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**SECOND AMENDMENT TO DECLARATION OF  
COVENANTS, CONDITIONS, AND RESTRICTIONS**

**FOR**

**FOUR TREES ESTATES,**  
**An Addition to the City of Midlothian, Texas**

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR FOUR TREES ESTATES, an Addition to the City of Midlothian, Texas ("Second Amendment") is made effective on the 12th day of September, 2017 (the "Effective Date"), by JT EXECUTIVE PROPERTIES, LLC, a Texas Limited Liability Company ("Declarant"), as follows:

**WITNESSETH**

WHEREAS, Declarant is the owner and developer of certain real property located in the City of Midlothian, Ellis County, Texas (the "City"), as more particularly described in Exhibit "A" (the "Property"), and being more commonly known as Four Trees Estates, an addition to the City of Midlothian, Ellis County, Texas (hereafter the "Subdivision"), consisting of an estimated One Hundred Twenty-Three (123) single family residential lots;

WHEREAS, on or about July 19, 2017, Developer filed the Declaration of Covenants, Conditions, and Restrictions for Four Trees Estates at Instrument No. 1720232 (the "Original Declaration") in the Official Public Records of Ellis County, Texas ("OPRECT"); and

WHEREAS, on or about August 16, 2017, Developer filed the First Amendment to Declaration of Covenants, Conditions, and Restrictions for Four Trees Estates at Instrument No. 1723217 (the "First Amendment") (the Original Declaration and First Amendment being hereafter referred to collectively as the "Declaration") in the OPRECT; and

WHEREAS, Declarant now desires to make certain corrections, amendments, and modifications to certain provisions of the Declaration to correct, clarify, modify, and amend provisions relating to various matters, including, without limitation, the subordination of the contractual Assessment lien granted by each Owner of a Lot in the Subdivision (as provided for in Section 7.01 of the Declaration) to any first mortgage lien held by, or first deed of trust of which the beneficiary is, a lender who has loaned funds

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AND RESTRICTIONS FOR FOUR TREES ESTATES - Page 1 of 4**

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with the Lot as security, and other matters as set forth in this Second Amendment.

NOW THEREFORE, pursuant to Section 11.02(a) of the Declaration, Declarant hereby makes the following amendments, modifications, corrections, revisions, additions, deletions, and changes to the Declaration:

**Amendments to Article VII**

1. Article VII of the Declaration is hereby amended by the addition of the following new Sections 7.17 and 7.18:

**7.17 Subordination of Assessment Lien.**

(a) The Assessment lien (the "Assessment Lien") provided for in Section 7.01 above shall be subordinate to any first mortgage lien held by, or first deed of trust of which the beneficiary is, a lender who has loaned funds to an Owner with the Lot or improvements thereon as security, or the lender's successors and assigns, and shall also be subject and subordinate to statutory liens for taxes and other public charges or assessments which are expressly made superior to the Assessment Lien by applicable law, statute, or regulation.

(b) Except as above provided, the Assessment Lien shall be superior to any and all charges, liens or encumbrances which in any manner may arise or be imposed upon each Lot. Notwithstanding the foregoing, the sale or transfer of any Lot, whether by foreclosure of a first lien mortgage or otherwise, shall not affect the Assessment Lien; *provided, however*, that if the sale or transfer is pursuant to foreclosure of a mortgage or a deed of trust to which the Assessment Lien is subordinate, or pursuant to any sale or proceeding in lieu thereof, the purchaser at the mortgage foreclosure or deed of trust sale, or any grantee taking by deed in lieu of foreclosure, shall take the Lot free of the Assessment Lien for all charges that have accrued up to the date of issuance of a sheriff's or trustee's deed or deed in lieu of foreclosure; provided, however, that such a purchaser or grantee shall take title subject to all Assessments and other amounts payable under the Declaration, and the Assessment Lien therefor, first accruing subsequent to the date on which title is acquired by the purchaser or grantee.

