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

Addendum Related to The Cottages

This Addendum (this "addendum") to the Fifth Supplement to the Declaration of Covenants, Conditions and Restrictions ("Declaration") for **Eagle's Bluff** ("The Cottages at Eagle's Bluff") is executed by EAGLE'S BLUFF CLUB, LLC, a Texas Limited Partnership ("Declarant"), the sole owner of the annexed property defined in the Fifth Supplement (recorded Document Number 00677556, in Volume 2471, Page 705 of the Real Property Records of Cherokee County, Texas).

RECITALS

- A. Declarant executed The First Amended Declaration of Covenants, Conditions and Restrictions for Eagle's Bluff dated August 7, 2014, which was recorded as Document Number 00637130 in Volume 2233, Page 147 of the Real Property Records of Cherokee County, Texas (the "Declaration").
- B. 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.
- C. Eagle's Bluff Community Association (the "Association") executed the Second Amended Declaration of Covenants, Conditions and Restrictions for Eagle's Bluff dated June 30, 2016, which was recorded as Document Number 00653510 in Volume 2329, Page 148 of the Real Property Records of Cherokee County, Texas (the "Declaration").
- D. The Association executed the Third Amended Declaration of Covenants, Conditions and Restrictions for Eagle's Bluff dated September 27, 2017, which was recorded as Document Number 00665601 in Volume 2400, Page 729 of the Real Property Records of Cherokee County, Texas (the "Declaration").
- E. The Association executed the Fourth Amended Declaration of Covenants, Conditions and Restrictions for Eagle's Bluff dated September 28, 2018, which was recorded as Document Number 20180100040207 of the Real Property Records of Cherokee County, Texas (the "Declaration").
- F. Section 1.27 of the Declaration allows for the creation of new Unit Types to be added as part of any Supplement to the Declaration. Specifically, this section states in part the following:
 - "...Additional Unit Types may be added and defined from time to time, but such new Unit Types shall require approval by the Board and the Declarant in additional Supplements to the Declaration, ..., without need to vote as an amended Declaration. Each new Unit Type when defined, shall address its assessment methodology; voting rights; any committee representation; and any specific use and architectural restrictions if different than those adopted by the general Association."

NOW, THEREFORE, Declarant hereby files an addendum to the Fifth Supplement to the Declaration per the rights provided by the Fourth Amendment to the Declaration to supplement the Declaration with characteristics of the newly annexed properties, The Cottages at Eagle's Bluff, which from this point herein shall be referred to as The Cottages. The supplemental terms and conditions supplied herein this Addendum are now a part of the Declaration to be applied to all properties within The Cottages annexation, as if these terms and conditions had been originally described in the Declaration.

Except as supplemented per this Addendum, the Declaration shall remain in full force and effect, and Declarant reserves the right, but requiring Association Board approval, to further add to this Addendum in the future.

I. DEFINITIONS (supplemented as follows—)

- 1. "The Cottages" refers to the surveyed property as annexed to Exhibit A in the Documents in the Fifth Supplement. Attachment 1 of this Addendum exhibits the platted properties that will herein be referred to as "Cottage Unit(s)". This particular annexation is declared as a 55+ Community where at least one person residing at each home is age 55 or older, and the remaining residents are over the age of 40.
- 2. "Cottage Unit" is a platted Unit within The Cottages which is intended for development, use and occupancy for a residence as a single-family detached home. Any owner that acquires multiple lots shall be entitled to one (1) Class C Member vote (see herein "III. Membership and Voting Rights") per lot acquired, along with one (1) assessment per lot acquired (see herein "X. Assessments"), regardless of any subsequent re-platting. Assessments are determined by the Board.

The Cottage Units, as a separate, unique section of the Properties, may be represented by a three (3) person committee of Cottage Unit owners, which will derive their authority from the Board of Directors pursuant to section 3.2 of the Bylaws of the Association. This committee shall be empowered by the Board to assist with, and work in conjunction with the Board of Directors, Finance Committee or Property Management agency regarding matters of creating the Cottage Unit annual budget and assessments and general community affairs specific to The Cottages. Unless a recommendation from this committee is determined to not be in the general best interest of the Eagle's Bluff Community Association, at the Declarant and/or Board's sole discretion, the Board may accept and incorporate their recommendations into the normal planning functions of EBCA. This committee or an appointed representative may, but is not required to, meet with the EBCA Board at each Executive session meeting during its allotted time slot on the meeting agenda.

