

Notice of Confidentiality Rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: Your social security number or your driver's license number.

FIFTH AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS

STATE OF TEXAS §
COUNTY OF SOMERVELL §

WHEREAS, CHEYENNE HILLS/GLEN ROSE 618 LIMITED PARTNERSHIP, a Texas limited partnership, as the owner of a majority of the lots on the Property affected by the restrictive covenants, adopted the FOURTH Amendment to Declaration of Restrictive Covenants on February 8, 2006, which FOURTH Amendment was recorded as Instrument No. 43224, Official Public Records of Somervell County, Texas (the "FOURTH Amendment"); and

WHEREAS, the FOURTH Amendment superseded and replaced all prior restrictive covenants affecting the property, which prior restrictive covenants are fully described in the FOURTH Amendment; and

WHEREAS, CHEYENNE HILLS/GLEN ROSE 618 LIMITED PARTNERSHIP, as the owner of twelve (12) of the fifty (50) Parcels, and various individual property owners whose signatures are appended hereto, along with CHEYENNE HILLS/GLEN ROSE 618 LIMITED PARTNERSHIP, collectively own at least 51% of all the lots within the Property desire to further amend the restrictive covenants set forth in the FOURTH Amendment.

1. ARTICLE 1, Section 2.2 of the FOURTH Amendment is hereby amended to read in its entirety as follows:

"2.2. **Residences and Garages.** No building shall be erected, altered, placed or permitted to remain on any Parcel other than one (1) detached single-family residence per Parcel, which residence may not exceed two and one-half (2 1/2) stories in height, and a private garage as described herein. Front entry garages shall not be permitted except on Parcels described as: Lots 31R, 32R, 33, 34, 35, 36, 37 and 38 of Block 2 of the Property."

2. ARTICLE 1, Section 2.9 of the FOURTH Amendment is hereby amended to read in its entirety as follows:

"2.9. **Side Line and Front Line Setback Restrictions.** Except as otherwise provided by this Section 2.9, no dwelling shall be located on any Parcel nearer to the front Parcel line or nearer to the side street line than one hundred (100) feet. For purposes of these covenants, eaves and open porches shall be considered a part of the building. The front setback line shall be fifty feet (50') for the following Parcels: Lots 17, 18R and 19R, Block 3; Lot 1, Block 4; and Lots 31R, 32R, 33, 34, 35, 36, 37 and 38 of Block 2.

Fifth Amendment to Declaration of Restrictive Covenants - 1

The front setback line shall be seventy-five feet (75') for the following Parcels: Lots 5A, 5B, 6A, 6B, 7R, 8, 9R, 10A, 10R, 11A and 11B of Block 2."

3. ARTICLE 5, Section 5.1 of the FOURTH Amendment is hereby amended to read in its entirety as follows:

"5.1. **Non-Profit.** The Association will be formed and organized by the Developer as a non-profit corporation shortly after the sale of the first Parcel, and once formed shall be operated as a non-profit corporation under the laws of the State of Texas. The Association is to be organized and operated primarily to obtain, manage, construct and maintain the property in or of a residential real estate development that is legally restricted for use as residences. The property cannot be used for any commercial activity. The individual resident owners of the lots, residence or residential units must have at least 51% voting control of the Association."

4. Except as amended by this Fifth Amendment, the FOURTH Amendment to Declaration of Restrictive Covenants remains in full force and effect.

Executed effective this 25th day of April, 2014.

DEVELOPER:

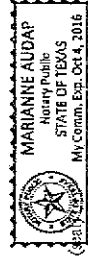
CHEYENNE HILLS/GLEN ROSE 618 LIMITED PARTNERSHIP
By: Triarch Investments, LLC, its General Partner

By: Scott Ezzell
Scott Ezzell, Vice President

STATE OF TEXAS §
COUNTY OF Johnson §

Before me, the undersigned authority, on this day personally appeared Scott Ezzell, known to me (or proved through TX DL (State and ID or DL)) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed it for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this 25th day of April, 2014.



Marianne Audap
Notary Public, State of Texas

Fifth Amendment to Declaration of Restrictive Covenants - 2

PARCEL OWNERS:

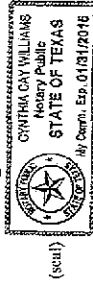
LOT 14A, BLOCK 3

Jonathan Ryan Fienne
Jonathan Ryan Fienne

STATE OF TEXAS §
COUNTY OF Somervell §

Before me, the undersigned authority, on this day personally appeared Jonathan Ryan Fienne and and known to me (or proved through Driver's License (State and ID or DL) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed it for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this 22 day of April, 2014.



Cynthia Cay Williams
Notary Public, State of Texas

PARCEL OWNERS:

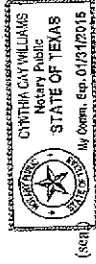
LOT 22/23, BLOCK 2

Nancy Moore
Nancy Moore

STATE OF TEXAS §
COUNTY OF Somervell §

Before me, the undersigned authority, on this day personally appeared Nancy Moore and and known to me (or proved through Driver's License (State and ID or DL) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed it for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this 22 day of April, 2014.