**7.18 No Effect by Subordination of Personal Liability for Assessments.** Notwithstanding the subordination of an Assessment Lien

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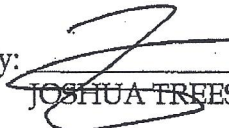
as described in Section 7.17 above, the delinquent Owner shall remain personally liable for any Assessments and related costs after such Owner's ownership of a Lot is terminated by sale, foreclosure or deed in lieu of foreclosure, or otherwise. Nothing contained in this Section or Section 71.7 above shall in any manner limit any other rights or remedies available to the Association for an Owner's failure to timely pay its Assessments or perform its obligations hereunder, including, without limitation, the right to suspend the Owner's right to use Association facilities as provided in the Declaration.

2. All other terms, conditions, and provisions of the Declaration which are not specifically amended or modified by this Second Amendment shall remain in full force and effect.

3. In the event of any conflict between the terms and provisions of this Second Amendment and the terms and provisions of the Declaration, the terms and provisions of this Second Amendment shall govern and control.

~~IN WITNESS WHEREOF, Declarant executes this Second Amendment to Declaration of Covenants, Conditions, and Restrictions, effective as of the Effective Date.~~

JT EXECUTIVE PROPERTIES, LLC,  
a Texas Limited Liability Company

By:   
JOSHUA TREES, Manager

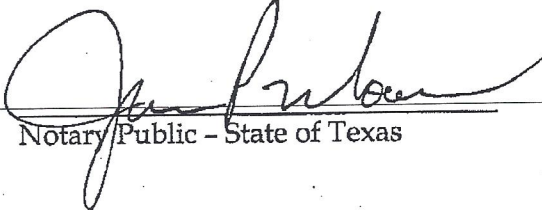
*[Acknowledgment follows on next page.]*

**SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS,  
AND RESTRICTIONS FOR FOUR TREES ESTATES - Page 3 of 4**

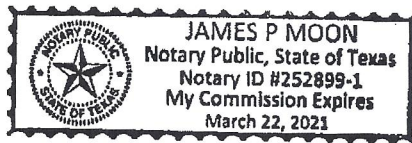
**ACKNOWLEDGMENT**

STATE OF TEXAS       §  
                                  §  
COUNTY OF ELLIS     §

BEFORE ME the undersigned authority, this Second Amendment was acknowledged before me by JOSHUA TREES, the Manager and duly-authorized representative of JT EXECUTIVE PROPERTIES, LLC., a Texas Limited Liability Company, on behalf of said company, on the 12th day of September, 2017.

  
\_\_\_\_\_  
Notary Public - State of Texas

My Commission expires:



**UPON RECORDING, RETURN TO:**

Four Trees Estates Homeowners Association  
c/o James P. Moon  
P.O. Box 2206  
Red Oak, Texas 75154

**PREPARED IN THE OFFICES OF:**

James P. Moon  
Kaplan & Moon, PLLC  
P. O. Box 2206  
Red Oak, Texas 75154

**SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS,  
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EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

Being a tract of land situated in the E. Bryson Survey, Abstract No. 117, the John Crane Survey, Abstract No. 246, and the S. Fredrick Survey, Abstract No. 357, being all of a tract of land conveyed to JT Executive Properties, LLC, as recorded in Instrument Number 201526900 the Official Public Records of Ellis County, Texas, and being a portion of a tract of land described in the Deed to JT Executive Properties, LLC recorded in Instrument Number 1514696 of the Official Public Records of Ellis County, Texas, and being more particularly described as follows:

BEGINNING at a 3/8 inch iron rod found for the southeast corner of the herein described tract;

THENCE South 89 degrees 27 minutes 33 seconds West a distance of 1076.76 feet to a 5/8 inch iron rod found for corner;

THENCE South 01 degrees 43 minutes 44 seconds East a distance of 15.00 feet to a PK Nail found for corner;

