

*Suzanne Henderson*

**AFTER RECORDING RETURN TO:**

Suzanne Henderson

Pamela Wagner  
HENRY ODDO AUSTIN & FLETCHER, P.C.  
1700 Pacific, Suite 2700  
Dallas, Texas 75201

**FIRST AMENDMENT TO DECLARATION  
OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR  
WATERVIEW AT ENCHANTED BAY**

STATE OF TEXAS §

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TARRANT §

**INTRODUCTORY PROVISIONS**

This First Amendment to the Declaration of Covenants, Conditions and Restrictions for Waterview at Enchanted Bay ("First Amendment") is made by the Waterview at Enchanted Bay Homeowner's Association.

WHEREAS, the Declarant, Moayedhi/HiJo Partnership, L.P., did execute that certain Declaration of Covenants, Conditions and Restrictions for Waterview at Enchanted Bay, dated June 4, 2007, which was recorded on June 6, 2007, in the Real Property Records of Tarrant County, Texas as Instrument No. D207195972 ("Original Declaration"), creating certain covenants, conditions, easements and restrictions covering the property described therein; and

WHEREAS, the Original Declaration and the First Amendment, as those instruments may hereafter be modified or amended, are hereinafter referred to, collectively, as the "Declaration"; and

WHEREAS, Article 9, Section 9.4 of the Original Declaration provides that the terms and conditions thereof may be amended with the approval of Owners owning at least seventy percent (70%) of the Lots; provided, however, that no such amendment shall be effective unless joined in

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COUNTY OF TARRANT   §

**INTRODUCTORY PROVISIONS**

This First Amendment to the Declaration of Covenants, Conditions and Restrictions for Waterview at Enchanted Bay ("First Amendment") is made by the Waterview at Enchanted Bay Homeowner's Association.

**WHEREAS**, the Declarant, Moayedhi/HiJo Partnership, L.P., did execute that certain Declaration of Covenants, Conditions and Restrictions for Waterview at Enchanted Bay, dated June 4, 2007, which was recorded on June 6, 2007, in the Real Property Records of Tarrant County, Texas as Instrument No. D207195972 ("Original Declaration"), creating certain covenants, conditions, easements and restrictions covering the property described therein; and

**WHEREAS**, the Original Declaration and the First Amendment, as those instruments may hereafter be modified or amended, are hereinafter referred to, collectively, as the "Declaration"; and

**WHEREAS**, Article 9, Section 9.4 of the Original Declaration provides that the terms and conditions thereof may be amended with the approval of Owners owning at least seventy percent (70%) of the Lots; provided, however, that no such amendment shall be effective unless joined in

by Declarant until such time as Declarant no longer owns a Lot; and

WHEREAS, approval of Owners owning at least seventy percent (70%) of the Lots have approved the First Amendment, and the Declarant has joined said First Amendment, as reflected by Declarant's signature below; and

WHEREAS, the real property described on Exhibit A, attached hereto, is subject to the Declaration and this First Amendment;

NOW THEREFORE, the Declaration is amended as follows:

1. Article 2, Section 2.1(b) of the Declaration is hereby amended to read, in its entirety, as follows:

- (b) **Common Area Uses.** The Common Area designated as "open space" on the Plat shall be used only for recreational and other similar purposes as approved by the Declarant or the Association. The Common Area consisting of landscaping, maintenance, wall maintenance easements, or similar areas shall be used for such purposes or similar purposes as approved by the Declarant, but only so long as the Class B membership status exists, and thereafter, by the Board of the Association.

2. Article 3, Section 3.3(b) of the Declaration is hereby amended to read, in its entirety, as follows:

- (b) **Time for Review/Approval.**

When plans and specifications do not request a variance from Declaration provisions or Design Guideline provisions, the ACC shall approve or disapprove all plans and specifications submitted for

construction within thirty (30) days after the date it receives a complete set of plans and specifications. A set of plans and specifications is complete only when it includes all documents and information that has been requested by the ACC. In the event that the ACC fails to specifically approve or disapprove a set of complete plans and specifications within thirty (30) days after the ACC's receipt of the same, such plans and specifications shall be deemed to have ACC approval.