The membership of this committee may be determined by a local election each year where Owners of Cottage Units may nominate and elect by popular vote each committee member, unless there is an elected Board of Director that is an owner of the Cottages, wherein such director may serve on the committee for the duration of that director's term as a member of the Board of Directors. The EBCA will oversee this annual election, and such election shall be in conformity with the mandates of any election pursuant to the EBCA governing documents.

Assessments for Cottage Units are discussed herein this Addendum pertaining to Section X. Voting rights are as a Class C Member and is defined herein this Addendum pertaining to Section III. The Cottage Units shall be subject to the Use Restrictions, Architectural Design Guidelines, and the Violation Fine Policy of EBCA, as a covenant that follows the land. Furthermore, additional Use Restrictions specific to The Cottages may be created by and enforced by the Declarant and/or Board of Directors, along with specific Design Guidelines.

- 3. "Documents" mean this Addendum; the Plat and Plans of Exhibit A and all Supplements; the Bylaws; the Declaration; and the Rules of the Association, as each may be amended from time to time.
- II. PROPERTY RIGHTS (no further supplements)
- III. MEMBERSHIP AND VOTING RIGHTS (supplemented as follows—)

This Addendum adds a fifth Membership Class — Class C, which is defines as follows:

1. Class "C". Class "C" Members shall be all Owners of Cottage Units designated for improvement as a single-family residence. Class "C" Members shall have one (1) equal vote for each Cottage Unit in which they hold the interest required for membership in Section 3.2 of the Declaration provided there shall be only one (1) vote per Unit and no vote shall be exercised for any property which is exempt from assessment under Section 10.12 of the Declaration.

This membership class shall serve and act and count as a Class "A" Member in the Documents for Association issues or ballots that affect all Units, e.g., Board elections. It is further declared that member ballots on issues specific only to The Cottages can only be voted on by Class "C" Members.

- IV. RIGHTS AND OBLIGATIONS OF THE ASSOCIATION (no further supplements)
- V. MAINTENANCE (supplemented as follows—)

Association Responsibility

- 1. The Association maintains, repairs, and replaces the elements of The Cottages listed below:
 - a. any real and personal property owned by the Association;
 - b. any area, item, easement, or service the maintenance of which is assigned to the Association by Attachment 3 of this Addendum or the Documents.
- 2. The Association may be relieved of all or any portion of its maintenance responsibilities herein to the extent that:
 - a. such maintenance responsibility is assigned to an Owner; or
 - b. such maintenance responsibility is assumed by an Owner and such assumption is approved by the Board.

Disputes

If a dispute arises regarding the allocation of maintenance responsibilities by the Documents, the dispute will be resolved by the Board. Unit maintenance responsibilities that are allocated to the Association are intended to be interpreted narrowly to limit and confine the scope of the Association responsibility. It is the intent of this Addendum herein that all elements and areas not expressly delegated to the Association are the responsibility of the individual Owners unless otherwise approved by the Board.

- VI. INSURANCE AND CASUALTY LOSSES (no further supplements)
- VII. NO PARTITION (no further supplements)
- VIII. CONDEMNATION (no further supplements)
- IX. ANNEXATION AND WITHDRAWAL OF PROPERTY (no further supplements)
- X. ASSESSMENTS (supplemented as follows—)

<u>Base Assessment for The Cottages</u>. Consists of three (3) parts — General; Operating and Reserve — used to cover expenses for The Cottages related to the recurring, periodic and anticipated responsibilities of the Association, including but not limited to:

1. General

a. Fee for pro rata sharing with the total residential community of management, legal, accounting, auditing, and professional fees for services to the Association, costs of operating the Association, and Association income taxes.

2. Operating

- a. Maintenance of yard area of each individual Cottage Unit (mowing, edging, blowing only);
- b. Utilities billed to the Association for The Cottages;
- c. Services obtained by the Association and available to all Cottage Units;
- d. Taxes on Association owned property in The Cottages;
- e. Insurance premiums and deductibles associated with The Cottages; and
- f. Any other expense the Association is required by Applicable Law or the Documents to pay or is necessary for the enforcement of the Documents applicable to The Cottages.

