

**FIRST AMENDMENT TO THE  
DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR  
HIGHLAND OAKS**

**A Single Family Detached Residential Subdivision  
an Addition to Johnson County, Texas**

aka the  
**PROTECTIVE COVENANTS**  
including provisions relating to

**HIGHLAND OAKS AT EGAN  
HOMEOWNERS ASSOCIATION, INC.**  
(A Texas Non-Profit Corporation)

**Property Affected**

The affected Property is that real property, being Phase 1, Lots 1 – 6, Block 1, Lots 1 – 7, Block 2, and Open Space Reserve #1, Block 2, Phase 2, Lots 7 – 10, Block 1, and Open Space Reserve #3, Block 1, Lots 8 – 18, Block 2, and Open Space Reserve #2, Block 2, and an 18.51 acre tract of land not platted into residential Lots as of April 1, 2016, designated as Lot 1, Phase 3, Lot 1, Block 3 in the Highland Oaks Addition, Johnson County, Texas, all being a 62.997 acre tract of land in the W.E. Jones Survey, Abstract No. 450, Johnson County, Texas in the Highland Oaks at Egan Addition (aka "Highland Oaks") in Johnson County, Texas, according to the Phase 1 Plat recorded on July 11, 2017 in Drawer H, Vol. 11, Pages 252 - 253 in the Plat Records of Johnson County, Texas, as more particularly described in Exhibit A, attached hereto and incorporated by reference herein, plus any "Additional Land" hereafter added to the subdivision and platted of record in Johnson County, Texas, and made subject to the jurisdiction of the Association.

STATE OF TEXAS           §  
  §       KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF JOHNSON   §

This First Amendment to the Declaration of Covenants, Conditions and Restrictions (alternatively the "First Amended Declaration" or the "First Amended Protective Covenants") for Highland Oaks At Egan Addition, aka "Highland Oaks" a single family, detached residential subdivision of Johnson County, Texas, is made on the day this

First Amended Declaration is executed by DAP Companies, LLC, a Texas Limited Liability Company ("Declarant"), the original owner of the single family, detached residential Lots and Common Areas (the "Property") within the subdivision, being Phase 1, Lots 1 – 6, Block 1, Lots 1 – 7, Block 2, and Open Space Reserve #1, Block 2, Phase 2, Lots 7 – 10, Block 1, and Open Space Reserve #3, Block 1, Lots 8 – 18, Block 2, and Open Space Reserve #2, Block 2, and an 18.51 acre tract of land not platted into residential Lots as of April 1, 2016, designated as Lot 1, Phase 3, Lot 1, Block 3 in the Highland Oaks Addition, Johnson County, Texas, all being a 62.997 acre tract of land in the W.E. Jones Survey, Abstract No. 450, Johnson County, Texas in the Highland Oaks at Egan Addition (aka "Highland Oaks") in Johnson County, Texas, according to the Phase 1 Plat recorded on July 11, 2017 in Drawer H, Vol. 11, Pages 252 - 253 in the Plat Records of Johnson County, Texas, as more particularly described in Exhibit A, attached hereto and incorporated by reference herein, plus any "Additional Land" added hereafter to the subdivision and platted of record in Johnson County, Texas, and further according to the Highland Oaks At Egan Homeowners Association, Inc. (aka "Highland Oaks HOA" or alternatively referred to herein as the "Association"), the intended owners of the Common Areas within the subdivision, who shall obtain legal title to ownership of such Common Areas as provided herein. This First Amended Declaration shall be effective on the day this First Amended Declaration is recorded in the Johnson County, Texas Real Property Records by DAP Companies, LLC ("Declarant").

**WITNESSETH:**

**WHEREAS**, Declarant is the Owner and Developer of the Subdivision.

**WHEREAS**, Declarant desires, for the protection and benefit of all persons who are or may hereafter become Owners of Lots located within the Subdivision, that the definition of "Property" as defined in the Declaration of Covenants, Conditions And Restrictions (aka "Protective Covenants") of Highland Oaks At Egan (aka and referred to herein as "Highland Oaks"), an Addition to Johnson County, Texas, recorded in the Real Property Records of Johnson County, Texas on October 26, 2017 as Document Number 2017-26690, be developed and maintained in accordance with certain limitations, restrictions and uses as provided in the Protective Covenants of Highland Oaks, as amended hereby. This First Amendment to the Protective Covenants shall run with the land and be binding upon all parties purchasing Lots within the Property and all persons claiming by, through or under Declarant until December 31, 2027, at which time said Protective Covenants shall be automatically extended for successive periods of ten (10) years, unless by vote of a sixty-seven percent (67%) of persons then owning Lots within the Subdivision (unless a specific provision hereof requires a different vote), it is agreed to modify these Protective Covenants, as amended by this First Amendment to the Protective Covenants, in whole or in part.