When plans and specifications do include a request for a variance for any aspect of construction, use of materials, or location of improvements, the ACC shall approve or disapprove all plans and specifications submitted for construction within thirty (30) days after the date it receives a complete set of plans and specifications. A set of plans and specifications with a variance request for any aspect of construction, use of materials or location of improvements is complete only when it includes all documents and information that has been requested by the ACC. In the event that the ACC fails to specifically approve or disapprove a set of complete plans and specifications that include a variance request for any aspect of construction, use of materials or location of improvements, within thirty (30) days after the ACC's receipt of the same, the variance request is deemed to have been denied by the ACC, but the remaining plans and specifications that do not require a variance for any aspect of construction, use of materials or location of

improvements shall be deemed to have ACC approval.

3. Article 3, Section 3.4(b) of the Declaration is hereby amended, to read in its entirety, as follows:

- (b) **Structure Size and Type.** Eighty percent (80%) of the Residences shall have a minimum of 1400 square feet of enclosed air-conditioned area. Twenty percent (20%) of the Residences shall have a minimum of 1200 square feet of enclosed air-conditioned area. Each residence shall be of new construction on a Lot and no mobile homes or manufactured housing shall be permitted on the Property except on a temporary basis in connection with sales activities.

4. Article 3, Section 3.4(e)(1) of the Declaration is hereby amended to read, in its entirety, as follows:

- (1) **Antennae/Satellite Dishes.** Any dish antenna that is 39.37" or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite, any antenna that is 39.37" or less in diameter or diagonal measurement and is designed to receive video programming services via broadband radio service (wireless cable) or to receive or transmit fixed wireless signals other than via satellite, any antenna that is designed to receive local television broadcast signals, including any necessary mast therefore that do not extend beyond an exclusive use area, must be placed in the rear of the dwelling and/or

where it is not visible from the street, provided that such placement does not prevent reception of an acceptable quality signal or impose unreasonable expense or delay. It is the burden of the homeowner to prove that any rear dwelling placement, not visible from the street, prevents reception of an acceptable quality signal or imposes an unreasonable expense or delay. The plans for placement, along with a full technical description, of all dishes and antenna must be submitted to and approved by the Architectural Control Committee prior to the installation thereof. Any other equipment for receiving or sending sound or video messages shall be located inside of the attic of the main residential structure or any other location that is approved in writing by the ACC.

5. Article 3, Section 3.4(e)(2) of the Declaration is hereby amended to read, in its entirety, as follows:

- (2) **Fences and Walls.** This section is subject to the ACC's right to adopt additional or different specifications for construction or reconstruction of fences. Unless the ACC adopts additional or different specifications for construction or reconstruction of fences, the following shall apply:
- (i) No chain link fences are permitted.
  - (ii) All fences and walls, excluding the retaining walls described in subsection (6) below and the fences described below in this section on lake Lots, shall be at least six (6) feet in height and

**have a maximum height of eight (8) feet.**

**(iii) All fences and walls, excluding the retaining walls described in subsection (6) below and the fences described below in this section on lake Lots, shall be constructed of spruce or other materials approved, in writing, by the ACC.**

**(iv) All fences and walls shall be constructed, placed and erected in a location approved, in writing, by the ACC.**

**(v) Fences are required to be built for all homes.**

**(vi) Wrought Iron fences are required on all lake Lots that are contiguous with and adjacent to the lake. The Owner of each lake Lot is required to erect a wrought iron fence on that portion of the Lot that is contiguous with and adjacent to the lake. The wrought iron fence must be at least four (4) feet tall and may not exceed six (6) feet in height. The wrought iron fence must be uniform throughout the subdivision and the detail for the wrought iron fence must be approved in writing by the ACC.**

**(vii) No fence or wall may be constructed, repaired, rebuilt, or relocated if it impedes or obstructs drainage.**

**(viii) Prior written approval from the ACC is required for any construction, placement or repair of fences or walls on any Lot.**

6. Article 3, Section 3.5(a) of the Declaration is hereby amended to read, in its entirety, as follows:

- (a) **Exterior Materials.** All exterior construction materials shall be subject to approval by the ACC in accordance with the provisions in any Design Guidelines as to aesthetic appearance and shall conform to any and all City ordinances. The total exterior wall area (as used herein the term “total exterior wall area” shall exclude windows, doors and gables and will extend to the top plate line on both the first and second floors) of each building constructed or placed on a Lot shall be not less than eighty percent (80%) brick, stone or other material approved by the Declarant. The front of the home must contain eighty percent (80%) brick, stone or other material approved, in writing, by Declarant.

7. Article 4, Section 4.4 of the Declaration is hereby amended as follows:

Any reference to “Developer” in this paragraph is hereby amended to read “Declarant”.

