



***SEVENTH AMENDED AND SUPPLEMENTARY DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS AND EASEMENTS
ON AND FOR OAKMONT ESTATES***

This Seventh Amended and Supplementary Declaration of Covenants, Conditions, Restrictions, and Easements (the "Seventh Supplementary Declaration") is made this 12th day of April, 2017, by OAKMONT ESTATES DEVELOPMENT OF LUBBOCK, LTD., a Texas limited partnership (sometimes referred to herein as the "Declarant").

RECITALS:

1. "Oakmont Estates" is a subdivision in Lubbock County, Texas, being developed by the Declarant in phases. Prior to the date of this Seventh Supplementary Declaration, Declarant has developed phases of Oakmont Estates as described in the following:

A. Declarant executed a Declaration of Covenants, Conditions, Restrictions, and Easements (the "Declaration") on August 15, 2012, applicable to certain real property described in Exhibit "A" to the Declaration and located in the County of Lubbock, State of Texas (said property being Lots 1 through 57, and Tracts A through U, OAKMONT ESTATES, an Addition to the City of Lubbock, Lubbock County, Texas, a portion of Section 23, Block E-2, Lubbock County, Texas, according to the Map, Plat and/or Dedication Deed thereof recorded in Clerk's Document No. 2012036288, corrected in Clerk's Document No. 2012041167 and re-filed in Clerk's Document No. 2013022976 of the Official Public Records of Lubbock County, Texas. The Declaration was filed of record in Clerk's Document No. 2012036289, and re-filed in Clerk's Document No. 2012041168 of the Official Public Records of Lubbock County, Texas.

B. The Declaration was supplemented and amended by instrument dated November 18, 2013, recorded on January 7, 2014 in Clerk's Document No. 2014000502 of the Official Public Records of Lubbock County, Texas (the "First Supplementary Declaration"). By the First Supplementary Declaration, the Declarant added to the scheme of the Declaration *Lots 58 through 72 inclusive, and Lots 73 through 100, inclusive, and Tracts "V" through "X," Oakmont Estates, an Addition to the City of Lubbock, Lubbock County, Texas.* The First Supplementary Declaration supplemented and amended the Declaration as set forth in said instrument.

C. The Declaration was again supplemented and amended by instrument dated June 20, 2014, recorded on July 30, 2014 in Clerk's Document No. 2014027298 of the Official Public Records of Lubbock County, Texas (the "Second Supplementary Declaration"). By the Second Supplementary Declaration, the Declarant added to the scheme of the Declaration *Lots 101 through 119 inclusive, and Tracts "Y," "Z," "AA," and "BB" Oakmont Estates, an Addition to the City of Lubbock, Lubbock County, Texas.* The Second Supplementary Declaration supplemented and amended the Declaration and the First Supplementary Declaration as set forth in said instrument.

D. The Declaration was amended by instrument dated August 13, 2014, recorded August 22, 2014 in Clerk's Document No. 2014030775 of the Official Public Records of Lubbock

County, Texas (the "Third Amendment"). By the Third Amendment, the Declarant added provisions to the Declaration prohibiting the construction of public improvements that would be maintained by a Public Improvement District ("PID") as contemplated in Chapter 372 of the *Texas Government Code* or any similar statute, or taking any action that would result in PID assessments being made against all or any portion of the Property.

E. The Declaration was again supplemented and amended by instrument recorded on August 7, 2015 in Clerk's Document No. 2015028808 of the Official Public Records of Lubbock County, Texas (the "Fourth Supplementary Declaration"). By the Fourth Supplementary Declaration, the Declarant added to the scheme of the Declaration *Lots 174 through 191 inclusive, and Tracts "GG," "HH," and "II" Oakmont Estates, an Addition to the City of Lubbock, Lubbock County, Texas*. The Fourth Supplementary Declaration supplemented and amended the Declaration and the First and Second Supplementary Declarations and the Third Amendment as set forth in said instrument.

