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SUPPLEMENTAL DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
OF
WILLOW CREEK COUNTRY CLUB ESTATES,
PHASE II, SECTION IIC,
AN ADDITION TO THE CITY OF BEAUMONT,
JEFFERSON COUNTY, TEXAS

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

That this **Supplemental Declaration of Covenants, Conditions and Restrictions of Willow Creek Country Club Estates, Phase II, Section IIC, an Addition to the City of Beaumont, Jefferson County, Texas** (the "Supplemental Declaration") is this day made by **Beaumont Willow Creek, Inc.**, a Texas corporation (the "Declarant").

W I T N E S S E T H :

WHEREAS, by **Declaration of Covenants, Conditions and Restrictions of Willow Creek Country Club Estates, Phase II, Section IIB, an Addition to the City of Beaumont, Jefferson County, Texas** (the "Declaration") dated September 28, 1992, and filed for record under Film Code Number 104-46-0187 in the Official Public Records of Real Property of Jefferson County, Texas, the Declarant caused a certain 7.597 acre tract of land in Beaumont, Jefferson County, Texas, to be subdivided and platted into an addition to the City of Beaumont, Jefferson County, Texas, known and designated as **Willow Creek Country Club Estates, Phase II, Section IIB, an Addition to the City of Beaumont, Jefferson County, Texas** ("Willow Creek, Section IIB"), in accordance with the Final Plat of said Willow Creek, Section IIB (the "Section IIB Plat"), filed for record contemporaneously with the Declaration and appearing of record in Volume 15, Page 50 of the Map Records of Jefferson County, Texas, reference to said Declaration and Section IIB Plat being here made for all purposes; and

WHEREAS, the Declaration and the Section IIB Plat describe or reflect a 9.912 acre tract of land lying south of and adjacent to Willow Creek, Section IIB, and referred to in the Declaration as the "Future Development Tract" and reflected on the Section IIB Plat as "Future Development"; and

WHEREAS, the Declaration provides, in part, that the Declarant, at its sole election, may bring within the scheme of the Declaration and within the jurisdiction of the **Willow Creek Country Club Estates, Phase II, Section IIB Owners Association** (the "Association") all or any part of the Future Development Tract by Declarant's filing for record in the office of the County Clerk of Jefferson County, Texas, a supplemental declaration subjecting such additional property to the scheme of the Declaration and to the jurisdiction of the Association, together with a plat of such additional property; and

WHEREAS, the Declaration further provides, in part, that any such supplemental declaration may contain complimentary and supplementary provisions, conditions, covenants, restrictions and reservations, and (subject to certain limitations specified in the Declaration) may amend and modify the provisions, conditions, covenants, restrictions and reservations contained in the Declaration; and

WHEREAS, the Declaration defines the term "Addition" to mean, refer to and include Willow Creek, Section IIB, together with such additional part or parts of the Future Development Tract as shall be brought within the scheme of the Declaration and within the jurisdiction of the Association pursuant to the terms and provisions of the Declaration; and

WHEREAS, the Declarant now desires to bring into the Addition (as that term is defined in the Declaration), and within the jurisdiction of the Association and the integrated scheme of development and ownership provided in and contemplated by the Declaration, the entire 9.912 acre tract or parcel of land referred to in the Declaration as the "Future Development Tract", which 9.912 acre tract is to be known, platted and subdivided into **Willow Creek Country Club Estates, Phase II, Section IIC, an Addition to the City of Beaumont, Jefferson County, Texas**, said 9.912 acre tract of land being described as follows, to-wit:

FIELDNOTE DESCRIPTION OF A 9.912 ACRE TRACT OF LAND OUT OF THE SAMUEL STIVERS LEAGUE, ABSTRACT NO. 51, IN BEAUMONT, JEFFERSON COUNTY, TEXAS.

ALL THAT CERTAIN tract or parcel of land being out of and a part of that certain tract of land conveyed to J. H. Phelan by deed dated February 5, 1934, and recorded in Volume 384, Page 257 of the Deed Records of Jefferson County, Texas, said tract or parcel being more fully described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod at the southeast corner of Willow Creek Country Club Estates, Phase II, Section II, as recorded in Volume 14, Page 325 of the Map Records of Jefferson County, Texas, said iron rod being at the intersection of the southerly line of Mahogany Run, a fifty foot (50') wide street right-of-way, and the westerly line of Willow Bend Drive, a sixty foot (60') wide street right-of-way in a curve to the left having a central angle of 12° 03' 05", a radius of 879.45 feet (879.45') and a long chord of 184.64 feet (184.64') which bears South 10° 12' 49" East, said iron rod also being located North 31° 49' 35" West a distance of 734.65 feet (734.65') from the point of intersection of the easterly right-of-way line of Willow Bend Drive with the northerly right-of-way line of Colonial Drive, a fifty foot (50') wide street right-of-way dedicated as part of Willow Creek Country Club Estates, Phase II, Section VIII A, plat of which appears in Volume 14, Page 304 of the Map Records of Jefferson County, Texas;

