



***TENTH AMENDMENT TO THE DECLARATION OF COVENANTS,  
CONDITIONS, RESTRICTIONS AND EASEMENTS  
ON AND FOR OAKMONT ESTATES***

This Tenth Amendment to the Declaration of Covenants, Conditions, Restrictions, and Easements (the "Tenth Amendment") is made this 19<sup>th</sup> day of June, 2018, 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 Ninth 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 Supplementary 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.

H. The Declaration was again supplemented and amended by instrument recorded on May 9, 2017 in Clerk’s Document No. 2017016173 of the Official Public Records of Lubbock County, Texas (the “Seventh Supplementary Declaration”). By the Seventh Supplementary Declaration, the Declarant added to the scheme of the Declaration *Lots 192 through 238, and Tracts “JJ” through “OO”, Oakmont Estates, an Addition to the City of Lubbock, Lubbock County, Texas*. The Seventh Supplementary Declaration supplemented and amended the Declaration, and the First, Second, Fourth, Fifth and Sixth Supplementary Declarations and the Third Amendment as set forth in said instrument.

I. The Declaration was amended by instrument dated the 23<sup>rd</sup> day of February, 2018, recorded March 8, 2018 in Clerk’s Document No. 2018008195 of the Official Public Records of Lubbock County, Texas (the “Eighth Amendment”). By the Eighth Amendment, the Declarant added provisions to the Declaration prohibiting certain actions pertaining to the unlawful use of

recreational off-highway vehicles for the purpose of maintaining the health and safety of owners and residents within the Oakmont Land.

J. The Declaration was again supplemented and amended by instrument recorded on \_\_\_\_\_ in Clerk's Document No. \_\_\_\_\_ of the Official Public Records of Lubbock County, Texas (the "Ninth Supplementary Declaration"). By the Seventh Supplementary Declaration, the Declarant added to the scheme of the Declaration *Lots 239 through 301, inclusive, and Tracts "PP" through "QQ," Oakmont Estates an Addition to the City of Lubbock, Lubbock County, Texas.* The Ninth Supplementary Declaration supplemented and amended the Declaration, and the First, Second, Fourth, Fifth, Sixth and Seventh Supplementary Declarations and the Third and Eighth Amendment as set forth in said instrument.

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

3. In the Declaration, the Declarant has reserved to itself a "Development Period" which exists until the earliest of the following events: (i) ten years after the date of the recording of the Declaration, or (ii) the date on which every Lot in the Property and the Additional Property has been improved with a Dwelling Unit. On the date of this Tenth Amendment, the Development Period remains in effect, and thus, Declarant is entitled to unilaterally (without the consent, approval, vote or joinder of any other person, such as Owners, Mortgagees, Homebuilders, and the Association) exercise certain rights reserved to Declarant in the Declaration, including but not limited to those rights described in Article X of the Declaration. Article X, Section 5.(d) of the Declaration allows the Declarant, during the Development Period, to amend the Declaration, unilaterally, for any purpose.

4. Declarant now desires to amend a portion of Article VIII, Section 3 in order to allow for the location of additional garages that that would not otherwise comply with the Declaration.

### **TENTH AMENDMENT TO THE DECLARATION**

NOW, THEREFORE, Oakmont Estates Development of Lubbock, Ltd., Declarant, hereby declares as that certain provisions of the Declaration are hereby modified or supplemented as hereinafter set forth, which modifications shall be applicable to the Property and all Additional Property as indicated in this Supplementary Declaration.

A. The entirety of Article VIII, Section 3 is deleted, and the following is hereby substituted in its place:

#### **Section 3. *Garages; Parking.***

(a) Each single-family residential dwelling erected on any Lot shall have at least one main garage structure with space for a minimum of two (2) conventional automobiles, unless

otherwise specifically approved by the ARC. Each Owner and Resident shall use their respective best efforts to park and store their automobiles within the garage. All garage doors shall be closed at all times when not in use. Carports are not encouraged but may be permitted under limited rigid circumstances if, as and when, in the absolute opinion of the Architectural Review Committee the exterior surface and appearance will substantially compare with a garage and if absolutely no storage of items will be visible from any street or neighboring Lot. Any and all proposed garage or carport plans and specifications must be submitted to the Architectural Review Committee for review and approval.