F. The Declaration was again supplemented and amended by instrument recorded on January 7, 2016 in Clerk's Document No. 2016000538 of the Official Public Records of Lubbock County, Texas (the "Fifth Supplementary Declaration"). By the Fifth Amendment to the Declaration, the Declarant added to the scheme of the Declaration *Lots 120 through 173, inclusive, and Tracts "CC," "DD," "EE," and "FF," Oakmont Estates, an Addition to the City of Lubbock, Lubbock County, Texas*. The Fifth Supplementary Declaration supplemented and amended the Declaration and the First, Second and Fourth Supplementary Declarations and the Third Amendment as set forth in said instrument.

G. The Declaration was again supplemented and amended by instrument recorded on January 7, 2016 in Clerk's Document No. 2016000542 of the Official Public Records of Lubbock County, Texas (the "Sixth Supplementary Declaration"). By the Sixth Supplementary Declaration, the Declarant added to the scheme of the Declaration *Lots 1 through 12, inclusive, and Tracts "A" and "B", The Cove at Oakmont Estates, an Addition to the City of Lubbock, Lubbock County, Texas*. The Sixth Supplementary Declaration supplemented and amended the Declaration and the First, Second, Fourth and Fifth Supplementary Declarations and the Third Amendment as set forth in said instrument.

2. The property described in the Declaration, and in the First, Second, Fourth, Fifth and Sixth Supplementary Declarations, and the Third Amendment to the Declaration is herein referred to as the "Property." The "Declaration" as used herein shall mean the Declaration, First, Second, Fourth, Fifth and Sixth Supplementary Declarations, and the Third Amendment to the Declaration.

3. Article II, Section 2 of the Declaration permits the Declarant (without the joinder and consent of any person or entity) to add or annex additional real property to the scheme of the Declaration, within the "Development Period" (as "Development Period" is defined in the Declaration), by filing of record an appropriate enabling declaration, generally similar to the Declaration, extending the scheme of the Covenants (as "Covenants" is defined in Article I of the Declaration) to such additional property. Article II, Section 2 of the Declaration further provides that the enabling declaration related to the additional property may contain such complementary additions and modifications of the Covenants as may be necessary to reflect the different character, if any, of the added properties, provided that such additions and modifications are consistent with

the concept and purpose of the Declaration. In addition, Article X, Section 5.(c) of the Declaration allows the Declarant, during the Development Period, to amend the Declaration, unilaterally, for any purpose.

4. Declarant desires to add additional property (the "Additional Property") as described on Exhibit "A" to this Seventh Supplementary Declaration (being Lots 192 through 238, inclusive, and Tracts "JJ" through "OO," OAKMONT ESTATES, an Addition to the City of Lubbock, Lubbock County, Texas); and, Declarant desires that the Additional Property described on Exhibit "A" to this Seventh Supplementary Declaration shall be added to the scheme of the Declaration, subject to the modifications and amendments as contained within this Seventh Supplementary Declaration, pertaining to said Additional Property. Declarant further desires to amend the Declaration as set forth herein, with said amendments being applicable to the Additional Property. The Development Period continues in effect, and Declarant is entitled to make this Seventh Supplementary Declaration without the joinder or consent of any other person or entity.

SEVENTH AMENDMENT TO THE DECLARATION

NOW, THEREFORE, Oakmont Estates Development of Lubbock, Ltd., Declarant, hereby declares as follows:

I. SUPPLEMENTARY DECLARATION

Oakmont Estates Development of Lubbock, Ltd., Declarant, hereby declares as follows:

A. That the Additional Property described on Exhibit "A" attached hereto and incorporated herein by reference for all purposes is and shall be subject to the scheme of the Declaration, and is and shall be held, transferred, sold, conveyed, used, and occupied subject to the covenants, restrictions, easements, charges, and liens set forth in the Declaration (the Declaration being incorporated herein by reference for all purposes as modified herein), and subject also to those documents as described in the Declaration and on Exhibit "A.1"; and,

B. That certain provisions of the Declaration are hereby modified or supplemented as hereinafter set forth, which modifications and/ or supplements shall be applicable to the Property and/ or the Additional Property as indicated in this Seventh Supplementary Declaration.