THENCE along said curve to the left for an arc distance of 184.98 feet (184.98') to a 1/2 inch iron rod for the PLACE OF BEGINNING;

THENCE continuing along the westerly line of Willow Bend Drive, in a curve to the left having a central angle 24° 17' 39", a radius of 879.45 feet (879.45'), and a long chord of 370.11 feet (370.11') which bears South 28° 22' 36" East for an arc distance of 372.90 feet (372.90') to the point of tangency of said curve;

THENCE continuing along the westerly line of Willow Bend Drive, South 40° 31' 25" East for a distance of 230.00 feet (230.0') to a 5/8 inch iron rod found for the point of curvature of a curve to the right having a central angle of 66° 35' 45", a radius of 470.0 feet (470.0') and a long chord of 516.05 feet (516.05') which bears South 07° 13' 34" East;

THENCE along said curve to the right for an arc distance of 546.29 feet (546.29') to a point for corner;

THENCE North 55° 35' 01" West for a distance of 777.36 feet (777.36') to a 1/2 inch iron rod for corner;

THENCE North 63° 08' 42" West for a distance of 262.03 feet (262.03') to a 1/2 inch iron rod found for corner;

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THENCE North 26° 51' 18" East for a distance of 300.0 feet (300.0') to a 1/2 inch iron rod for corner;

THENCE South 63° 08' 42" East for a distance of 140.0 feet (140.0') to a 1/2 inch iron rod for corner;

THENCE North 26° 51' 18" East for a distance of 71.64 feet (71.64') to a 1/2 inch iron rod for corner;

THENCE North 49° 54' 05" West for a distance of 27.67 feet (27.67') to a 1/2 inch iron rod for corner;

THENCE North 29° 00' 19" West for a distance of 59.05 feet (59.05') to a 1/2 inch iron rod for corner;

THENCE North 35° 52' 44" East for a distance of 74.65 feet (74.65') to a 1/2 inch iron rod for corner;

THENCE North 74° 05' 54" East for a distance of 205.94 feet (205.94') to the PLACE OF BEGINNING.

CONTAINING IN AREA 9.912 acres of land.

NOW, THEREFORE, **Beaumont Willow Creek, Inc.** (the "Declarant"), a Texas corporation acting herein by and through a duly authorized officer thereof, hereby makes this Supplemental Declaration under and in accordance with the provisions of the Declaration:

Sec. 1 - Subdivision of Future Development Tract

1.01 The Declarant, being the owner of the above described 9.912 acre tract, which is the entirety of the 9.912 acre "Future Development Tract" described in the Declaration and reflected upon the Section IIB Plat as "Future Development", has caused said 9.912 acre tract to be subdivided and platted into an addition to the City of Beaumont, Jefferson County, Texas, known and to be known as **Willow Creek Country Club Estates, Phase II, Section IIC, an Addition to the City of Beaumont, Jefferson County, Texas** ("Willow Creek, Section IIC"), in accordance with the Final Plat of Willow Creek Country Club Estates, Phase II, Section IIC (the "Section IIC Plat"), prepared by Schaumburg & Polk, Inc. and filed for record in the office of the County Clerk of Jefferson County, Texas, contemporaneously with this Supplemental Declaration; and acting under and pursuant to the provisions of the Declaration, the Declarant hereby and herewith brings said 9.912 acre tract of land within the scheme of the Declaration and within the jurisdiction of the Association, and said Willow Creek, Section IIC, shall henceforth constitute a part of the "Addition", as defined in the Declaration.

Sec. 2 - Adoption of Section IIC Plat

2.01 The Declarant hereby and herewith adopts the Final Plat of Willow Creek, Section IIC, (the "Section IIC Plat") and does hereby dedicate the street, utility, drainage and sight easements shown and reflected upon the Section IIC Plat, and does hereby impose upon the Lots in Willow Creek, Section IIC, the basic restrictions and blanket easements set forth upon the Section IIC Plat.

Sec. 3 - Extension of Declaration to Willow Creek, Section IIC

3.01 All of the provisions, covenants, conditions, restrictions and reservations set forth and contained in the Declaration, together with all of the blanket easements reserved, granted or created by the Declaration, are hereby extended and made expressly applicable to the 9.912 acre tract herein and hereby subdivided, platted and dedicated as Willow Creek, Section IIC, and all of such property shall be held, sold and conveyed subject to the easements, provisions, covenants, conditions, restrictions and reservations set forth in the Declaration and to the easements and basic restrictions set forth and reflected upon the Section IIC Plat.

All of the aforementioned easements, provisions, covenants, conditions, restrictions and reservations, together with the supplemental covenants, conditions and restrictions hereinafter set forth, shall constitute covenants running with the land and shall be binding upon all parties having any right, title or interest in said 9.912 acre tract, or any part thereof, and upon such parties' respective heirs, successors, legal representatives, devisees, lessees and assigns, and shall inure to the benefit of such parties and their respective heirs, successors, legal representatives, devisees, lessees and assigns.