- (b) The main two (2) car garage will be situated on the Lot in such a manner that the garage door or entry will face away from the street upon which the Lot is situated (such that the garages will be rear-entry, with the garage door set back at least twenty feet from the rear property line). The ARC may adjust this requirement as necessary to accommodate the particular dimensions of each Lot, especially on corner Lots; however, an effort must be made to face the garage doors away from the abutting street.
- (c) In addition to the main garage, the Owner may build an additional single-car garage that is parallel to the alley, and can be located within eighteen inches (18") of the rear property line, so long as it accessible only from the rear of the property, subject to the ARC's review and approval.
- (d) Each Owner and Resident shall use their respective best efforts to refrain from:
  - (i) habitually parking any automobile or vehicle on any Lot outside of an approved garage area between any Dwelling Unit and the abutting front street or between any Dwelling Unit and an abutting side street; and
  - (ii) performing, permitting or allowing repair or maintenance work to any automobile or other vehicle outside the garage and visible to the abutting street(s).
- (e) Under no circumstances or conditions shall any automobile, boat or other vehicle be parked on a non-paved portion of any Lot, except that a trailer, motor home, boat or recreational vehicle may be parked at a location to the side or rear of the Dwelling Unit provided that it is concealed from view of all other Lots and from public streets which border such Lot as described above in Article VIII, Section 1(i). Any Structure designed to house, store or conceal a trailer, motor home, boat or recreational vehicle, where herein permitted, shall be subject to approval by the ARC, and such approval will be limited to such Structures which use designs and materials which are compatible with the Dwelling Unit.

### **GENERAL PROVISIONS**

1. ***Recitals are Part of Tenth Amendment.*** The Recitals to this Tenth Amendment are an integral part of this Amendment and are part of this document for all purposes.

4. **Defined Terms.** Certain words and phrases used in this Tenth Amendment, 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 Tenth Amendment, and said definitions are incorporated herein by reference.

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

**JOINDER OF LENDER**

PLAINSCAPTIAL 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 Tenth Amendment for the purpose of showing its assent to said Tenth 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, Seventh Supplementary Declaration, Eighth Amendment, Ninth Supplementary Declaration, and this Tenth Amendment, and agrees to be bound thereby.

EXECUTED as of the day and year first written above.

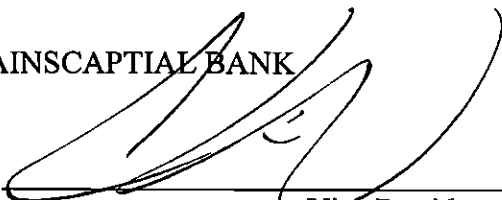
**DECLARANT:**

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:**

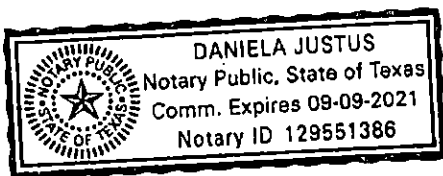
PLAINSCAPTIAL BANK

By:   
Chad Hill, Senior Vice President

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.

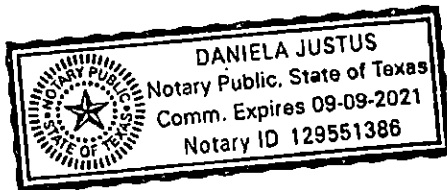
GIVEN UNDER MY HAND AND SEAL OF OFFICE on June 19, 2018.

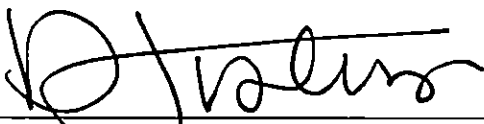


  
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Notary Public, State of Texas

THE STATE OF TEXAS  
COUNTY OF LUBBOCK

This instrument was acknowledged before me on the this 13<sup>th</sup> day of July, 2018, by CHAD HILL, Senior Vice President, PLAINSCAPITAL BANK, a state banking association, on behalf of said association.

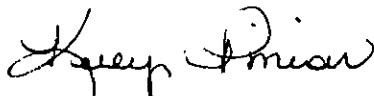


  
\_\_\_\_\_  
Notary Public, State of Texas

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS





Kelly Pinion, County Clerk  
Lubbock County, TEXAS  
07/18/2018 03:11 PM  
FEE: \$46.00  
2018026929