THENCE South 89 degrees 41 minutes 19 seconds West a distance of 41.91 feet to a PK Nail found for corner at the beginning of a curve to the left;

THENCE with said curve to the left having a radius of 1195.00 feet, a central angle of 33 degrees 58 minutes 27 seconds, an arc length of 708.59 feet, a chord bearing of North 16 degrees 36 minutes 19 seconds West a distance of 698.25 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" found for corner at the beginning of a compound curve continuing to the left;

THENCE with said compound curve continuing to the left having a radius of 945.00 feet, a central angle of 19 degrees 05 minutes 52 seconds, an arc length of 314.99 feet, a chord bearing of North 43 degrees 08 minutes 28 seconds West a distance of 313.53 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" found for corner;

THENCE North 52 degrees 41 minutes 24 seconds West a distance of 976.99 feet to a 1/2 inch iron rod found for corner;

THENCE South 89 degrees 20 minutes 57 seconds West a distance of 251.19 feet to a 1/2 inch iron rod found for corner;

THENCE South 44 degrees 19 minutes 38 seconds West a distance of 42.41 feet to a 1/2 inch iron rod found for corner;

THENCE South 89 degrees 20 minutes 57 seconds West a distance of 144.75 feet to a PK Nail found for corner;

THENCE North 00 degrees 27 minutes 47 seconds West a distance of 3042.85 feet to a point from which a 1/2 inch iron rod found bears North 42 degrees 00 minutes 02 seconds East a distance of 2.77 feet;

THENCE South 89 degrees 22 minutes 56 seconds East a distance of 472.54 feet to a 1/2 inch iron rod found for corner;

THENCE South 88 degrees 46 minutes 46 seconds East a distance of 623.23 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" found for corner;

THENCE South 00 degrees 27 minutes 47 seconds East a distance of 277.70 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" found for corner at the beginning of a curve to the right;

THENCE with said curve to the right having a radius of 280.00 feet, a central angle of 20 degrees 23 minutes 39 seconds, an arc length of 99.66 feet, a chord bearing of South 80 degrees 15 minutes 57 seconds East a distance of 99.14 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" found for corner at the beginning of a reverse curve to the left;

THENCE with said reverse curve to the left having a radius of 1421.85 feet, a central angle of 02 degrees 29 minutes 22 seconds, an arc length of 61.78 feet, a chord bearing of South 71 degrees 20 minutes 32 seconds East a distance of 61.77 feet to a 1/2 inch iron rod found for corner;

THENCE South 17 degrees 24 minutes 12 seconds West a distance of 60.00 feet to a 1/2 inch iron rod found for corner at the beginning of a curve to left from which a 1/2 inch iron rod with cap stamped "R.P.L.S. 4613" bears North 63 degrees 39 minutes 38 seconds West a distance of 0.91 feet;

THENCE with said curve to the left having a radius of 1460.00 feet, a central angle of 01 degrees 06 minutes 47 seconds, an arc length of 28.36 feet, a chord bearing of South 78 degrees 09 minutes 11 seconds East a distance of 28.36 feet to a 1/2 inch iron rod found for corner at the beginning of a reverse curve to the right;

THENCE with said reverse curve to the right having a radius of 30.00 feet, a central angle of 87 degrees 41 minutes 32 seconds, an arc length of 45.92 feet, a chord bearing of South

29 degrees 51 minutes 49 seconds East a distance of 41.56 feet to a 1/2 inch iron rod with an illegible yellow cap;

THENCE South 76 degrees 01 minutes 03 seconds East a distance of 60.00 feet to a 1/2 inch iron rod found for corner;

THENCE South 13 degrees 58 minutes 57 seconds West a distance of 185.67 feet to a 1/2 inch iron rod found for corner at the beginning of a curve to the left;