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II. AMENDMENT TO THE DECLARATION

A. The following provisions shall be applicable to the Additional Property (the "Additional Property" being Lots 192 through 238 and Tracts "JJ" through "OO," Oakmont Estates):

1. *Minimum Floor Space and Setback Requirements.* Article VIII, Sections 2 (entitled "Minimum Floor Space") and 4 (entitled "Setback Requirements") of the Declaration, are amended to require the minimum floor space and setbacks as shown on Exhibit "B" attached hereto and made a part hereof for all purposes, said minimum floor space and setback requirements

being applicable only to the Additional Property (with the minimum floor space and setback requirements as shown on Exhibit "B" to the Declaration continuing to apply to Lots 1 through 57 of Oakmont Estates; and, with the minimum floor space and setback requirements as shown on Exhibit "B" to the First Supplementary Declaration continuing to apply to Lots 58 through 72, and Lots 73 through 100 of Oakmont Estates; and, with the minimum floor space and setback requirements as shown on Exhibit "B" to the Second Supplementary Declaration continuing to apply to Lots 101 through 119 of Oakmont Estates; and, and with the minimum floor space and setback requirements as shown on Exhibit "B" to the Fourth Supplementary Declaration continuing to apply to Lots 174 through 191 of Oakmont Estates), and with the minimum floor space and setback requirements as shown on Exhibit "B" to the Fifth Supplementary Declaration continuing to apply to Lots 120 through 173 of Oakmont Estates, and with the minimum floor space and setback requirements as shown on Exhibit "B" to the Sixth Supplementary Declaration continuing to apply to Lots 1 through 12, The Cove at Oakmont Estates.

2. ***Easements for Garden Home Lots.*** Article IX, Section 1 of the Declaration contemplates that some Lots may be "zero lot line" or "garden home" Lots. Lots 193 through 224, inclusive, of the Additional Property are hereby designated as "Garden Home Lots;" and, the Declarant does hereby impose on the Garden Home Lots the hereinafter described easements to facilitate the construction, repair or maintenance of a Dwelling Unit on each Garden Home Lot, with the Dwelling Unit to be constructed on or near one of the side Lot lines (herein referred to as the "zero Lot line") as described under "Side Yard Setback" on **Exhibit "B"** to this Supplemental Declaration (all of said zero Lot lines being "0" feet or "5" feet, as indicated on **Exhibit "B"**):

(a). ***Access Easement.*** The zero lot line for each Garden Home Lot shall be as indicated under "Side Yard Setback" on **Exhibit "B"**. The side of each Garden Home Lot which is opposite of the zero lot line is imposed with the ten foot (10') setback shown on **Exhibit "B"**, five feet (5') of which constituted an access easement for the benefit of the adjoining Garden Home Lot Owner, for the purposes of construction, maintenance or repair of the adjoining Garden Home Lot Owner's exterior side wall or fence. The five-foot access easement herein described is intended to comply with the City of Lubbock Zoning Ordinance, Section 40.03.3103 (b)(6), which requires that when garden homes are constructed with a zero side yard, five feet on the lot adjacent to the zero lot line setback shall be dedicated as an access easement for the zero setback garden home. For example, the Owner of Lot 213 shall have a five foot (5') easement on the south side of Lot 214 for the purposes herein described; and, the Owner of Lot 214 shall have a five foot (5') easement on the south side of Lot 215. Each Garden Home Lot Owner must replace, at the repairing Lot Owner's expense, any fencing, landscaping or other items of the adjoining Lot Owner that may be disturbed during any construction or repair. The access easement, when utilized for the purposes herein described, must be left clean and neat and any items removed must be replaced in a good and workmanlike manner with items of equivalent or better quality as those replaced. Each Garden Home Lot Owner must notify the adjacent Lot Owner of his or her intent to do any construction or maintenance at least five (5) days before work is started in order that the adjacent Lot Owner may, at his or her option, remove any landscaping and/or other improvements; however, if such repairs are of an emergency nature (meaning that property damage or personal injury is imminent if such repairs are not immediately made) and the notice required by this paragraph cannot reasonably be given, then the Garden Home Lot Owner making the repairs will provide the adjacent Lot

Owner with as much advance notice as is possible under the emergency circumstances. Once repairs are commenced, the repairs will be completed as expeditiously as possible, and there shall be no prolonged stoppages of construction.

