

VOL 6438 PAGE 425

CONVEYANCE OF COMMON AREA AND
THE SUPPLEMENTARY DECLARATION OF
COVENANTS AND RESTRICTIONS

THIS SUPPLEMENTARY DECLARATION, made this 8 day of March, 1978, by J. ALAN DAVIS, INC., hereinafter called Developer.

W I T N E S S E T H :

WHEREAS, Developer did cause that certain Master Declaration of Covenants and Restrictions ("Master Declaration") dated Nov. 1, 1976, to be recorded in the office of the County Clerk of Tarrant County, Texas, in Volume 6120, Page 213, of Official Records, subjecting WINDEMERE to the provisions thereof pursuant to an incremental plan of development and improvement; and

WHEREAS, Developer is the owner of the real property hereinafter referred to in this Supplementary Declaration.

NOW, THEREFORE, Developer hereby declares that all of the properties described above, together with such additions as may hereafter be made thereto as provided in Article I, shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens set forth in the Master Declaration and subject to the covenants, restrictions, easements, charges and liens set forth hereinafter.

ARTICLE I

PROPERTY SUBJECT TO THIS
SUPPLEMENTARY DECLARATION

Section 1. Existing Property. The real property which is, and shall be held, transferred, sold, conveyed and occupied subject to this Supplementary Declaration is located in Arlington, Tarrant County, Texas, or in particular, that property described by metes and bounds in the "Phase Three Field Notes" attached hereto as Exhibit "A" and made a part hereof as though fully set forth herein, describing as "Phase Three" a portion of Windemere as recorded with the County Clerk of Tarrant County, Texas, in Volume 388-108, Page 92.

Section 2. Additions to Existing Property. Added lands which became part of the properties may become subject to this Supplementary Declaration by filing of record this Supplementary Declaration of Covenants and Restrictions with respect to the additional property.

Section 3. Incorporation of Master Declaration. All of the real property described in Section I of this Article is subject to the provisions of this Supplementary Declaration and to the provisions of the Master Declaration, which provisions are incorporated herein by reference.

ARTICLE II

PURPOSE

The purpose of this Supplementary Declaration of Covenants and Restrictions is to extend the provisions of the Master Declaration of Covenants and Restrictions to the portion of the

subdivision described in Exhibit "A" and designate said property as Phase Three of the development and thereby making the subject property meet the definition of a "Parcel" under the Master Declaration of Covenants and Restrictions. With the recording of this Supplementary Declaration of Covenants and Restrictions the subject property is subjected to the provisions of the by-laws governing the Windemere Homeowners Association.

ARTICLE III

CONVEYANCE OF COMMON AREA TO ASSOCIATION

By the filing of this Supplementary Declaration, Developer, for and in consideration of the sum of TEN AND NO/100 (\$10) Dollars and other valuable consideration to Developer paid by Association, the receipt of which is hereby acknowledged, has granted, sold and conveyed, and by these presents does grant, sell and convey unto WINDEMERE HOMEOWNERS ASSOCIATION, INC. all of the following described real property in Tarrant County, Texas, to-wit: those portions of Windemere designated as "Common Area, Private Drives and Parking Area" according to the Final Plat of Windemere, recorded with the County Clerk of Tarrant County, Texas, in Volume 388-108, Page 92, covered by this Supplementary Declaration of Covenants and Restrictions as set forth by metes and bounds described as "Phase Three Field Notes" attached hereto and included herein for all purposes.

TO HAVE AND TO HOLD the real property described in this Article, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Association, its successors and assigns forever; and it does hereby bind itself and its successors to WARRANT AND FOREVER DEFEND all and singular the said real property described in this Article unto the said Association, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

ARTICLE IV

GENERAL PROVISIONS

Section 1. Duration. The covenants and restrictions of this Supplementary Declaration shall run with and bind the land, for a term of twenty (20) years from the date this Supplementary Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years, unless at the expiration of the twenty (20) year term or of any ten (10) year extension period the covenants and restrictions are expressly terminated by an instrument signed by the Class C member (if such membership be in existence) and by not less than seventy-five (75%) percent of the Class A members who are owners of Lots on the parcel. A termination must be recorded.

Section 2. Amendment. This Supplementary Declaration may be amended by an instrument signed by the Class C member and by not less than seventy-five (75%) percent of the Class A members who are owners of lots in the parcel. Any amendment must be recorded.