## **AGREEMENT:**

**NOW THEREFORE**, Declarant does hereby declare, adopt and impose this First Amendment to the Protective Covenants of , which Protective Covenants, as amended by this First Amendment to the Protective Covenants, in whole or in part, shall bind the Subdivision and all Lots and Lot Owners therein, and shall run with the Subdivision and any title or interest therein, or any part thereof, and shall inure to the benefit of each Owner and future Owner thereof. If any provision in the Protective Covenants of Highland Oaks At Egan (aka and referred to herein as "Highland Oaks") recorded in the Real Property Records of Johnson County, Texas on October 26, 2017 as Document Number 2017-26690, conflicts with any provision of this First Amendment to the Protective Covenants of Highland Oaks, the provision contained in this First Amendment to the Protective Covenants of Highland Oaks shall control.

**ARTICLE I DEFINITIONS AND TERMS, Section 1.41.** "**Preferred Builder**" is hereby added to the definitions at the end of this Article I to read as follows:

**1.41. "Preferred Builder"** means a "Builder" defined in Section 1.6 herein who the Board of Directors of the Association, in the Board's sole discretion, from time to time grants special exemptions, advertising and construction referral benefits and privileges in exchange for agreed duties and responsibilities to promote the sale of Lots and the construction of homes and related improvements in Highland Oaks.

**Section 7.3. Construction Restrictions, Subsection C. Minimum Square Footage** is hereby amended in its entirety to read as follows:

**Section 7.3. Construction Restrictions, Subsection C. Minimum Square Footage.** All principal dwellings shall have the minimum square footage of air-conditioned living area required hereinbelow. "Air-Conditioned Living Area" as used herein, is defined as the area measured from outside exterior wall to outside exterior wall, computed in square footage, exclusive however of any square footage contained within the garage, covered porches, and walkways. Notwithstanding any variances hereafter granted by either Declarant or by the Architectural Control Committee, the principal dwelling on each Lot in Phase One of the Highland Oaks Subdivision shall have at least Two Thousand, Eight Hundred (2,800) square feet of air-conditioned living area. Any dwelling with more than one story shall have situated on the first floor at least Two Thousand (2,000) square feet of air-conditioned living area.

## **CERTIFICATION & ACKNOWLEDGMENT**

As the Declarant of the Highland Oaks Subdivision and the initial and sole Member of the Highland Oaks At Egan Homeowners Association, Inc., I certify that the foregoing First Amendment to The Declaration of Highland Oaks At Egan Homeowners Association, Inc. was adopted by the Board of Directors of Highland Oaks At Egan Homeowners Association, Inc. for the benefit of the Association and its Members, to be effective retroactively as of the 20<sup>th</sup> day of April, 2017.

**SIGNED AND ACKNOWLEDGED** on this 20<sup>th</sup> day of April, 2018<sup>MC</sup>.

DECLARANT:

HIGHLAND OAKS AT EGAN HOMEOWNERS ASSOCIATION, INC.

*Charles Daniel Sear*

Charles Daniel Sear, President and Treasurer

*Paul Anthony Benavidez*

Paul Anthony Benavidez, Vice President

*Robin Lynn Sear*

Robin Lynn Sear, Secretary

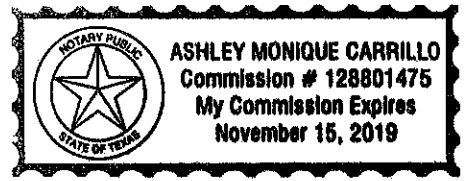
THE STATE OF TEXAS )(
COUNTY OF JOHNSON )(

This instrument was acknowledged before me on April 20, 2018, by Charles Daniel Sear, President and Treasurer, Paul Anthony Benavidez, Vice President and Robin Lynn Sear, Secretary on behalf of the HIGHLAND OAKS AT EGAN HOMEOWNERS ASSOCIATION, INC., a Texas non-profit corporation.

*Ashley Monique Carrillo*
Notary Public, State of Texas

After filing return to:

John A. Hall, President
Gran Country, LLC
Association Managing Agent
510 W. Pearl Street, Suite 100
Granbury, Texas 76048



After recording, please return to:

John A. Hall, President  
Gran Country, LLC,  
Designated Agent for  
DAP Companies, Inc.  
510 W. Pearl Street, Suite 100  
Granbury, Texas 76048