(b). ***Eave Overhang Easement.*** Because each Dwelling Unit constructed on a Garden Home Lot will be constructed directly on or near the zero Lot line, the eave of each Dwelling Unit of a Garden Home Lot may extend or “hang” past the Lot line onto the five foot (5’) access easement described above in Article II.A.2.(a) of this Amendment to the Declaration; however, said overhang of the eave shall not exceed two feet (2’) past the zero Lot line. Declarant does hereby impose on each Garden Home Lot an aerial eave overhang easement and drainage easement in favor of the Garden Home Lot Owner adjoining said Garden Home Lot, with said easement being imposed on the five foot access easement described in Article II.A.2.(a) of this Amendment to the Declaration (subject to the two foot limitation as described above in this paragraph).

3. ***Extension of Zero Lot Line Wall.*** On each Garden Home Lot, the Owner shall extend the wall of the Dwelling Unit constructed on the zero lot line, such that the wall will run from the rear line of the Dwelling Unit to the rear property line of the Lot, thus creating a “fence” for use by the Owner of the adjoining Garden Home Lot. The fence to be constructed from the rear of the Dwelling Unit to the rear property line of the Lot shall be seven feet in height, and unless otherwise approved by the Architectural Review Committee, shall be of the same brick as used on the Dwelling Unit from which the wall is extended. The ARC may grant variances to this wall extension requirement depending on the specific features of each Lot. The extended wall shall be located on the side property line of the Owner extending the wall and shall be considered such Owner’s Improvement. The adjoining Garden Home Lot Owner may use the extended wall as a fence, but such adjoining Owner will not attach anything to the wall, or make any changes to the wall, without the consent of the Owner to which the wall is attached.

B. The following provisions shall be applicable to the Property from the date of filing this Seventh Amended and Supplementary Declaration forward, as an addition to Article VIII, Section 6 – Construction Standards for Lots:

(p). ***Door Height.*** All front doors and first floor doors shall be a minimum of Eight feet (8’) in height.

(q). ***Ceiling Height.*** All first floor ceilings shall be a minimum of Ten feet (10’) in height.

III. GENERAL PROVISIONS

A. ***Recitals are Part of Seventh Supplementary Declaration.*** The Recitals to this Seventh Supplementary Declaration are an integral part of this Seventh Supplementary Declaration and are part of this document for all purposes.

B. ***Defined Terms.*** Certain words and phrases used in this Seventh Supplementary Declaration, as indicated by capitalization, are defined in the Declaration, and all of said words and phrases as defined in the Declaration shall have the same defined meaning when used in this

Seventh Supplementary Declaration except as herein expressly provided, and said definitions are incorporated herein by reference.

C. ***Ratification of the Declaration.*** The Declaration (including the First, Second Fourth, Fifth and Sixth Supplementary Declarations and the Third Amendment), except as expressly modified and supplemented herein, remains in full force and effect and is hereby ratified and confirmed.

JOINDER OF LENDER

PROSPERITY BANK, holder of liens of record against that portion of the Property and Additional Property owned by Declarant (but not those Lots that have previously been released), joins in this Seventh Supplementary Declaration for the purpose of showing its assent to said Seventh Amendment to the Declaration, as set out herein, and does hereby agree to the Declaration, as supplemented and amended in the First Supplementary Declaration, Second Supplementary Declaration, Third Amendment to the Declaration, Fourth Supplementary Declaration, Fifth Supplementary Declaration, Sixth Supplementary Declaration, and this Seventh Supplementary Declaration, and agrees to be bound thereby.

EXECUTED as of the day and year first written above.

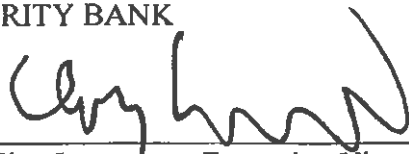
DECLARANT:

OAKMONT ESTATES DEVELOPMENT OF LUBBOCK, LTD., a Texas limited partnership
BY: WJD ENTERPRISES, LLC, a Texas limited liability company, General Partner

By: 
William Jewell Davis, Manager

LENDER:

PROSPERITY BANK

By: 
Clay Leaverton, Executive Vice President

[Notary Acknowledgments on the following page]

THE STATE OF TEXAS
COUNTY OF LUBBOCK

BEFORE ME, the undersigned, being a Notary Public in and for the State of Texas, on this day personally appeared William Jewell Davis, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the instrument as the act of WJD ENTERPRISES, LLC a Texas limited liability company, and that he executed the instrument on behalf of said entity for the purposes and consideration expressed, and in the capacity hereinabove stated; said entity acting as General Partner on behalf of OAKMONT ESTATES DEVELOPMENT OF LUBBOCK, LTD., a Texas limited partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on April 11, 2017.