Section 3. Enforcement. The Association, any owner, or the Developer, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Supplementary Declaration. Failure to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 4. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no wise affect any other provisions which shall remain in full force and effect.

J. ALAN DAVIS, INC.

By: [Signature]
J. ALAN DAVIS, PRESIDENT

RATIFICATION OF CONVEYANCE OF COMMON AREA
AND THE SUPPLEMENTARY DECLARATION OF
COVENANTS AND RESTRICTIONS

WHEREAS, CONTINENTAL NATIONAL BANK OF FORT WORTH, TEXAS, is a lienholder of record on WINDEMERE, an Addition to the City of Arlington, Texas, and described in that certain subdivision map entitled "Final Plat, Windemere", recorded with the County Clerk of Tarrant County, Texas, in Volume 388-108, Page 92, Plat Records, Tarrant County, Texas; and said CONTINENTAL NATIONAL BANK OF FORT WORTH, TEXAS joins in and ratifies the foregoing Conveyance of Common Area and the Supplementary Declaration of Covenants and Restrictions of Windemere, executed by J. ALAN DAVIS, INC., on the _____ day of _____, 1978, for the purpose of showing its approval of the Conveyance of Common Area and the Supplementary Declaration of Covenants and Restrictions of Windemere and its agreement to be bound thereby.

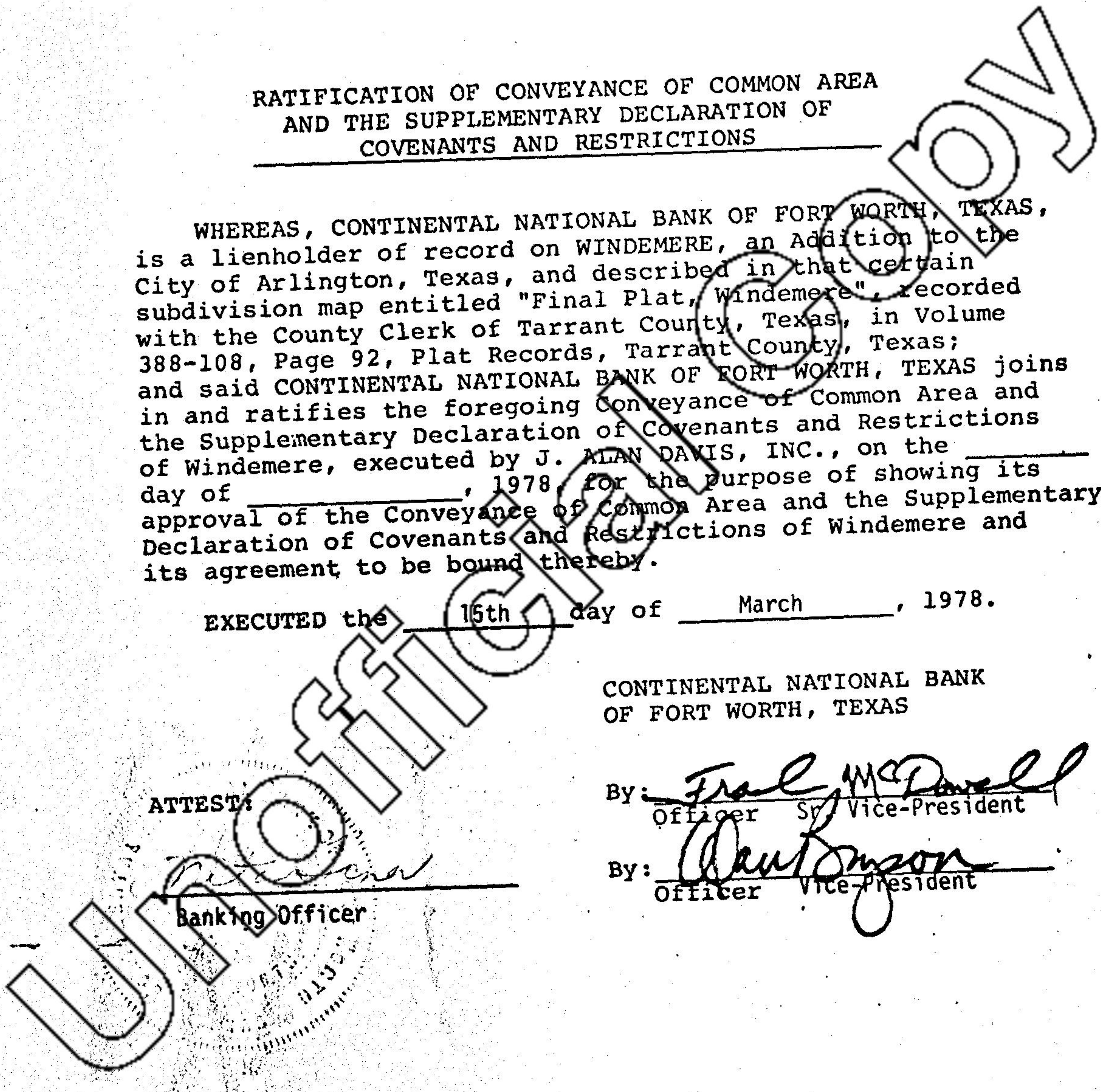
EXECUTED the 15th day of March, 1978.