THENCE with said curve to the left having a radius of 800.00 feet, a central angle of 02 degrees 59 minutes 17 seconds, an arc length of 41.72 feet, a chord bearing of South 12 degrees 29 minutes 19 seconds West a distance of 41.72 feet to a 1/2 inch iron rod found for corner;

THENCE South 79 degrees 00 minutes 20 seconds East a distance of 250.00 feet to a 1/2 inch iron rod found for corner;

THENCE South 43 degrees 53 minutes 04 seconds East a distance of 794.70 feet to a 1/2 inch iron rod with cap stamped "R.P.L.S. 4613" found for corner;

THENCE South 37 degrees 46 minutes 38 seconds East a distance of 261.62 feet to a 1/2 inch iron rod with cap stamped "R.P.L.S. 4613" found for corner at the beginning of a curve to the right;

THENCE with said curve to the right having a radius of 780.00 feet, a central angle of 09 degrees 28 minutes 52 seconds, an arc length of 129.07 feet, a chord bearing of North 66 degrees 51 minutes 59 seconds East a distance of 128.92 feet to a 1/2 inch iron rod found for corner;

THENCE South 20 degrees 18 minutes 37 seconds East a distance of 60.04 feet to a 1/2 inch iron rod with an illegible yellow cap found for corner;

THENCE South 18 degrees 14 minutes 00 seconds East a distance of 353.98 feet to a 1/2 inch iron rod with cap stamped "R.P.L.S. 4613" found for corner;

THENCE South 46 degrees 54 minutes 38 seconds East a distance of 210.87 feet to a 1/2 inch iron rod with cap stamped "R.P.L.S. 4613" found for corner;

THENCE North 89 degrees 05 minutes 50 seconds East a distance of 62.81 feet to a 1/2 inch iron rod with cap stamped "R.P.L.S. 4613" found for corner;

THENCE South 00 degrees 54 minutes 10 seconds East a distance of 1214.99 feet to a 1/2 inch iron rod found for corner;

THENCE South 01 degrees 16 minutes 17 seconds East a distance of 1276.43 feet to the POINT OF BEGINNING containing 8,519,699 square feet, or 195.585 acres of land; and

Being further described as Lots 1-6 and CA-1 of Block A; Lots 1-10 of Block B; Lots 1-8 of Block C; Lots 1-32 and CA-4 of Block D; Lots 1-15 and CA-3 of Block E; Lots 1-19 of Block F; Lots 1-48 and CA-2 of Block G; and Lot 1 of Block H, as shown in the Final Plat, dated April 15, 2016, of Four Trees Addition, an addition to the City of Midlothian, Texas, which Final Plat was recorded on May 4, 2016 at Instrument No. 1612042 in the Official Public Records of Ellis County, Texas;

Which Final Plat was amended and modified by that certain Replat, dated June 7, 2017, of Four Trees Addition - Lots 14R and 24R, an addition to the City of Midlothian, Texas, consisting of 22.598 acres situated in the S. Fredrick Survey, Abstract No. 357, the E. Bryson Survey, Abstract No. 117, and the John Crane Survey, Abstract No. 246, as more specifically described by metes and bounds in such Replat, with such Replat being recorded on June 22, 2017 at Instrument No. 1717429, and being all of Lots 14-31 of Block D of Four Trees Addition, an addition to the City of Midlothian, Texas, as recorded in Cabinet I, Slide 652 of the Official Public Records of Ellis County, Texas.

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INST NO. 1726143  
on Sep 13, 2017 at 10:58:00 AM

Any provision herein which restricts the sale, rental, or  
use of this described real property because of color or  
race is invalid and unenforceable under federal law  
STATE OF TEXAS, COUNTY OF ELLIS  
I hereby certify this instrument was filed on the date and  
time stamped herein and was duly recorded in the volume  
and page of the OFFICIAL PUBLIC RECORDS of Ellis  
County Texas and stamped hereon



*Cindy Polley*  
COUNTY CLERK ELLIS COUNTY, TEXAS