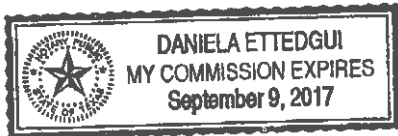


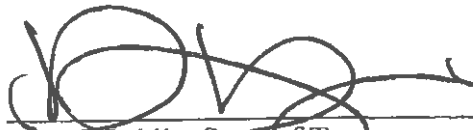


Notary Public, State of Texas

THE STATE OF TEXAS
COUNTY OF LUBBOCK

This instrument was acknowledged before me on the this 12th day of April, 2017, by Clay Leaverton, Executive Vice President of PROSPERITY BANK, a state banking association, on behalf of said association.





Notary Public, State of Texas

EXHIBIT "A"
THE "ADDITIONAL PROPERTY"
Oakmont Estates

Lots One Hundred Ninety-Two (192) through Two Hundred Thirty-Eight (238), and Tracts "JJ" through "OO," Oakmont Estates, an Addition to the City of Lubbock, Lubbock County, Texas.

EXHIBIT "A.1"
OTHER DOCUMENTS APPLICABLE TO THE "ADDITIONAL PROPERTY"

In addition to the Declaration, and to those documents referenced in the Declaration, the Additional Property is subject to the following documents and any amendments or supplements of said documents as reflected in the Official Public Records of Lubbock County, Texas, including any amendments or supplements made after the date of this Sixth Supplementary Declaration:

1. Bylaws recorded in Document No. 2012037313 of the Official Public Records of Lubbock County, Texas;
2. Management Certificate recorded in Document No. 2012037661 of the Official Public Records of Lubbock County, Texas, amended in Document Nos. 2014002505, 2014028514 and 2016002258 of the Official Public Records of Lubbock County, Texas, and any future amendments of said Management Certificate.
3. Amended and Supplementary Declaration of Covenants, Conditions, Restrictions and Easements on and for Oakmont Estates, dated November 18, 2013 recorded in Document No. 2014000502 of the Official Public Records of Lubbock County, Texas (referred to in this document as the "First Supplementary Declaration").
4. Second Amended and Supplementary Declaration of Covenants, Conditions, Restrictions and Easements on and for Oakmont Estates, dated June 20, 2014, recorded on July 30, 2014 in Clerk's Document No. 2014027298 of the Official Public Records of Lubbock County, Texas (referred to in this document as the "Second Supplementary Declaration").
5. Third Amendment to the Declaration of Covenants, Conditions, Restrictions and Easements on and for Oakmont Estates, dated August 13, 2014, recorded on August 22, 2014 in Clerk's Document No. 2014030775 of the Official Public Records of Lubbock County, Texas (referred to in this document as the "Third Amendment to the Declaration").
6. Fourth Amended and Supplementary Declaration of Covenants, Conditions, Restrictions and Easements on and for Oakmont Estates, recorded on August 7, 2015 in Clerk's Document No. 2015028808 of the Official Public Records of Lubbock County, Texas (referred to in this document as the "Fourth Supplementary Declaration").
7. Fifth Amendment to the Declaration of Covenants, Conditions, Restrictions and Easements on and for Oakmont Estates, recorded in Document No. 2016000538 of the Official Public Records of Lubbock County, Texas (referred to in this document as the "Fifth Supplementary Declaration").
8. Sixth Amendment to the Declaration of Covenants, Conditions, Restrictions and Easements on and for The Cove Oakmont Estates, recorded in Document No. 2016000542 of the Official Public Records of Lubbock County, Texas (referred to in this document as the "Sixth Supplementary Declaration").

