

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

THE STATE OF TEXAS

COUNTY OF FAYETTE

AMENDED AND RESTATED DECLARATION OF COVENANTS AND
RESTRICTIONS

The undersigned, being all of the current owners of the land described in, and made subject to, the Declaration recorded as Instrument No. 21-01788 in Volume 1984, Page 854 of the Official Public Records of Fayette County, Texas (the "*Declaration*"), hereby covenant and agree that the Declaration is hereby amended and restated in its entirety as set forth below, but only with respect to, and only insofar as it affects, the property described on Exhibit A attached hereto and made a part hereof (the "*Property*").

1. No mobile home or similar temporary structures nor any shack, shall be permitted on the Property at any time.
2. There shall not be, or cause to be, any burning or igniting causing flame of rubbish, grass or brush, without the express consent of the local volunteer fire department.
3. No trash, ashes, garbage, or other refuse may be thrown or dumped on any property and no property shall be used or maintained as dumping ground for rubbish or trash, and no garbage or other waste shall be kept except in sanitary containers.
4. Grass and weeds on the Property must be kept mowed at regular intervals or as may be necessary to maintain the neat and attractive appearance.
5. No residential structure shall hereafter be erected on any tract nearer than fifty feet (50') from any street/road or closer than thirty feet (30') from any property line.
6. No private sewage disposal systems shall be permitted on the Property other than approved aerobic or septic systems as prescribed by the State of Texas and Fayette County, Texas and under no condition shall any disposal be made that cannot be wholly contained within the boundaries of the tract being served by such system.

7. All boats, tractors, travel trailers, motor homes or commercial vehicles and vehicles that are inoperable shall not be stored or kept on any tract, except in enclosed garages or storage facilities protected from the view of other owners. Carports will not be considered to be an enclosed structure.
8. Commercial inventory must be enclosed in a building except during posted hours of operation.
9. There shall be no commercial raising or feeding operations of any animal on any tract. Horses, cattle, goats and sheep may be kept on any tract, but the tract on which such animals are kept must be securely fenced so that the animals are restricted to their owner's tract: not more than one (1) horse, (1) head of cattle, one (1) sheep or one (1) goat may be kept on each full two acres of land. No swine may be kept on any tract.

Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way effect any other provisions which shall remain in full force and effect. The foregoing covenants and restrictions shall run with the title to the Property, and each owner of the Property and their respective successors in title shall have the right to enforce these restrictions and protective covenants. This document may be signed in multiple counterparts.

EXECUTED EFFECTIVE DECEMBER _____, 2024.

Mary Sue Lindsey

STATE OF TEXAS

COUNTY OF _____

This instrument was signed and acknowledged before me on December _____, 2024 by Mary Sue Lindsey.

Notary Public, in and for the State of Texas

My commission expires _____

SCORPIO HOLDINGS, LTD.,
a Texas limited partnership
acting by and through its general partner,
KKCS, LLC, a Texas limited liability company

By: _____
Kyle Killebrew, Sole Member

STATE OF TEXAS

COUNTY OF _____

This instrument was signed and acknowledged before me on December ____, 2024 by
Kyle Killebrew, in the capacity stated.

Notary Public, in and for the State of Texas

My commission expires _____

AFTER RECORDING RETURN TO:

Potter Minton
Attn: James L. Hedrick
102 N. College, Suite 900
Tyler, Texas 75702

EXHIBIT "A"

See Attached Survey Field Notes For

13.611 Acres

And

56.295 Acres

STATE OF TEXAS
COUNTY OF FAYETTE

MARY SUE LINDSEY
56.295 ACRES

All that certain tract or parcel of land containing **56.295 acres** situated in the John Shaw League, A-92, in Fayette County, Texas, and being part of the residual of that tract described as 76 acres in a deed from Anita Meyer to L.C. Meyer dated January 23, 1978 and recorded in Volume 515, Page 299 of the Deed Records of Fayette County, said **56.295 acre** tract being more particularly described by metes and bounds as follows:

