

**SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS
ASSESSMENTS, CHARGES, SERVITUDES, LIENS, RESERVATIONS AND
EASEMENTS
WELLINGTON PLACE, UNIT 8**

This Supplemental Declaration of Covenants, Conditions, Assessments, Charges, Servitudes, Liens, Reservations and Easements (herein called "Supplemental Declaration") is made as of this the ___ day of February 2023, by Carney Land Investment & Resource Management, LLC, a Texas limited liability company, (herein called "Declarant") and Wellington Way, LLC, a Texas limited liability company, (herein called "Wellington").

WHEREAS, Declarant acquired all of its declarant rights in that certain Assignment of Declarant's Rights from Grady Rowland to Declarant dated June 30, 2010, recorded in County Clerk's File No. 2010-R00031894, Official Public Records of Smith County, Texas; and

WHEREAS, Wellington owns all of the lots described in the Plat of Wellington Place, Unit 8, recorded in Cabinet F, Slide 93-A of the Smith County Plat Records, by virtue of that certain Warranty Deed from Declarant to Wellington dated July 16, 2021, and recorded in County Clerk's File No. 202101029072, Official Public Records of Smith County, Texas (the "Unit 8 Lots"); and

WHEREAS, in order to enable Declarant and Wellington to implement a general plan of development and accomplish the development of such lands as a first-class residential development of high quality and standards in a consistent manner, with continuity, and to insure the creation of an architecturally harmonious subdivision, Declarant and Wellington desire to subject the Property (as hereinafter defined) to the covenants, conditions, assessments, charges, servitudes, liens, reservations, and easement set forth in that certain Declaration of Covenants, Conditions, Assessments, Charges, Servitudes, Liens, Reservations, and Easements, Wellington Place dated August 17, 2005, recorded in Volume 7879, Page 296, Official Public Records of Smith County, Texas, (herein called the "Declaration"); and

WHEREAS, Article XVIII of the Declaration authorizes Declarant and Wellington to add additional properties to the Declaration by filing this Supplemental Declaration of record in Smith County, Texas. One of the purposes of this Supplemental Declaration is to add the Unit 8 Lots in Wellington Place to the Declaration, and to impose the covenants, restrictions and conditions contained in the Declaration on the Unit 8 Lots, subject to the modifications set forth below; and

WHEREAS, Article XXIII of the Declaration allows the Declarant to make deviations from the Declaration so long as the deviations are generally consistent and harmonious with the remainder of the properties and do not adversely affect the value of another lot.

NOW THEREFORE, in accordance with Article XVIII of the Declaration, Declarant and Wellington declare the Unit 8 Lots to be part of the Subdivision (as defined below) and

that they shall be held, transferred, sold, conveyed and occupied subject to the covenants, conditions, restrictions, easements, changes and liens set forth in the Declaration.

The "Definitions" appearing in Article I of said Declaration are hereby modified as follows:

R. "Lot" shall mean any lot described in the Final Plat Showing Wellington Place Unit 1, as recorded in Cabinet D, Slide 297-B; Wellington Place Unit 2, as recorded in Cabinet E, Slide 60-C; Wellington Place Unit 5, as recorded in Cabinet F, Slide 9-C; Wellington Place Unit 6, as recorded in Cabinet F, Slide 33-B; Wellington Place Unit 7, as recorded in Cabinet F, Slide 32-B; and Wellington Place Unit 8, as recorded in Cabinet F, Slide 93-A, of the Plat Records of Smith County, Texas, together with any lots which may, from time to time, result from the subdivision, combination or division of any of such lots, as may be shown upon a plat or plats of the Property or any part thereof now or hereafter filed for record in the Map and Plat Records of Smith County, Texas (as such plat or plats may be amended from time to time). The term "Lot" shall also include any other portion of the Property which may, from time to time, be shown upon the aforementioned plat or plats (as same may be amended from time to time) and which is designated on such plat or plats to be a Lot by a separate written instrument executed by Declarant, or its successors or assigns, filed of record in the Official Public Records of Smith County, Texas.