3. Reserve

a. Contributions to The Cottages Reserve for repair and replacement of any improvements, equipment, signage, and property owned by the Association within The Cottages.

To maintain these funds, two (2) bank accounts exclusive to The Cottages will be used — one for Operating Expenses and one for Capital Expenses (Reserve); whereas the General Fee will be deposited in the EBCA account for EBCA Operating Expenses.

Cottage Units owned by Builders shall not be liable for the regular base assessment until either i) the sale of the spec home to a buyer, at which time the pro-rated base assessment will be collected

from the buyer during the closing exercise, or ii) the spec home becomes a model home, at which time the Builder will be required to pay the full annual assessment and the Association will begin being liable for its responsibilities for that particular Cottage Unit. However, such liability is not waived if a Unit owned by the Builder is one that is affected by a Special or Specific assessment. During the time the spec home remains unsold, and the Builder is not paying the base assessment, the Builder has total liability for that Unit, including the maintenance required to maintain the general community standard per the Documents.

XI. ARCHITECTURAL STANDARDS (supplemented as follows —)

The Architectural Guidelines were supplemented to include "Design Guidelines - Part 6 - The Cottages," and is included herein as Attachment 2.

XII. USE RESTRICTION RULES (supplemented as follows –)

1. <u>Household Composition of Cottage Units</u>. Article 12.4(c) of the Declaration is further expected to allow household composition of Cottage Units to comply with the age requirements that define this segment of Eagle's Bluff as an age 55+ community.

XIII. EASEMENTS (no further supplements)

XIV. MORTGAGEE PROVISIONS (no further supplements)

XV. DECLARANT'S RIGHTS (no further supplements)

XVI. LIMITATIONS ON LIABILITY (no further supplements)

XVII. DISPUTE RESOLUTION AND LIMITATION ON LITIGATION (no further supplements)

XVIII. GENERAL PROVISIONS (no further supplements)

Attachments. The attachments incorporated herein this Addendum are by reference:

Attachment 1 Property Plat of The Cottages

Attachment 2 Architectural Guidelines for The Cottages

Attachment 3 Maintenance Responsibility for Cottage Units

Date

Declarant

STATE OF TEXAS

§ §

COUNTY OF CHEROKEE

SARAH JANE GEESING
Notary Public, State of Texas
Comm. Expires 02-26-2024
Notary ID 132377006

BEFORE ME, the undersigned authority, on the day of <u>December</u>, 2022, personally appeared, <u>Steven Plybon</u>, to me known to be the <u>Declarant</u> of Eagle's Bluff Community

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Association, Inc., and he acknowledged before me that he executed the same for the purposes therein expressed. Notary Public, State of Texas My Commission Randy Hopmann SARAH JANE GEESING Notary Public, State of Texas STATE OF TEXAS § § § Comm. Expires 02-26-2024 Notary ID 132377006 COUNTY OF CHEROKEE BEFORE ME, the undersigned authority, on the 5 day of personally appeared, Randy C. Hopmann, to me known to be the President of the Board of Directors for Eagle's Bluff Community Association, Inc., and he acknowledged before me that he executed the same for the purposes therein expressed. Notary Public, State of Texas My Commission Expires: 02-26-2024

ATTACHMENT 3

Eagle's Bluff Cottage Owners Unit Maintenance Responsibility Chart

ELEMENTS	EBCA	OWNER	COMMENTS
Landscape/Hardscape:			EBCA responsibilities pertain to repair and maintenance of the areas identified
			Delow. Owners are responsible to report and repair an external casualty unhages.
Lawns	×		EBCA responsible for lawn maintenance outside screened enclosures.
Weed and fertilization	×		EBCA will provide a weed control and fertilization program to be included with the
treatments of lawns			regular mowing, edging and blowing of lawns.
Shrubs, Bushes, & Trees	×		EBCA responsible for maintenance outside screened enclosures for trimming only.
Irrigation – Lawn	×		Irrigation as installed in the front, rear, and side yards of each Cottage unit.
Replacement of plant		×	Any plant material, shrubs or trees that die, for any reason, are to be removed
material and trees			and replaced at the owner's expense.
Landscaping – Lanai		×	Any landscaping maintenance within any screen enclosure.
Driveway/Walkway		×	Hardscape such as driveways, walkways, privacy walls and/or fences.
Mailboxes and Posts		×	Owners will pay for replacement of metal mailbox/change of name and repairs to
			posts.
Other:			
Trash/Recycling Pickup		×	EBCA sets up agreement with contractor for regular trash pickup and recycling. Owner responsible for individual account creation and payment.

employees, or member of his family damages any landscaping or other improvements of the Property under EBCA responsibility as a result of negligence, misuse or intentional act, the Responsible Owner (and not the EBCA) shall be NOTE: Damages to Elements Under EBCA Responsibility: If any Owner or any of his guests, tenants, licensees, agents, liable for paying for the repair of the damage.