Beginning at a point in the Northwest line of State Highway 237 (80' right-of-way - Vol. 144, Pg. 21 - F.C.D.R.) at the Northeast base of an 18" hackberry tree for the East corner of the (called) 74.781 acre Michael Schwarz tract (Vol. 864, Pg. 273 F.C.D.R.), the South corner of said Meyer residual tract, the South corner of the tract herein described and the **PLACE OF BEGINNING**, said point having a coordinate value of North = 13,936,881.31 feet and East = 2,693,792.72 feet according to the Texas State Plane Coordinate System - South Central Zone - NAD 83(2011), from which a 1/2" iron rod found for witness bears North 44 degrees 23 minutes 25 seconds West, 0.61 feet;

Thence **North 44 degrees 23 minutes 25 seconds West**, departing said highway right-of-way line, **617.86 feet** along the common line between said Meyer tract and said Schwarz tract to a buried concrete monument found for an angle point;

Thence **North 48 degrees 52 minutes 46 seconds West**, **1,734.75 feet** along said common line to a point on the North side of Shaw's Creek and in the Southeast line of the (called) 89.358 acre Waak Windmill Ranch tract (Vol. 1733, Pg. 843 F.C.O.R.) for the North corner of said Schwarz tract, the West corner of said Meyer tract and the West corner of the tract herein described, from which a concrete monument found for witness bears South 48 degrees 52 minutes 46 seconds East, 94.90 feet, a 1/2" iron rod found at the base of a 24" ash tree bears North 41 degrees 10 minutes 32 seconds East, 4.55 feet and a point in the center of Shaw's Creek for corner of said Waak Windmill Ranch tract bears South 41 degrees 10 minutes 32 seconds West, 9.54 feet;

Thence **North 41 degrees 10 minutes 32 seconds East**, **1,384.81 feet** along the common line between said Meyer tract and said Waak Windmill Ranch tract to a 3/8" iron rod found for the West corner of the (called) 87.54 acre Accommodation Services, LLC tract (Vol. 1779, Pg. 553 F.C.O.R.), the North corner of said (called) 76 acre Meyer tract and the North corner of the tract herein described;

Thence **South 49 degrees 28 minutes 38 seconds East**, **1,834.57 feet** along the common line between said Accommodation Services tract and said Meyer tract to a 1/2" iron rod found for the

MARY SUE LINDSEY
56.295 ACRES
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North corner of the (called) 5.000 acre Scorpio Holdings tract
(Vol. 1984, Pg. 868 F.C.O.R.) and the most Easterly corner of
the tract herein described;

Thence **South 40 degrees 31 minutes 22 seconds West**, departing
said common line, **461.50 feet** to a 1/2" iron rod set within said
(original) 76 acre Meyer tract for the West corner of said 5.000
acre Scorpio Holdings tract and an Easterly South corner of the
tract herein described;

Thence severing said original 76 acre tract with the following
calls:

North 49 degrees 28 minutes 38 seconds West, 252.88 feet to
a 1/2" iron rod set;

North 58 degrees 18 minutes 06 seconds West, 169.49 feet to
a 1/2" iron rod set;

West, 63.26 feet to a 1/2" iron rod set;

South 74 degrees 38 minutes 17 seconds West, 145.78 feet to
a 1/2" iron rod set;

South 66 degrees 20 minutes 42 seconds West, 103.01 feet to
a 1/2" iron rod set;

South 12 degrees 01 minutes 32 seconds East, 260.72 feet to
a 1/2" iron rod set;

South 12 degrees 39 minutes 22 seconds East, 322.01 feet to
a 1/2" iron rod set;

South 44 degrees 23 minutes 25 seconds East, 625.54 feet to
a 1/2" iron rod set in the Northwest right-of-way line of State
Highway 237 for the most Southerly East corner of the tract
herein described;

Thence **South 39 degrees 13 minutes 29 seconds West, 308.68 feet**
along said highway right-of-way line to the **PLACE OF BEGINNING**
and containing **56.295 acres**.

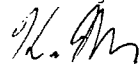
Bearings, distances and coordinates used herein are "GRID" based
on the Texas State Plane Coordinate System - South Central Zone
- NAD 83(2011). Convergence = +01 degree 07 minutes 43 seconds.
Combined factor = 0.9999286.