CONTINENTAL NATIONAL BANK
OF FORT WORTH, TEXAS

By: [Signature]
Officer Sr Vice-President
By: [Signature]
Officer Vice-President

ATTEST:

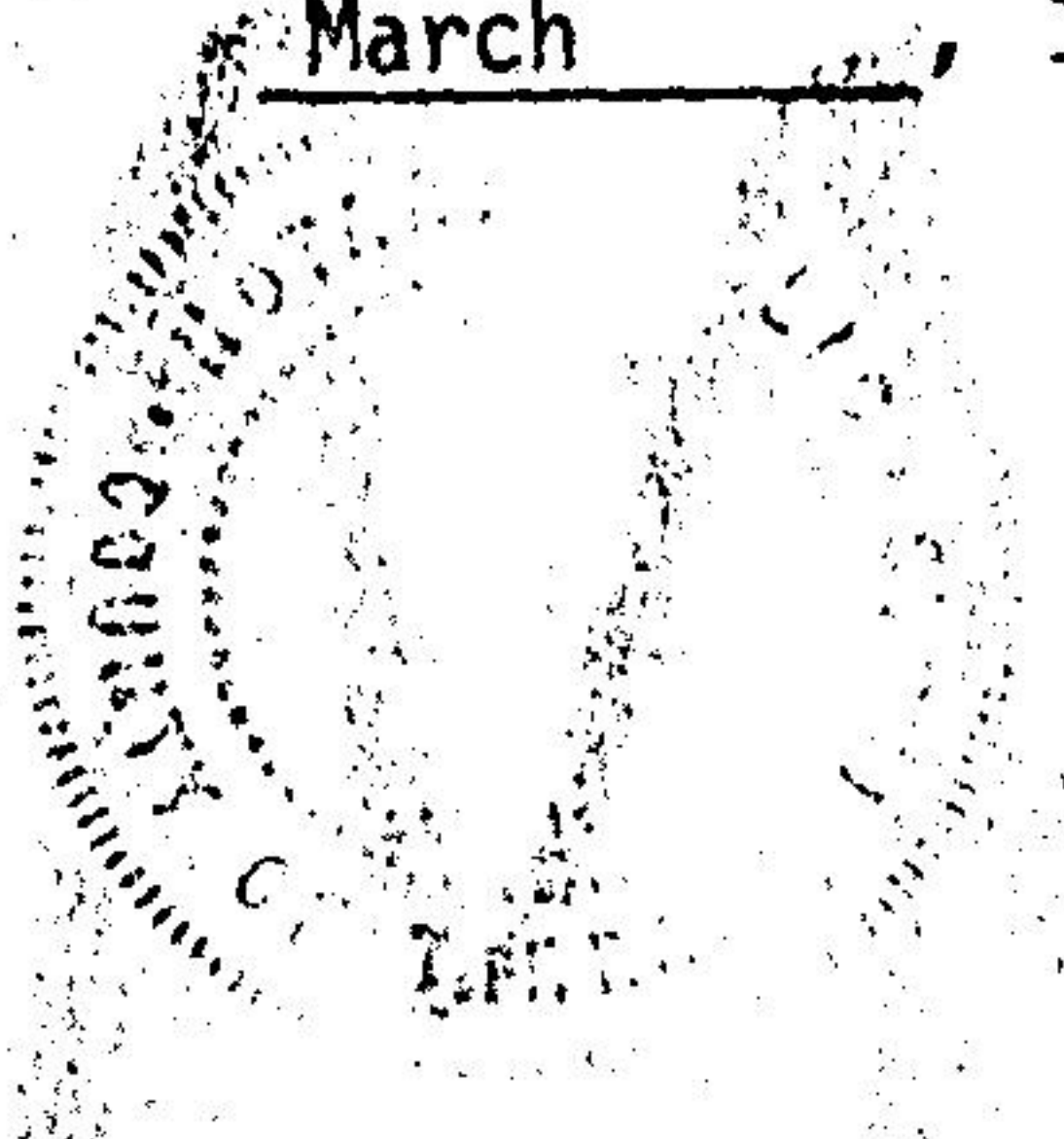
[Signature]
Banking Officer



STATE OF TEXAS)
)
COUNTY OF TARRANT)

BEFORE ME, the undersigned authority, on this day personally appeared Frank McDowell and Dan Bryson, known to me to be the persons and officers whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for CONTINENTAL NATIONAL BANK OF FORT WORTH, TEXAS, for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 15th day of March, 1978.



Sandra Thummett
Notary Public in and for Tarrant
County, Texas.

STATE OF TEXAS)
)
COUNTY OF TARRANT)

BEFORE ME, the undersigned authority, on this day personally appeared J. ALAN DAVIS, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of said J. ALAN DAVIS, INC. and that he executed same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 8 day of March, 1978.

Franky John
Notary Public in and for Tarrant
County, Texas.

UNOFFICIAL COPY

PHASE THREE FIELD NOTES

BEING a portion of WINDEMERE, an addition to the City of Arlington, Tarrant County, Texas as recorded in Volume 388-108, Page 92 of the Plat Records of Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the East right of way line of Lillard Lane. Said point being the most Westerly Southwest corner of said WINDEMERE addition;

