rod found at the southwest corner of a tract conveyed to P. Poncy as recorded in Volume 954, Page 74 of the Deed Records of Cherokee County, Texas;

THENCE N 89 degrees 12 minutes 13 seconds **E.** along the south line of said Poncy tract and the north line of said 56.219 acres, a distance of 908.13 feet to a 1/2 inch steel rod found for the northeast corner of said 56.219 acres;

THENCE S 00 degrees 23 minutes 17 seconds **W.** along the east line of said 56.219 acres, a distance of 417.47 feet to a 1/2 inch steel rod for corner;

THENCE, crossing into the interior of the said 56.219 acres for the next forty-three (43) courses as follows:

1. N 87 degrees 18 minutes 48 seconds **W.** a distance of 170.62 feet to a 1/2 inch steel rod found;
2. S 88 degrees 13 minutes 32 seconds **W.** a distance of 222.00 feet to a 1/2 inch steel rod found;
3. N 83 degrees 00 minutes 39 seconds **W.** a distance of 780.89 feet to a 1/2 inch steel rod found;
4. N 85 degrees 55 minutes 32 seconds **W.** a distance of 67.30 feet to a 1/2 inch steel rod found;
5. N 89 degrees 06 minutes 07 seconds **W.** a distance of 5.46 feet to a 1/2 inch steel rod found;

6. N 88 degrees S 7 minutes S 0 seconds W, a distance of 520.00 feet to a 1/2 inch steel rod found;
7. N 01 degrees 02 minutes 10 seconds B, a distance of 120.01 feet to a 1 1/2 inch steel rod found;
8. N 88 degrees 57 minutes 50 seconds W, a distance of 175.80 feet to a 1/2 inch steel rod found for a POINT OF CURVATURE for a curve to the left;
9. Along a curve to the left, a distance of 42.65 feet to a 1 in. inch steel rod found; said curve having a central angle of 02 degrees 47 minutes 33 seconds, a radius of 874.96 feet, and a chord which bears S 89 degrees 38 minutes 24 seconds W at a distance of 42.64 feet;
10. S 88 degrees, 14 minutes 37 seconds W, a distance of 58.29 feet to a 1/2 inch steel rod found for a POINT OF CURVATURE for a curve to the left;
11. A  
Along a curve to the left, a distance of 36.94 feet to a 1 1/2 inch steel rod found; said curve to the left having a central angle of 07 degrees 41 minutes 48 seconds, a radius of 274.97 feet, and a chord which bears S 84 degrees 23 minutes 43 seconds W at a distance of 36.91 feet;
12. S 80 degrees 32 minutes 49 seconds W, a distance of 24.71 feet to a 1/2 inch steel rod found for a POINT OF CURVATURE for a curve to the left;
13. Along a curve to the left, a distance of 28.57 feet to a 1/2 inch steel rod found; said curve to the left having a central angle of 57 degrees 45 minutes 20 seconds, a radius of 25.38 feet, and a chord which bears S 23 degrees 25 minutes 54 seconds W at a distance of 27.38 feet;
14. S 01 degree 45 minutes 23 seconds E, a distance of 240.24 feet to a 1/2 inch steel rod found for a POINT OF CURVATURE for a curve to the left;
15. Along a curve to the left, a distance of 81.95 feet to a 1/2 inch steel rod found; said curve to the left having a central angle of 17 degrees 43 minutes 10 seconds, a radius of 265.01 feet, and a chord which bears S 10 degrees 36 minutes 58 seconds E at a distance of 81.63 feet;
16. N 70 degrees 31 minutes 27 seconds E, a distance of 110.00 feet to a 1/2 inch rod found;