STATE OF TEXAS

COUNTY OF FAYETTE

I, Kevin Von Minden, a Registered Professional Land Surveyor, do
hereby certify the foregoing field notes to be true and correct
to the best of my knowledge and belief.

BEFCO ENGINEERING, INC.
Firm No. 10001700
Consulting Engineering & Land Surveying


Kevin Von Minden, R.P.L.S.
Registration No. 4438
November 12, 2024
BEFCO Job No. 24-9028(1)



STATE OF TEXAS

MARY SUE LINDSEY

COUNTY OF FAYETTE

13.611 ACRES

All that certain tract or parcel of land containing **13.611 acres** situated in the John Shaw League, A-92, in Fayette County, Texas, and being part of the residual of that tract described as 76 acres in a deed from Anita Meyer to L.C. Meyer dated January 23, 1978 and recorded in Volume 515, Page 299 of the Deed Records of Fayette County, said **13.611 acre** tract being more particularly described by metes and bounds as follows:

Commencing at a point in the Northwest line of State Highway 237 (80' right-of-way - Vol. 144, Pg. 21 - F.C.D.R.) at the Northeast base of an 18" hackberry tree for the East corner of the (called) 74.781 acre Michael Schwarz tract (Vol. 864, Pg. 273 F.C.D.R.) and the South corner of said Meyer residual tract, said point having a coordinate value of North = 13,936,881.31 feet and East = 2,693,792.72 feet according to the Texas State Plane Coordinate System - South Central Zone - NAD 83(2011), from which a 1/2" iron rod found for witness bears North 44 degrees 23 minutes 25 seconds West, 0.61 feet;

Thence North 39 degrees 13 minutes 29 seconds East, 308.68 feet along said Northwest right-of-way line to a 1/2" iron rod set for the South corner of the tract herein described and the **PLACE OF BEGINNING**;

Thence departing said highway and severing said original 76 acre tract as follows:

North 44 degrees 23 minutes 25 seconds West, 625.54 feet to a 1/2" iron rod set;

North 12 degrees 39 minutes 22 seconds West, 322.01 feet to a 1/2" iron rod set;

North 12 degrees 01 minutes 32 seconds West, 260.72 feet to a 1/2" iron rod set;

North 66 degrees 20 minutes 42 seconds East, 103.01 feet to a 1/2" iron rod set;

North 74 degrees 38 minutes 17 seconds East, 145.78 feet to a 1/2" iron rod set;

EAST, 63.26 feet to a 1/2" iron rod set;

South 58 degrees 18 minutes 06 seconds East, 169.49 feet to a 1/2" iron rod set;

South 49 degrees 28 minutes 38 seconds East, 252.88 feet to a 1/2" iron rod found for the West corner of the (called) 5.000 acre Scorpio Holdings tract (Vol. 1984, Pg. 868 F.C.O.R.);

MARY SUE LINDSEY
13.611 ACRES
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Thence **South 49 degrees 28 minutes 38 seconds East, 477.17 feet** along the Southwest line of said Scorpio Holdings tract to a 1/2" iron rod set in the Northwest right-of-way line of State Highway 237 for the East corner of the tract herein described, from which a 1/2" iron rod found for witness at the East corner of said Scorpio Holdings tract bears North 39 degrees 13 minutes 29 seconds East, 461.62 feet and North 49 degrees 28 minutes 38 seconds West, 0.69 feet;

Thence **South 39 degrees 13 minutes 29 seconds West, 687.68 feet** along said highway right-of-way line to the **PLACE OF BEGINNING** and containing **13.611 acres**.

Bearings, distances and coordinates used herein are "GRID" based on the Texas State Plane Coordinate System - South Central Zone - NAD 83(2011). Convergence = +01 degree 07 minutes 43 seconds. Combined factor = 0.9999286.

STATE OF TEXAS

COUNTY OF FAYETTE

I, Kevin Von Minden, a Registered Professional Land Surveyor, do hereby certify the foregoing field notes to be true and correct to the best of my knowledge and belief.

BEFCO ENGINEERING, INC.
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