X. "Property" shall mean:

(1) The land described in the Final Plat showing Wellington Place Unit 1, as recorded in Cabinet D, Slide 297-B of the Plat Records of Smith County, Texas;

(2) The land described in the Final Plat showing Wellington Place Unit 2, as recorded in Cabinet E, Slide 60-C of the Plat Records of Smith County, Texas;

(3) The land described in the Final Plat showing Wellington Place Unit 5, as recorded in Cabinet F, Slide 9-C of the Plat Records of Smith County, Texas;

(4) The land described in the Final Plat showing Wellington Place Unit 6, as recorded in Cabinet F, Slide 33-B of the Plat Records of Smith County, Texas;

(5) The land described in the Final Plat showing Wellington Place Unit 7, as recorded in Cabinet F, Slide 32-B of the Plat Records of Smith County, Texas;

(6) The land described in the Final Plat showing Wellington Place Unit 8, as recorded in Cabinet F, Slide 93-A of the Plat Records of Smith County, Texas;

(7) Additional land subjected to this Declaration, if any.

Z. "Subdivision" shall mean the residential subdivision located in Smith County, Texas and known as Wellington Place, according to the Plat of said subdivision recorded in Cabinet D, Slide 297-B, of the Plat Records of Smith County, Texas, and known as

Wellington Place Unit 2, according to the Plat of said subdivision recorded in Cabinet E, Slide 60-C, of the Plat Records of Smith County, Texas, known as Wellington Place Unit 5, according to the Plat of said subdivision recorded in Cabinet F, Slide 9-C, of the Plat Records of Smith County, Texas, known as Wellington Place Unit 6, according to the Plat of said subdivision recorded in Cabinet F, Slide 33-B, known as Wellington Place Unit 7, according to the Plat of said subdivision recorded in Cabinet F, Slide 32-B, and known as Wellington Place Unit 8, according to the Plat of said subdivision recorded in Cabinet F, Slide 93-A, of the Plat Records of Smith County, Texas, as the same may be amended or supplemented from time to time, and wherein the context requires, any other subdivision within the Property as shown by a plat filed for record by Declarant in the Plat Records of Smith County, Texas.

NOW THEREFORE, in accordance with Article XXIII of the Declaration, Declarant does hereby supplement the Declaration in the following respects only insofar as the Declaration affects the Unit 8 Lots:

(1) Section 3.03 of the Declaration is hereby supplemented to provide that the living area of each residence (exclusive of porches, patios, garages, terraces, or driveways) on the Unit 8 Lots shall not be less than 1,600 square feet.

(2) Section 3.04 of the Declaration is hereby supplemented to provide that the setbacks on the Unit 8 Lots shall be as follows:

Front – 25' to the front of the main structure and 25' to the front of the garage, with the exception of Lots 241, 242, 243, 244 and 245 where the Front setback line will be 20'

Rear – 15'

Sides – 7' on each side

Corner – 15' East side setback for Lots 204, 223, 224 and 236; setback on these lots increases to 20' if the house plan has a side entry garage

Corner – 15' West side setback for Lots 229 and 230; setback on these lots increases to 20' if the house plan has a side entry garage

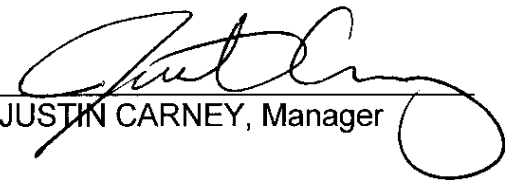
(3) Section 3.05 of the Declaration is hereby supplemented to provide that all privacy fences on the Unit 8 Lots shall be made of wood with a minimum height of 6' and a maximum height of 8'.

(4) Section 3.16 of the Declaration is hereby supplemented to provide that hydro mulching or seeding in connection with new construction on Unit 8 Lots is hereby deleted, subject to the exception that hydro mulching in the backyards of Lots 237, 238, 239, 240, 241, 242, 243, 244 and 245 is still permitted. Other than the exceptions stated herein, grass installation by sod will be required.

(5) Section 3.25 of the Declaration is hereby supplemented to provide that the requirement to install two (2) trees for each lot after the completion of construction of a dwelling unit shall not be applicable to the Unit 8 Lots. If the owner of a Unit 8 Lot desires to install a tree, the owner must comply with the terms and provisions of Section 3.26 of the Declaration.