8. Article 7, Section 7.4 of the Declaration is hereby amended as follows:

Any reference to “The Island at Enchanted Bay” is hereby amended to read “Waterview at Enchanted Bay”.

9. Article 9, Section 9.12 of the Declaration is hereby amended as follows:

Any reference to “Dallas County” is hereby amended to read “Tarrant County”.

The terms and provisions of the Declaration, except as modified herein, are hereby declared to be in full force and effect with respect to the Property. The Property shall continue to be held, occupied, sold, and conveyed subject to the terms and conditions of the Declaration and this Second Amendment, which shall run with title to the Property and are



binding on all parties having any right, title or interest in and to the Property or any part thereof, including their heirs, representatives, successors, transferees and assigns, and shall inure to the benefit of each Owner thereof.

IN WITNESS WHEREOF, the Waterview at Enchanted Bay Homeowner's Association has caused this First Amendment to the Declaration of Covenants, Conditions and Restrictions for Waterview at Enchanted Bay to be filed with the office of the Tarrant County Clerk.

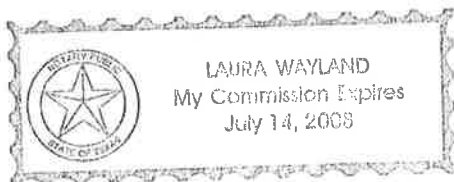
EXECUTED effective as of the 13 day of December, 2007.

**WATERVIEW AT ENCHANTED BAY HOMEOWNER'S ASSOCIATION**

By: [Signature]  
Its: President

STATE OF TEXAS           §  
                                     §  
COUNTY OF Tarrant   §

This instrument was acknowledged before me this 13 day of Dec, 2007, by Mehrdad Moayedi, President of Waterview at Enchanted Bay Homeowner's Association.



[Signature: Laura Wayland]  
Notary Public - State of Texas

**JOINED BY DECLARANT:**

Moayedhi / HiJo Partnership. L.P.

By: [Signature]  
Its: Managing Partner

STATE OF TEXAS                   §  
   §  
COUNTY OF Tarrant       §

This instrument was acknowledged before me this 13 day of Dec., 2007, by Merhdad Moayedhi, who is the Declarant for Waterview at Enchanted Bay Homeowner's Association.



[Signature]  
Notary Public - State of Texas

LEGAL DESCRIPTION  
TRACT 1

BEING a tract of land situated in the David Strickland Survey, Abstract Number 1376, Tarrant County, Texas, and being all of Lots 5 through 8, Block 4, Lots 6 through 11, Block 5, and Lots 6 through 8, Block 6, Sun Valley Addition as recorded in Volume 388-T, Page 76, Plat Records, Tarrant County, Texas, and being all of Lots 9 through 12, Block 4, all of Lots 3 through 15 and the east half of Lots 2 and 16, Block 7, all of Lots 1 through 10 and Lots 13 through 16, and the west half of Lot 12, Block 11, Sun Valley Addition as recorded in Volume 388-V, Page 92, Plat Records, Tarrant County, Texas, and also being all of Tracts 1, 1A, 1B, 1C, 2, 2A, 2B, 2C, 3, and tract 4 of that certain deed to Waterview Estates, L.P., as recorded in Volume 15363, Page 22, Deed Records, Tarrant County, Texas, also being a portion of the Plat of Lake Park Estates as recorded in Volume 388-26, Page 87, Plat Records, Tarrant County, Texas, and being portions of David Strickland Road, Vesta Farley Road, Laster Road, Sun valley Drive, Katlenbrun Road and an unnamed street along the east edge of the Sun Valley Additions, as shown in City of Arlington Ordinance 1496, as recorded in Volume 3785, Page 647, Deed Records, Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set at the northwest property corner of said Lot 6, Block 6;

THENCE N 89°51'56"E, 420.80 feet (previously recorded as N 89°59'E) along the north line of said Block 4 to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set in said unnamed street along the east edge of said Sun Valley Addition;

THENCE S 00°28'27"E, 89.91 feet along said unnamed street to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set;

THENCE N 89°46'17"E (previously recorded as East), at 30.00 feet pass the northwest corner of said tract 3, in all 376.97 feet to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set;

THENCE S 79°15'43"E, 134.20 feet (previously recorded as S 79°02'E) to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set;

THENCE S 31°07'43"E, 107.20 feet (previously recorded as S 30°54'E) to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set;