Sec. 4 - Supplemental Covenants, Conditions and Restrictions

4.01 By way of supplementation (or explanation), and not by way of limitation, of the definition of the term "common area" contained in the Declaration, Section 6 of ARTICLE I of the Declaration is supplemented by the addition thereto of the following sentence:

> "Without limitation of the foregoing, the common area of the Addition shall include that part or portion of Willow Creek, Section IIC, as is shown and reflected upon the Section IIC Plat as "COMMON AREA"."

4.02 By way of supplementation, and not by way of limitation, of the provisions, covenants, conditions, restrictions and reservations set forth and contained in the Declaration, Section 4 of ARTICLE III of the Declaration, entitled Fence Easements, is hereby amended and modified to read as follows:

> "Section 4. Fence Easement. An easement on and over:
>
> (a) the northerly five feet (5') of Lots 1, 3 and 4, in Block 12;
>
> (b) the easterly five feet (5') of Lot 4, in Block 12;
>
> (c) the northeasterly ten feet (10') of Lot 18, in Block 12 (the northeasterly line of said Lot being also the southwesterly right-of-way line of Willow Bend Drive);
>
> (d) the northeasterly twenty feet (20') of Lots 2, 3 and 4, in Block 13 (the northeasterly line of said Lots being also the southwesterly right-of-way line of Willow Bend Drive); and
>
> (e) the easterly twenty feet (20') of Lot 24, Block 11 (the easterly line of said Lot being also the westerly right-of-way line of Willow Bend Drive);
>
> of the Addition (collectively the "Perimeter Lots") is reserved in favor of Declarant and the Association for the purpose of constructing, installing, maintaining, repairing and replacing a subdivision fence, together with landscaping and a sprinkler system outside of the subdivision fence (if any) constructed on the Perimeter Lots. The fence easement reserved on Lots 2, 3 and 4, in Block 13, and on Lot 24, in Block 11, is coextensive with a twenty foot (20') sight easement reserved and dedicated upon the Section IIC Plat; and the construction, installation, maintenance, repair or replacement of a subdivision fence, or the planting or maintenance of landscaping, within such fence easement shall be subject to and governed by any applicable sight easement restrictions of the City of Beaumont. Subject to the foregoing restrictions (if any), Declarant and the

Association, and their respective representatives, agents, employees and contractors, shall at any and all times have the right to enter into and upon the fence easement for the purpose of constructing, installing, maintaining, repairing and replacing the subdivision fence (if any) and sprinkler system (if any) constructed or installed within the fence easement and planting, removing and maintaining any landscaping outside of the subdivision fence (if any). The owner of any Perimeter Lot shall not plant or permit within the fence easement (or elsewhere on such Perimeter Lot) any tree, shrub or vine which will attach to or overhang the fence (if any) constructed or installed within the fence easement; and the owner of any Perimeter Lot shall continuously maintain the fence easement area of such Perimeter Lot inside of the subdivision fence (if any).

4.03 By way of supplementation, and not by way of limitation, of the provisions, covenants, conditions, restrictions and reservations set forth and contained in the Declaration, Section 26 of ARTICLE VIII of the Declaration, entitled Fence Requirements on Certain Lots, is hereby supplemented by adding thereto the following Section 26(a):

"Section 26(a). Additional Fence Requirements on Certain Lots. Any fencing of the rear yards of Lots 12 through and including 18, in Block 12, of the Addition shall meet the same requirements as set forth in Section 26 above for Lots abutting the golf course. For the purposes of this Section 26(a), the "rear yard" of Lot 12, in Block 12, shall be deemed to mean and include all parts of said Lot abutting the "COMMON AREA" shown and reflected upon the Section IIC Plat, extending to a depth of seventy-five feet (75') from any common boundary line of said Lot 12 and of the "COMMON AREA". For the purposes of this Section 26(a), the "rear yards" of Lots 13 through and including 18, in Block 12, shall be deemed to mean and include all parts or portions of such Lots abutting the "COMMON AREA" shown and reflected upon the Section IIC Plat.

IN WITNESS WHEREOF, Declarant has caused this Supplemental Declaration to be executed by a duly authorized officer thereof on this 12th day of August, 1993.

DECLARANT: **Beaumont Willow Creek, Inc.**

By: _____
Michael A. Phelan, President

THE STATE OF TEXAS §

COUNTY OF JEFFERSON §

This instrument was acknowledged before me on August 12th, 1993, by **Michael A. Phelan**, President of **Beaumont Willow Creek, Inc.**, a Texas corporation, on behalf of said Corporation.

M G Williams
Notary Public, State of Texas

M. G. WILLIAMS
Notary Public
STATE OF TEXAS
My Comm. Exp. Nov. 14, 1996

AFTER RECORDING RETURN TO:
Mr. Don DeCordova
210 Stedman Bldg., 490 Park Street
Beaumont, Texas 77701

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FILED FOR RECORD

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COUNTY CLERK
JEFFERSON COUNTY, TEXAS

08/25/93 RCD 93 29749 $ 13.00