THENCE N 00°31' E 250.32 feet along said East right of way line to a point;

THENCE EAST 79.22 feet, departing said right of way to a point;

THENCE NORTH 8.5 feet to a point;

THENCE S 87°56' E 25.58 feet to a point;

THENCE N 08°36' W 22.84 feet to a point;

THENCE EAST 528.88 feet to a point in the centerline of Castlewood Drive;

THENCE SOUTH 127.0 feet along said centerline to a point at the intersection of Winter Sunday Way;

THENCE along the centerline of Winter Sunday Way as follows:

1. EAST 104.07 feet to the P.C. of a curve to the right;
2. 134.93 feet along said curve to the right having a radius of 203.45 feet to the P.C. of a curve to the left;
3. 53.19 feet along said curve to the left having a radius of 203.45 feet to a point at the intersection of Fountainwood Drive;

THENCE SOUTH 87.8 feet along the centerline of Fountainwood Drive to a point;

THENCE WEST 306.88 feet departing said centerline to a point;

THENCE N 00°40' W 15.0 feet to a point;

THENCE WEST 175.0 feet to a point;

THENCE S 00°40' E 15.0 feet to a point;

THENCE S 89°54' W 429.98 feet to the place of beginning.

"EXHIBIT A"

BUILDING CONSTRUCTION PHASE PLAN

PHASE ONE - PROJECTED COMPLETION DATE - JANUARY 1, 1977
 PHASE TWO - PROJECTED COMPLETION DATE - JUNE 1, 1977
 PHASE THREE - PROJECTED COMPLETION DATE - JANUARY 1, 1978
 PHASE FOUR - PROJECTED COMPLETION DATE - JANUARY 1, 1979

"EXHIBIT A"