Eagle's Bluff Community Association, Inc. Design Guidelines General Information

Revised September 2022

General Information:

The official submittal of plans and specifications to the NCC is to provide a review process for conformance to guidelines and standards, adopted by the NCC. The end result is to impart a visual character and a sense of community through controlled architecture, landscaping, and other design elements identified in these guidelines.

All new construction, subsequent construction, remodeling with exterior exposure, expansion and demolition of structures must be reviewed and approved by the NCC prior to commencement of an on-site building or construction activity. The approval process can be facilitated if complete and high-quality submittal documentation is provided to the NCC. The NCC reserves the right to alter the review process to ensure and adequately review of all submissions while accommodating the needs of builders and property owners.

The design for residences must be approved in writing by the NCC before construction can begin. The NCC is committed to a high level of design quality within our community by reviewing residential design and plotting submissions and working with our builders to achieve this goal.

Requirements:

The builder/owner is required to submit complete and accurate design and construction documents to be examined by the NCC. Minimum submittal requirements are defined in the attached New Construction/Architectural Control Committee (NCC/ACC) Form.

Submittals:

Submittals shall be delivered/sent to the attention of the NCC, care of:

Rose City Property Management

108 North Houston Street, Bullard, Texas 75757

Mailing Address is: PO Box 167, Bullard, Texas 75757 carrie@rosecitymanagement.com; or fax 903-630-6356

THE COTTAGES LOTS

LOT PLANNING CRITERIA

REQUIRED TREE REMOVAL PROCESS: To remove trees that are 3" or more in caliper (measured 1' from grade/base of tree), prior approval must be received.

SETBACKS:

• Front: 20'

• Side: 5'

• Rear: 25' - property line to rear of home.

MAXIMUM LOT COVERAGE: 60% (includes house, garage and all paved surfaces)

MIN. UNIT SIZE: N/A

MAX. BLDG. HEIGHT: 2 Story

UNIT REPETITION: N/A

COMPOSITE BUILDING SITES: N/A

GARAGE PLACEMENT:

- General N/A
- Lake or Golf Course Front Loaded

DRIVEWAYS:

- Width of Driveway at Curb 16' for front loaded; 5' radius at intersection with street curb
- Golf Cart Path Golf cart path on property line and turn into separate garages
- Max. Width of Driveway at Face of Garage Two Car: 20'
- Location of Driveway Dependent on tree preservation and approved lot plan
- Driveway Side Setback 3' minimum
- Circular Drives Not Permitted

SIDEWALKS:

- Location 4' width located at right-of-way line by Builder
- Existing vegetation Avoid trees greater than 3" caliper; gentle radii must be observed when avoiding existing trees

WALKWAYS:

- Materials Permitted Concrete or comparable; asphalt or crushed stone not permitted
- Size -4' width
- Other Must be continuous through driveways and sidewalks from house to curb
- **5' CONTINUOUS USE EASEMENT** (See Appendix) Permits sidewalk to meander around transformers and provides area for screening.

ANCILLARY STRUCTURES:

- Permitted N/A
- Not Permitted Storage sheds, playhouses of a permanent nature, greenhouses, cabanas

POOL, HOT TUBS, DECKS: Rear Yards Only; Must obey side setbacks; No screen fencing permitted; no above ground swimming pools; safety fencing per state and/or local requirements; pool appurtenances above 4' not permitted; screen pool equipment. Pools must be 15' from rear of property line.

DOG RUN GUIDELINE: 4' wrought iron fenced dog run in an inconspicuous location (by NCC approval) - provide evergreen hedge border.

FENCING: 4' Wrought Iron fencing. All fencing must be primed and painted black.

MAILBOXES: Stone, brick, or decorative posts.

SEPTIC SYSTEM: Septic Systems must be installed in accordance with the requirements of AquaTexas, Inc.