THENCE S 09°05'17"W, 82.70 feet (previously recorded as S 09°19'W) to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set;

THENCE S 04°19'43"E, 113.70 feet (previously recorded as S 04°06'E) to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set;

THENCE S 24°16'17"W, 238.40 feet (previously recorded as S 24°30'W) to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set;

THENCE S 15°26'43"E, 125.90 feet (previously recorded as S 15°13'E) to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set;

THENCE S 02°53'43"E, 1.43 feet (previously recorded as S 02°40'E, 2.7') to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set in the north property line of Lake Park Estates as recorded in Volume 388-26, Page 87, Plat Records, Tarrant County, Texas and being in the north line of said tract 4;

THENCE N 89°06'02"E, 8.01 feet (previously recorded as N 89°13'E) along the north line of said tract 4 to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set;

THENCE S 10°27'58"E, 551.40 feet (previously recorded as S 10°21'E) to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set;

THENCE S 14°45'58"E, 368.40 feet (previously recorded as S 14°39'E) to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set;

THENCE S 14°38'02"W, 329.10 feet (previously recorded as S 14°45'W) to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set;

THENCE S 31°34'02"W, 272.50 feet (previously recorded as S 31°41'W) to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set;

THENCE S 20°07'02"W, 254.70 feet (previously recorded as S 20°14'W) to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set;

THENCE S 49°49'02"W, 250.45 feet (previously recorded as S 49°56'W) to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set in the northerly property line of that certain tract of land described by deed to TESCO, as recorded in Volume 1460, Page 339, Deed Records, Tarrant County, Texas;

THENCE S 89°41'28"W, 176.89 feet along the northerly property line of said TESCO tract to a ½ inch iron rod found in the west property line of said Lake Park Estates and the east property line of that certain tract of land described by deed to Laury Ann Myers Johnson as recorded in Volume 10240, Page 806, Deed Records, Tarrant County, Texas;

THENCE N 01°09'24"E, 354.18 feet (previously recorded as N 01°04'E) along the west property line of said Lake Park Estates and the east property line of said Johnson tract to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set;

THENCE N 00°03'58"W, 1489.10 feet (previously recorded as N 00°03'E) along the west property line of said Lake Park Estates and the east property line of that certain tract of land

described by deed to Katherine Myers as recorded in Volume 3181, Page 492, Deed Records, Tarrant County, Texas to the northwest property corner of said Lake Park Estates;

THENCE N 00°32'43"W, 32.22 feet (previously recorded as N 00°19'W) to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set;

THENCE S 89°23'13"W, 30.48 feet to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set at the southeast corner of Lot 9 Block 4;

THENCE S 00°45'30"E, 60.00 feet to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set at the northeast corner of Lot 8 Block 7;

THENCE S 00°03'57"E, 239.91 feet to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set at the southeast corner of Lot 9 Block 7;

THENCE S 00°05'23"E, 60.00 feet to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set at the northeast corner of Lot 8 Block 11;

THENCE S 00°03'58"E, 240.00 feet to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set at the southeast corner of Lot 9 Block 11;

THENCE S 89°23'13"W, (previously recorded as N 89°59'W), 289.20 feet along the south property line of Lots 9 and 10, Block 11, to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set at the southwest property corner of said Lot 10;

THENCE N 00°11'07"W, 120.00 feet along the west property line of said Lot 10 to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set at the northwest property corner of Lot 10;

THENCE S 89°23'13"W, 180.00 feet (previously recorded as N 89°59'W) along the north property line of Lots 11 and 12 and the south property line of Lots 5 and 6 to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set in the north property line of said Lot 12;

THENCE S 00°11'07"E, 120.00 feet across said Lot 12 to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set in the south property line of said Lot 12;

THENCE S 89°23'13"W, 540.00 feet (previously recorded as N 89°59'W) along the south property line of Lots 12 through 16 to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set at the southwest property corner of Lot 16;

THENCE N 00°11'07"W, 240.00 feet along the west property line of said Lots 1 and 16 to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set at the northwest property corner of said Lot 1;

THENCE N 89°23'13"E, 60.00 feet (previously recorded as N 89°59'E) along the north property line of Lot 1 Block 11 to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set;

THENCE N 00°11'07"W, 179.96 feet across the end of Sun Valley Drive as shown in City of Arlington Ordinance 1496, and then across Lot 16, Block 7 to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set in the north line of said Lot 16;