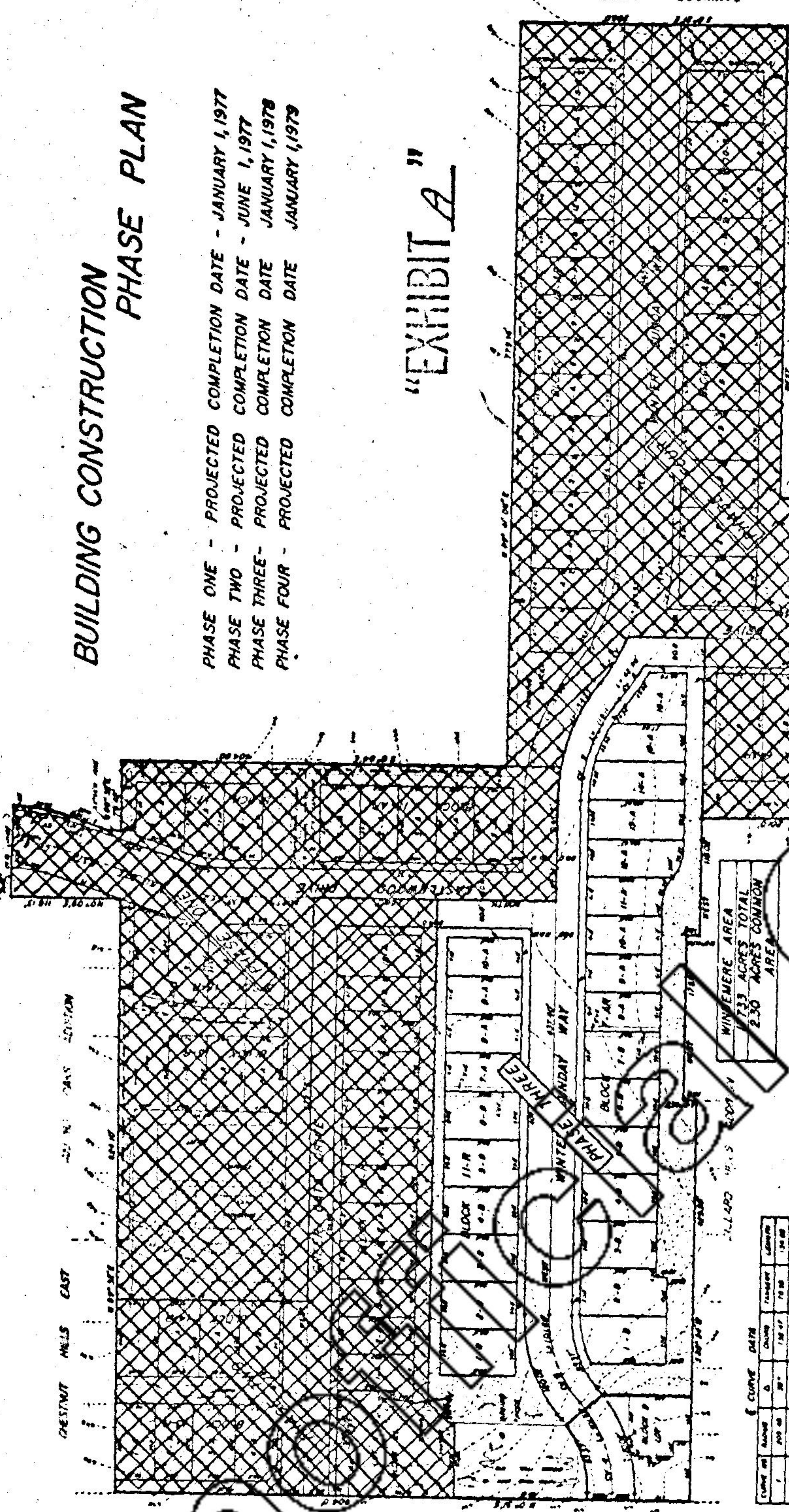
WINDEMERE

AN ADDITION TO THE CITY OF ARLINGTON, TARRANT COUNTY, TEXAS
 BEING A PORTION OF PLAT 148 AS RECORDED IN VOLUME
 308-28 PAGE 27 OF THE PLAT RECORDS OF TARRANT COUNTY TEXAS
 DEVELOPER: J. ALAN DAVIS, INC.
 604 SHADY OAKS LN
 FORT WORTH, TEXAS
 SURVEYOR: JAMES L. BRITTON
 SURVEYING & MAPPING
 204 PENNINGTON DR
 FORT WORTH, TEXAS