FINAL GRADE: Lot to be graded so that storm water will not enter the home, be diverted to common area or neighboring lots. Care is to be taken to avoid erosion.

LANDSCAPE CRITERIA

FRONT YARD REQUIREMENTS:

- Large Tree required in the front yard Oak or similar size tree when at full growth
- Large Shrubs or Ornamental Trees (2) at 15 gal. or (1) at $1\frac{1}{2}$ caliper
- Medium Size Shrubs Minimum (20) at 3-5 gal.
- Border Plants -(15) at 1 gal.
- Lawn Sod only
- Ornamental Trees − N/A

REOUIREMENTS FOR REAR YARDS:

- Medium Size Shrubs Minimum (12) 3-5 gallon Azaleas near rear property line in naturalistic planting scheme
- Foundation Screen all foundations
- Lawn Sod Only

UTILITY PEDESTALS: - Screen all sides visible with evergreen hedge

MECHANICAL EQUIPMENT & METERS: - Screen all sides visible to the public

LANDSCAPE LIGHTING:

- Permitted Cast aluminum, brass, or wood fixtures
- Not Permitted Plastic lighting fixtures, colored lighting, pole-mounted fixtures, exposed transformers, and wiring, "spill-over" lighting onto neighboring yards, streets or public spaces

LANDSCAPE PLAN SUBMITTAL TO NCC: – Required 30 days prior to installation or 3 months after the start of new home construction.

PLANTING BEDS: – Shredded pine bark, cypress or cedar mulch, gravel, or rock.

ARCHITECTURAL CRITERIA

ARCHITECTURAL STYLE: The Texas style of architecture can best be described as "sensible and straightforward rather than stylish and showy" from Impressions by Lawrence Speck.

- <u>Appropriate</u>. American Cottage, English Cottage, English Tudor, French Country, Two-story Ranch, Saltbox, Palladian, Queen Anne, Neo-classical, Neo-Georgian (refer to Azalea District and Bergfeld Park), Craftsman, Plantation
- <u>Not Appropriate</u>. Carpenter Gothic, Dutch Gable, Italianate, Spanish Farmhouse, Empire, Prairie, Charleston, Southwest, Ornate Victorian

WALL/ RETAINING WALL STRUCTURE: Must have a licensed engineer sign off on all wall structure designs. The wall must be in aesthetic harmony with the external design of existing structures.

FOUNDATIONS: Limited clearing beyond 5' of foundation line; tree and form survey required.

PERCENT MASONRY REQUIREMENT: 75% brick, stone or stucco; 75% masonry on the front of the house.

ELEVATIONS: No blank walls may face a street, lake, golf course or common area.

EXTERIOR MATERIALS NOT PERMITTED: Metal siding; naturally weathered wood, Masonite siding, plywood siding.

ROOF:

- Pitch: Varies with architectural style.
- <u>Materials</u>: 30 yr. Warranty such as Prestique 1 or Prestique plus; standing metal seam, natural stone, slate or concrete tiles. Clay tile approved by NCC and appropriate for architectural shingle style
- Roof Forms Not Permitted: Flat
- Solar Panels: Permitted on rear only

CHIMNEYS:

- Exterior Masonry or Stone only
- Gas Fireplaces Direct vent permitted

WINDOWS:

- Permitted Wood, metal-clad or vinyl-clad
- Not Permitted Aluminum, reflective glass or placing, wrought iron ornamentation or burglar bars, metal awnings, solar screens

SHUTTERS: Each shutter must be appropriate for the shape of the window

TRIM: Permitted: Wood trim of finish grade stock (stained or painted), Hardi-plank concrete siding

PAINT: Max. 3 colors per dwelling; 100% durable acrylic encouraged; submit palette to NCC

GARAGES:

• Vehicle Storage – Minimum 2 car garage

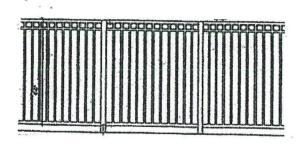
- Garage Doors Metal, paneled construction; stained or painted wood
- Permitted No double front-facing garage doors
- Golf Cart Storage Must be contained within garage

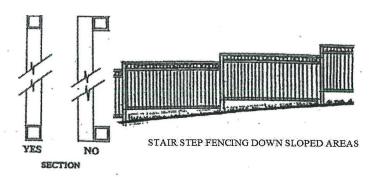
ADDRESSES: Required – Pre-cast concrete standard located on front of home visible to the street, painted on the curb, or listed on the mailbox.