- 17.S 45 degrees 22 minutes 56 seconds E., a distance of 135.44 feet to a 1/2 inch steel rod found;
- 18.S 82 degrees 39 minutes 48 seconds E, a distance of 81.00 feet to a 1/2 inch stool rod found;
- 19.S 89 degrees 07 minutes 27 seconds E, a distance of 655.48 feet to a 1 1/2 inch steel rod found;
- 20.N 86 degrees 37 minutes 23 seconds B a distance of 814.83 feet to a 1/2 inch steel rod found;
- 21.S 65 degrees 51 minutes 53 seconds B, a distance of 68.24 feet to a 1/2 inch steel rod set
- 22.S 15 degrees 28 minutes 53 seconds E a distance of 326.44 feet to a 1/2 inch steel rod found;
- 23.S 29 degrees 31 minutes 07 seconds W, a distance of 42.43 feet to a 1/2 inch steel rod found;
- 24.S 74 degrees 31 minutes 07 seconds W, a distance of 69.22 feet to a 1 1/2 inch steel rod found;
- 25.S 88 degrees 41 minutes 39 seconds W, a distance of 504.00 feet to a 1 1/2 inch steel rod found;
- 26.N 84 degrees 10 minutes 48 seconds W, a distance of 788.25 feet to a 1 1/2 inch steel rod found;
- 27.N 84 degrees 13 minutes 09 seconds W, a distance of 76.45 feet to a 1/2 inch steel rod found;
- 28.S 01 degrees 02 minutes 10 seconds W, a distance of 81.71 feet to a 1/2 inch steel rod found;
- 29.S 03 degrees 17 minutes 55 seconds W, a distance of 32.17 feet to a 1 1/2 inch steel rod found;
- 30.S 08 degrees 45 minutes 01 seconds E, a distance of 50.12 feet to a 1/2 inch steel rod set for a POINT OF CURVATURE for a curve to the left;

31. Along a curve to the left; a distance of 334.28 feet to a 1/2 inch steel rod found; said curve to the left having a central angle of 68 degrees 24 minutes 30 seconds, a radius of 279.98 feet and a chord which bears S 47 degrees 02 minutes 55 seconds W at a distance of 314.78 feet;
32. N 59 degrees 14 minutes 48 seconds W, a distance of 78.45 feet to a 1/2 inch steel rod found;
33. N 25 degrees 20 minutes 56 seconds W, a distance of 227.89 feet to a 1/2 inch steel rod found;
34. N 25 degrees 20 minutes 56 seconds W, a distance of 152.00 feet to a 1/2 inch steel rod found;
35. N 09 degrees 11 minutes 00 seconds W, a distance of 256.95 feet to a 1/2 inch steel rod found;
36. N 08 degrees 18 minutes 48 seconds W at a distance of 98.43 feet to a 1/2 inch steel rod set for a **POINT OF CURVATURE** for a curve to the right;
37. Along a curve to the right, a distance of 105.78 feet to a 1/2 inch steel rod found; said curve to the right having a central angle of 18 degrees 38 minutes S 5 seconds radius of 324.99 feet, and a chord which bears N 11 degrees 04 minutes 50 seconds W at a distance of 105.31 feet;
38. N 01 degrees 45 minutes 23 seconds W at a distance of 265.01 feet to a 1/2 inch steel rod set for a **POINT OF CURVATURE** for a curve to the left;
39. Along a curve to the left, a distance of 210.20 feet to a 1/2 inch steel rod found; said curve to the left having a central angle of 100 degrees 01 minutes 24 seconds, a radius of 120.41 feet; and a chord which bears N 51 degrees 59 minutes & 54 seconds W at a distance of 184.51 feet;
40. S 77 degrees 45 minutes 29 seconds W, a distance of 58.21 feet to a 1/2 inch steel rod found;
41. N 11 degrees 19 minutes 32 seconds W, a distance of 60.00 feet to a 1/2 inch steel rod set for a **POINT OF CURVATURE** for a curve to the

42. Along a curve to the right  $\frac{1}{4}$  a distance of 42.47 feet to a 1/2 inch steel rod set for a POINT OF COMPOUND CURVATURE for a curve to the right; said curve to the right having a central angle of 97 degrees 19 minutes 43 seconds, a radius of 25 01 feet, and a chord which bears N 53 degrees 34 minutes 33 seconds W at a distance of 37.55 feet;

43. Along a cut to the right, a distance of 28.26 feet to the **POINT OF BEGINNING**; said compound curve to the right having a central angle of 58 degrees 58 minutes 57 seconds, a radius of 270.68 feet, and a chord which bears N 01 degrees 55 minutes 13 seconds W at a distance of 28.25;

And containing 29.90 acres of flat land

Bk Vol Pg  
00677556 OR 2471 717

Filed for Record in:  
Official Public Records  
Cherokee County

On: Jan 15, 2019 at 10:55A

As a  
Recording

Document Number: 00677556

By:  
Marion Loftin,  
Deputy

STATE OF TEXAS COUNTY OF CHEROKEE

I hereby certify that this instrument  
was filed on the date and time stamped  
hereon by me and was duly recorded in  
the volume and page of the named  
records of:

Cherokee County  
as stamped hereon by me.

Jan 15, 2019

HONORABLE Laverne Lusk, COUNTY CLERK  
Cherokee County

#44

Steven Plybon

176 South Eagles Bluff  
Bullard, TX

100-1-75757