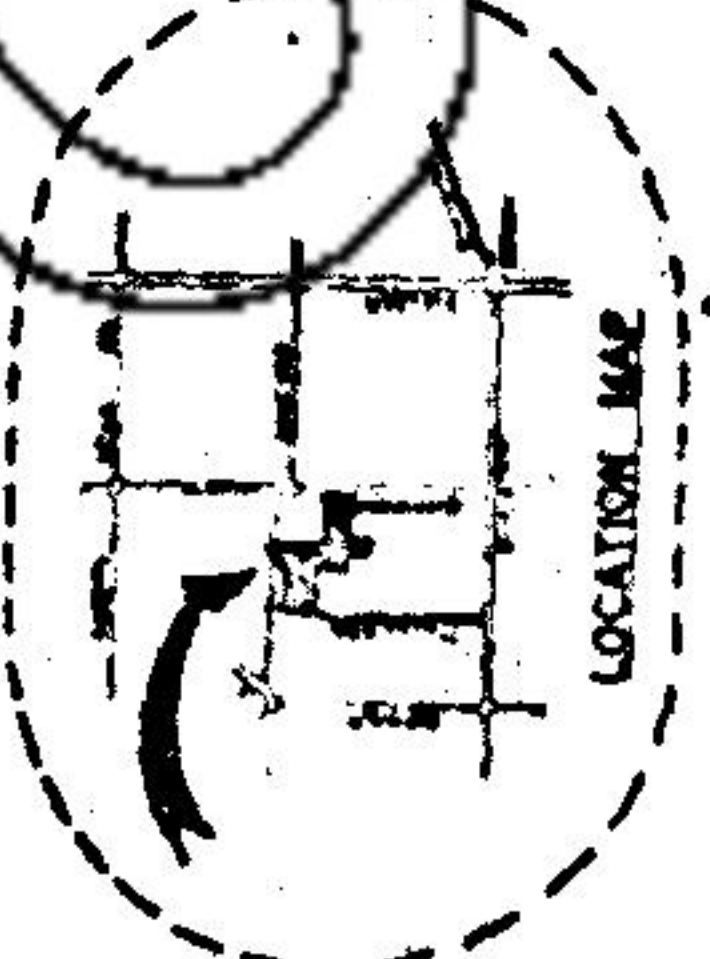
LOT & BUILDING LINE DESCRIPTIONS
 "B" LOTS ARE SHARLE FABLEY
 "B" LOTS ARE DUPLEX WITH THE PROVISION THAT "B"
 LOT LINES MAY BE COMMON ON EVERY OTHER LOT
 "FRONT" BUILDING LINES ARE SAME AS LOT LINES

WEST SANFORD STREET

CHESTNUT WILDS EAST



WINDEMERE AREA
 7733 ACRES TOTAL
 2.50 ACRES COMMON
 AREA



LEGEND

- COMMON AREA
- PRIVATE DRIVE
- AND PARKING AREA

PRIVATE DRIVES, COMMON AREAS ARE ALSO UTILITY EASEMENTS

LOT NO.	AREA	DATE	OWNER
1	100.00	1/1/77	...
2	100.00	1/1/77	...
3	100.00	1/1/77	...
4	100.00	1/1/77	...
5	100.00	1/1/77	...
6	100.00	1/1/77	...
7	100.00	1/1/77	...
8	100.00	1/1/77	...
9	100.00	1/1/77	...
10	100.00	1/1/77	...
11	100.00	1/1/77	...
12	100.00	1/1/77	...
13	100.00	1/1/77	...
14	100.00	1/1/77	...
15	100.00	1/1/77	...
16	100.00	1/1/77	...
17	100.00	1/1/77	...
18	100.00	1/1/77	...
19	100.00	1/1/77	...
20	100.00	1/1/77	...

LOT NO.	AREA	DATE	OWNER
21	100.00	1/1/77	...
22	100.00	1/1/77	...
23	100.00	1/1/77	...
24	100.00	1/1/77	...
25	100.00	1/1/77	...
26	100.00	1/1/77	...
27	100.00	1/1/77	...
28	100.00	1/1/77	...
29	100.00	1/1/77	...
30	100.00	1/1/77	...
31	100.00	1/1/77	...
32	100.00	1/1/77	...
33	100.00	1/1/77	...
34	100.00	1/1/77	...
35	100.00	1/1/77	...
36	100.00	1/1/77	...
37	100.00	1/1/77	...
38	100.00	1/1/77	...
39	100.00	1/1/77	...
40	100.00	1/1/77	...

SCALE 1" = 100'

STATE OF TEXAS
COUNTY OF TARRANT
I hereby certify that this instrument was FILED on the
date and at the time stamped hereon by me and was duly
RECORDED in the Volume and Page of the DEED RECORDS
of Tarrant County, Texas as stamped hereon by me.

MAR 16 1978



Madeline Huffman
COUNTY CLERK
TARRANT COUNTY, TEXAS

Unofficial Copy