ENTRIES: N/A

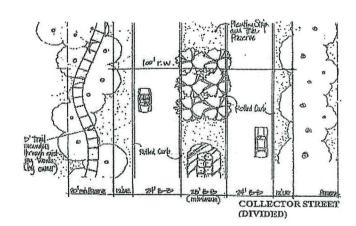
ANTENNAE, SATELLITE DISHES AND RADIO TOWERS: Antennae and satellite dishes must be placed on side or rear slope not facing street or golf course. They may not extend above the ridgeline of the roof. Towers are not permitted.

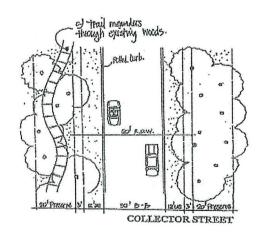
FENCING STANDARDS





EAGLE'S BLUFF LAKE PALESTINE STREET STANDARDS

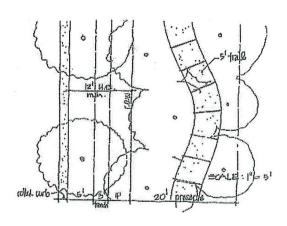




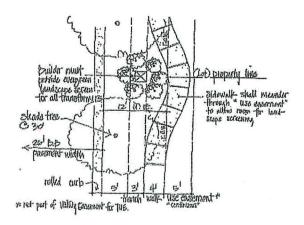
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Revised September 25, 2017

EAGLE'S BLUFF LAKE PALESTINE UTILITY AND CONTINUOUS USE EASEMENTS



COLLECTOR STREET UTILITY EASEMENT



LOCAL STREET UTILITY EASEMENT & CONTINUOUS USE EASEMENT

EAGLE'S BLUFF LAKE PALESTINE APPROPRIATE ARCHITECTURE



Parts exchange may be appropriate it doubt in character to the architectural edge, but may not inconviniously for garages. Poeta exchange must be appreciated for garages, the first residence.



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English cottage style is appropriate in the region Exterior extenses must be compared of being a



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Quem Anne 157 to uppropriate to the region. Architectus out averly senate. Covered port appropriate to the style. Colomo bites



New-French style, steep routs, quoins, brus porth and cultings, appropriately vested denotes aparonation in the region.

EAGLE'S BLUFF LAKE PALESTINE APPROPRIATE ARCHITECTURE



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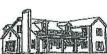
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Maluple galiled reals appropriate to the Tester



Turber style supenpulate. Carrent entrysporch



Camiry Calestal style appropriate to the engine



Colorisi style appropriate to the regis



the region. Clause must be elevated sile. Le' above grade. But forest be recedience. Religied catames as equie ed.

EAGLE'S BLUFF LAKE PALESTINE INAPPROPRIATE ARCHITECTURE



Inappropriately scaled covered porch and architectural style,



Farmhouse style not permitted.



Queen Ause style not permitted. The ornate for this region.



Italianate style of architectum not permitted,



Charleston style not appropriate for this region.

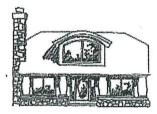
EAGLE'S BLUFF LAKE PALESTINE INAPPROPRIATE ARCHITECTURE



Too much glass and not enough building.



Them-ear front feeded grazins not permitted, Gausges not permitted grantes than 16' (states, fam) from front claration.



Oversized toof domests and columns too large of a sesto for cize of horses. More roof than house out permitted on front alevations.



itoof pinth (4:12) not appropriate for this region. Two front-landed rwing-in grasque faving ruch other are not permitted.



Clearatory multises not perceited. Frost leaded garages not permitted unless satisfact 16° (sixtems form) or more from the front elevation. Front lunded gazages must be represented by a column.

00719799 OR 2740 233

Filed for Record in: Official Public Records Cherokee County

On: Jan 03,2023 at 12:58P

As a Recordinas

Document Number:

00719799

By, Patty Miller, 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 03, 2023

HONORABLE Laverne Lusk, COUNTY CLERK . Cherokee County

\$76 Rose City Pa box 169 2.11... 11 Tr 7575