IN WITNESS WHEREOF, the undersigned have hereunto caused their names to be signed by the signature of their duly authorized official as of the day and year first above written.

CARNEY LAND INVESTMENT &
RESOURCE MANAGEMENT, LLC, a
Texas limited liability company


By: 
JUSTIN CARNEY, Manager

STATE OF TEXAS §

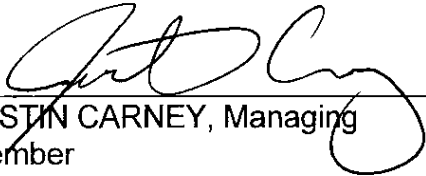
COUNTY OF SMITH §

BEFORE ME, the undersigned authority, on the 28th day of February, 2023, personally appeared, JUSTIN CARNEY, to me known to be the Manager of CARNEY LAND INVESTMENT & RESOURCE MANAGEMENT, LLC, a Texas limited liability company, and he acknowledged before me the he executed the same for the purposes therein expressed.




Notary Public, State of Texas

WELLINGTON WAY, LLC, a Texas limited liability company

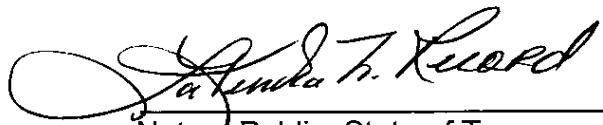
By: 
JUSTIN CARNEY, Managing Member

STATE OF TEXAS §

COUNTY OF SMITH §

BEFORE ME, the undersigned authority, on the 28th day of February, 2023, personally appeared, JUSTIN CARNEY, to me known to be the Managing Member of WELLINGTON WAY, LLC, a Texas limited liability company, and he acknowledged before me the he executed the same for the purposes therein expressed.




Notary Public, State of Texas

Consent and Subordination by Lienholder

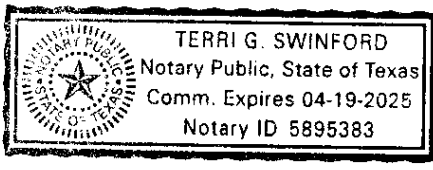
Lienholder, as the holder of a lien on the Unit 8 Lots, consents to the above Supplemental Declaration, including the terms and conditions of the Supplemental Declaration, and Lienholder subordinates its lien to the Supplemental Declaration, so that a foreclosure of the lien will not extinguish the Supplemental Declaration.

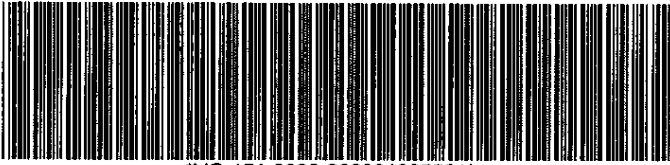
TEXAS NATIONAL BANK OF JACKSONVILLE
By: [Signature]
Name: Dustin Epperson
Title: Senior Vice President

THE STATE OF TEXAS §
COUNTY OF Smith §

This instrument was acknowledged before me on the 1st day of March, 2023, by Dustin Epperson, as Senior Vice President, on behalf of TEXAS NATIONAL BANK OF JACKSONVILLE.

[Signature]
NOTARY PUBLIC - STATE OF TEXAS





VG-151-2023-202301005561

Smith County
Karen Phillips
Smith County Clerk

Document Number: 202301005561

Real Property Recordings
RESTRICTION

Recorded On: March 01, 2023 02:37 PM

Number of Pages: 7

Billable Pages: 6

" Examined and Charged as Follows: "

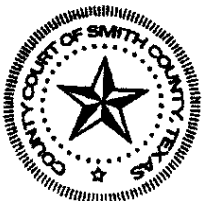
Total Recording: \$46.00

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 202301005561
Receipt Number: 20230301000118
Recorded Date/Time: March 01, 2023 02:37 PM
User: Jennafer M



STATE OF TEXAS
Smith County

I hereby certify that this Instrument was filed in the File Number sequence on the date/time printed hereon, and was duly recorded in the Official Records of Smith County, Texas

Karen Phillips
Smith County Clerk
Smith County, TX