THENCE N 89°23'13"E, 120.00 feet along the north line of said Lot 16 and then along the north line of said Lot 15 and the south line of said Lot 2 to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set;

THENCE N 00°11'07"W, 119.95 feet across said Lot 2 to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set in the north line of said Lot 2;

THENCE N 89°23'13"E, 300.00 feet along the north line of said Block 7 to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set at the northeast corner of said Lot 4 and the northwest corner of said Lot 5, Block 7;

THENCE N 00°11'07"W, 302.64 feet across the end of Laster Road as shown in City of Arlington Ordinance 1496, and then along the west line of Lots 12 and 5, Block 4 to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set in the north line of said Block 4;

THENCE N 89°51'56"E, 120.01 feet along the north line of said Block 4 to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess" set;

THENCE N 00°11'07"W, 477.63 feet across the end of Vesta Farley Road as shown in City of Arlington Ordinance 1496, and then along the west line of Lots 11 and 6, Block 5, then across the end of David Strickland Road as shown in City of Arlington Ordinance 1496, and then along the west line of Lot 6, Block 6 to the POINT OF BEGINNING and containing 49.752 acres of land more or less.

## LEGAL DESCRIPTION

### TRACT 2

BEING a tract of land situated in the David Strickland Survey, Abstract Number 1376, Tarrant County, Texas, and being all of that certain Tract II, as described by deed to LAR MHP Holdings LP., as recorded in County Clerk's Filing Number D205303214, Deed Records, Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2 inch iron rod with cap stamped "Landes & Assoc." found at the southwest corner of said Tract II, said point being in the east right-of-way line of East Loop 820 South;

**THENCE** N 00°04'01"W, 1572.77 feet (previously recorded as N 00°18'00"E) with the west line of said Tract II, and east right-of-way line of said East Loop 820 South to the northwest corner of said Tract II, and the southwest corner of Lot 1, Block 1, Lake Arlington Ranch North, as shown on the plat recorded in Cabinet "A", Slide 6194, Plat Records, Tarrant County, Texas, and also being that certain Tract I, as described by deed to LAR MHP Holdings LP., as recorded in County Clerk's Filing Number D205303214, Deed Records, Tarrant County, Texas;

**THENCE** leaving the west line of said Tract II, and east right-of-way line of said East Loop 820 South, with the common line of said Tract II, and said Lot 1, Block 1, Lake Arlington Ranch North, and said Tract I the following bearings and distances:

S 85°03'08"E, 709.93 feet (previously recorded as S 84°41'08"E);

S 57°12'04"E, 290.49 feet (previously recorded as S 56°50'00"E);

S 29°27'39"E, 460.73 feet (previously recorded as S 29°05'41"E);

S 59°54'53"E, 250.83 feet (previously recorded as S 59°32'51"E);

N 89°38'00"E, 390.71 feet (previously recorded as N 90°00'00"E);

S 66°44'26"E, 410.09 feet (previously recorded as S 66°22'25"E);

**THENCE** N 77°08'36"E, 238.33 feet (previously recorded as N 77°27'04"E, 238.39 feet) to a 1/2 inch iron rod with cap stamped "Landes & Assoc." found at the northeast corner of said Tract II, and the southeast corner of said Lot 1, Block 1, Lake Arlington Ranch North;

**THENCE** S 00°51'00"W, 504.89 feet (previously recorded as S 01°13'29"W) with the east line of said Tract II to a 1/2 inch iron rod with cap stamped "Landes & Assoc." found;

**THENCE** S 09°17'47"E, 80.18 feet (previously recorded as S 08°55'44"E) continuing with the east line of said Tract II to a 1/2 inch iron rod with cap stamped "Landes & Assoc." found;

**THENCE** S 47°12'20"W, 192.89 feet (previously recorded as S 47°30'57"W, 192.45 feet) continuing with the east line of said Tract II to a 1/2 inch iron rod with cap stamped "Landes & Assoc." found at the most southerly southeast corner of said Tract II, and in the north line of Sun Valley Addition as shown on the plat recorded in Volume 388-T, Page 76, Plat Records, Tarrant County, Texas;

**THENCE** S 89°51'03"W, 2257.00 feet (previously recorded as N 89°47'29"W, 2257.41 feet) with the south line of said Tract II, and with the north line of said Sun Valley Addition to the **POINT OF BEGINNING** and containing 2,642,997 square feet or 60.675 acres of land more or less.