Exhibit "B"
Oakmont Estates
Lots 192-229

LOT NUMBER	TYPE	AVERAGE LOT DEPTH	AVERAGE LOT WIDTH	MIN.SQ.FT	SIDE YARD SETBACK	FRONT YARD SETBACK	FRONT WALK SETBACK
192	Traditional	149.5	99.25	3,000	5'	20'	6' offset with 4' SW
193	Garden Home	149.5	63	2,200	0' W and 10'E	15'	5' curb back SW
194	Garden Home	135	63	2,200	0' W and 10'E	15'	5' curb back SW
195	Garden Home	135	63	2,200	0' W and 10'E	15'	5' curb back SW
196	Garden Home	135	63	2,200	0' W and 10'E	15'	5' curb back SW
197	Garden Home	128.67	63	2,200	0' W and 10'E	15'	5' curb back SW
198	Garden Home	128.67	63	2,200	0' W and 10'E	15'	5' curb back SW
199	Garden Home	128.67	63	2,200	0' W and 10'E	15'	5' curb back SW
200	Garden Home	128.67	63	2,200	0' W and 10'E	15'	5' curb back SW
201	Garden Home	148	57	1,800	5' N and 10'S	15'	5' curb back SW
202	Garden Home	148	52	1,800	0' N and 10'S	15'	5' curb back SW
203	Garden Home	143	52	1,800	0' N and 10'S	15'	5' curb back SW
204	Garden Home	148	101	2,200	0' S and 10'N	15'	5' curb back SW
205	Garden Home	160	76	2,200	0' W and 10'E	15'	5' curb back SW
206	Garden Home	130	76	2,200	0' W and 10'E	15'	5' curb back SW
207	Garden Home	130	60	2,200	0' W and 10'E	15'	5' curb back SW
208	Garden Home	130	60	2,200	0' W and 10'E	15'	5' curb back SW
209	Garden Home	130	60	2,200	0' W and 10'E	15'	5' curb back SW
210	Garden Home	130	60	2,200	0' W and 10'E	15'	5' curb back SW
211	Garden Home	126	60	2,200	0' W and 10'E	15'	5' curb back SW
212	Garden Home	130	93	2,200	0' W and 10'E	15'	5' curb back SW
213	Garden Home	122	93	2,200	0' N and 10'S	15'	5' curb back SW
214	Garden Home	122	93	2,200	0' N and 10'S	15'	5' curb back SW
215	Garden Home	125	93	2,200	5' N and 10'S	15'	5' curb back SW
216	Garden Home	130	93	2,200	5' S and 10'N	15'	5' curb back SW
217	Garden Home	122	93	2,200	0' S and 10'N	15'	5' curb back SW
218	Garden Home	122	93	2,200	0' S and 10'N	15'	5' curb back SW
219	Garden Home	134	93	2,200	0' W and 10'E	15'	5' curb back SW
220	Garden Home	131	60	2,200	0' W and 10'E	15'	5' curb back SW
221	Garden Home	134	60	2,200	0' W and 10'E	15'	5' curb back SW
222	Garden Home	134	60	2,200	0' W and 10'E	15'	5' curb back SW
223	Garden Home	134	60	2,200	0' W and 10'E	15'	5' curb back SW
224	Garden Home	140	60	2,200	0' W and 10'E	15'	varies
225	Dallas	148.5	75	2,500	5'	20'	6' offset with 4' SW
226	Dallas	148.5	75	2,500	5'	20'	6' offset with 4' SW
227	Dallas	148.5	75	2,500	5'	20'	6' offset with 4' SW
228	Dallas	142	75	2,500	5'	20'	6' offset with 4' SW
229	Dallas	134	75	2,500	5'	20'	6' offset with 4' SW
230	Traditional	140	93	3,000	5'	20'	6' offset with 4' SW
231	Traditional	140	93	3,000	5'	20'	6' offset with 4' SW
232	Traditional	140	93	3,000	5'	20'	6' offset with 4' SW
233	Traditional	140	93	3,000	5'	20'	6' offset with 4' SW
234	Traditional	140	93	3,000	5'	20'	6' offset with 4' SW
235	Traditional	140	93	3,000	5'	20'	6' offset with 4' SW
236	Traditional	140	93	3,000	5'	20'	6' offset with 4' SW
237	Traditional	140	93	3,000	5'	20'	6' offset with 4' SW
238	Traditional	140	94	3,000	5'	20'	6' offset with 4' SW

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



Kelly Pinion

Kelly Pinion, County Clerk
Lubbock County, TEXAS
05/09/2017 04:11 PM
FEE: \$52.00
2017016173