Cynthia Cay Williams
Notary Public, State of Texas

PARCEL OWNERS:

LOT 1/23 BLOCK 3/4

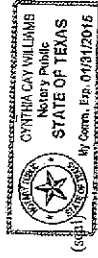
Kendall Cummings
Kendall Cummings

STATE OF TEXAS

COUNTY OF Somervell

Before me, the undersigned authority, on this day personally appeared Kendall Cummings and Delia Elizabeth known to me (or proved through Delia Elizabeth (State and ID or DL) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed it for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this 22 day of April, 2014.



Cynthia Gay Williams
Notary Public, State of Texas

PARCEL OWNERS:

LOT 7R BLOCK 3

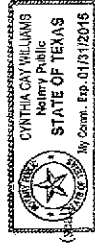
Guy Spencer
Guy Spencer

STATE OF TEXAS

COUNTY OF Somervell

Before me, the undersigned authority, on this day personally appeared Guy Spencer and Delia Elizabeth known to me (or proved through Delia Elizabeth (State and ID or DL) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed it for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this 22 day of April, 2014.



Cynthia Gay Williams
Notary Public, State of Texas

PARCEL OWNERS:

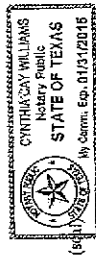
LOT 4, BLOCK 4

Ignacio Ibarra
Ignacio Ibarra

STATE OF TEXAS
COUNTY OF Donnell

Before me, the undersigned authority, on this day personally appeared Ignacio Ibarra and Ignacio Ibarra, known to me (or proved through DEVELOPMENT (State and ID or DL) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed it for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this 22 day of April, 2014.



Cynthia Kay Williams
Notary Public, State of Texas

PARCEL OWNERS:

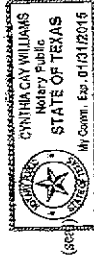
LOT 24, BLOCK 2

Benigno Sanchez
Benigno Sanchez

STATE OF TEXAS
COUNTY OF Donnell

Before me, the undersigned authority, on this day personally appeared Benigno Sanchez and Benigno Sanchez, known to me (or proved through DEVELOPMENT (State and ID or DL) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed it for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this 22 day of April, 2014.



Cynthia Kay Williams
Notary Public, State of Texas

PARCEL OWNERS:

LOT 5B, BLOCK 3

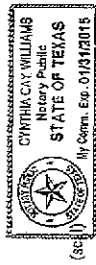
Darrell Martin
DARRELL MARTIN

STATE OF TEXAS

COUNTY OF Sumner

Before me, the undersigned authority, on this day personally appeared Darrell Martin and Darrell Martin, known to me (or proved through Darrell Martin (State and ID or DL) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed it for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this 22 day of April, 2014.



Cynthia Gay Williams
Notary Public, State of Texas

PARCEL OWNERS:

LOT 13, BLOCK 3

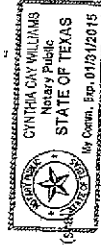
Darrell J. Dugle
DARRELL J. DUGLE

STATE OF TEXAS

COUNTY OF Sumner

Before me, the undersigned authority, on this day personally appeared Darrell Dugle and Darrell Dugle, known to me (or proved through Darrell Dugle (State and ID or DL) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed it for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this 22 day of April, 2014.



Cynthia Gay Williams
Notary Public, State of Texas

PARCEL OWNERS:

LOT 21, BLOCK 2

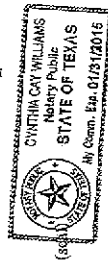
Daniel Wilder
Daniel Wilder

STATE OF TEXAS

COUNTY OF Somervell

Before me, the undersigned authority, on this day personally appeared Daniel Wilder and , known to me (or proved through Deed & License (State and ID or DL) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed it for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this 22 day of April, 2014.



Cynthia Kay Williams
Notary Public, State of Texas

PARCEL OWNERS:

LOT 41, BLOCK 3

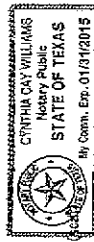
Brenda Tucker
Brenda Tucker
1010 Cheyenne Tr
Nemo TX 76070

STATE OF TEXAS

COUNTY OF Somervell

Before me, the undersigned authority, on this day personally appeared Brenda Tucker and , known to me (or proved through Deed & License (State and ID or DL) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed it for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this 22 day of April, 2014.



Cynthia Kay Williams
Notary Public, State of Texas

Record and Return to:
Triarch Investments, LLC
P.O. Box 584
Maypearl, TX 76664

PARCEL OWNERS:

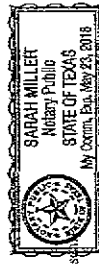
LOT 6 A, BLOCK 3

[Signature]
Ron G. Ballou

STATE OF TEXAS
COUNTY OF Smawell

Before me, the undersigned authority, on this day personally appeared Ronald Ballou and Sally D. known to me (or proved through Sally D.) (State and ID or DL) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed it for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this 24th day of April, 2014.



[Signature]
Sarah Miller
Notary Public, State of Texas

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Candace Garrett
April 23, 2014 4:16:46 PM 20140530

Fee: \$70.00
Candace Garrett, County Clerk
Smawell County TEXAS