

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
[363.43 ACRES TRACT, ADAM ZUMWALT SURVEY, A-118 FAYETTE COUNTY, TEXAS]

STATE OF TEXAS §
 §
COUNTY OF FAYETTE §

WITNESSETH

WHEREAS, Hog Wild Property Group, LLC, a Texas limited liability company ("**Declarant**") is the owner of the following real property in Fayette County, Texas ("**Property**"):

All that certain tract or parcel of land containing 363.43 acres situated in the Adam Zumwalt Survey, A-118, Fayette County, Texas, said 363.43 acre tract being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof;

WHEREAS, Declarant intends to subdivide the Property into acreage tracts, each such parcel of land being referred to herein as a "**Tract**"; and

WHEREAS, Declarant desires to establish and preserve a general and uniform plan for the improvement, development, sale, and use of the Property (and any other real property that may be subjected to the provisions of this Declaration) for the benefit of the present and future owners of property therein.

NOW, THEREFORE, Declarant hereby declares that the Property shall be held, transferred, sold, conveyed, occupied, and enjoyed subject to the covenants, conditions, restrictions, and easements set forth in this Declaration, which shall run with title to the Property, as such Declaration may be hereafter amended and/or supplemented, and shall be binding upon all parties now and at any time hereafter having or claiming any right, title or interest in the Property or any part thereof, their heirs, successors and assigns, as follows:

COVENANTS, CONDITIONS AND RESTRICTIONS

1. Single Family Residential Use.

Each Tract shall be used for single family residential purposes only. No structure designed for dwelling purposes may be constructed on a Tract other than a detached, single family residential dwelling. Related accessory buildings such as a garage, storage shed, barn and the like are also permitted. As used herein, the term "single family residential purposes" shall be deemed to specifically prohibit, but without limitation, the use of a Tract for a duplex apartment, a garage apartment, or any other apartment or for any multi-family use, or for any business, professional or other commercial activity of any type, unless such business, professional, or commercial activity is unobtrusive and merely incidental to the primary use of the Tract for residential purposes. As used herein, the term "unobtrusive" means, without limitation, that there is no business, professional, or commercial related sign, logo or symbol displayed on the Tract; there

are no clients, customers, employees or the like who go to the Tract on any regular basis; and the conduct of the business, professional, or commercial activity is not otherwise apparent by reason of noise, odor, or traffic and the like. Notwithstanding the foregoing, an owner may use a Tract for agricultural purposes as described in Section 4 of this Declaration.

2. Temporary Dwelling Facilities.

No structure other than a site-built, single family residential dwelling may be used for dwelling purposes on a Tract. Notwithstanding the foregoing, a temporary living facility, such as a travel trailer or motor home, may be utilized for dwelling purposes while a permanent, single family residential dwelling is actively being constructed on Tract; provided that, no such temporary living facility may remain on a Tract for more than four (4) years, commencing from the date the temporary living facility is initially placed on such Tract.

3. Mobile Homes and Manufactured Homes.

Mobile homes and manufactured homes of any kind are strictly prohibited on a Tract and shall not be utilized as a permanent or a temporary living facility at any time.

4. Limited Agricultural Use.

A Tract may be used for limited agricultural purposes that are not inconsistent with nearby residential use. By way of example and not limitation, the keeping of a reasonable number of livestock such as cattle and horses is permitted. Commercial feed lots, commercial swine operations, commercial poultry operations, and the like are prohibited.

5. Leasing.

Except a lease for permitted agricultural uses described herein, no less than the entirety of a Tract and all improvements thereon may be leased to a tenant.

6. Hazardous Materials.

No hazardous materials may be used, generated, manufactured, produced, stored, released, discharged, disposed of, or transported to or from the Property. Chemicals, fertilizers and similar substances incidental to household use and agricultural purposes may be used and maintained in reasonable quantities on a Tract.

7. No Subdivision.

No Tract may be further subdivided, except by Declarant while Declarant owns any portion of the Property.

8. Prohibited Activities.

The following activities are prohibited on the Property: (a) any activity that is otherwise prohibited by this Declaration; (b) any illegal activity; (c) any nuisance or noxious or offensive activity; and (d) dumping of trash or rubbish.

9. Enforcement.

Declarant, each owner of a Tract, and their respective heirs, successors, and assigns shall have the right to enforce this Declaration in the event of a violation or attempt to violate any provision herein pursuant to a proceeding at law or in equity to abate, preempt, or enjoin any such violation or attempted violation or to recover monetary damages related thereto, including reasonable attorney's fees incurred in such enforcement proceedings.

10. Amendment.

As long as Declarant owns any portion of the Property, Declarant may unilaterally amend this Declaration for any purpose; provided, however, such amendment must not impair a vested property right of an owner. Additionally, this Declaration may be amended by the affirmative vote of owners representing not less than seventy-five percent (75%) of the total acreage of the Property; provided, however, that an amendment recorded while Declarant owns any portion of the Property must be approved by Declarant. Any amendment must be reflected in a written instrument, signed by the requisite percentage of approving owners and/or Declarant, as required herein, and recorded in the Official Public Records of Fayette County, Texas.

11. Annexation of Additional Property.

Until January 1, 2042, Declarant may subject additional real property to the provisions of this Declaration, and such provisions may be altered or amended as to the additional real property, by filing for record in the Official Public Records of Fayette County, Texas, a supplemental amendment or annexation agreement.

12. Term.

The provisions of this Declaration shall remain in full force and effect until January 1, 2042, and shall be extended automatically for successive ten (10) year periods each; provided, however, that the provision of this Declaration may be terminated on January 1, 2042, or on the commencement of any successive ten (10) year period by filing for record in the Official Public Records of Fayette County, Texas, an instrument in writing signed by owners representing not less than seventy-five percent (75%) of the total acreage of the Property.

13. Severability.

In the event of the invalidity or partial invalidity or unenforceability of any provision of this Declaration, the remainder of the Declaration will remain in full force and effect.

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IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has executed this Declaration of Covenants, Conditions and Restrictions on this the 17th day of May, 2021, to become effective upon recording in the Official Public Records of Fayette County, Texas.

DECLARANT

HOG WILD PROPERTY GROUP, LLC,
a Texas limited liability company

By:


Cale Kobza, President

STATE OF TEXAS

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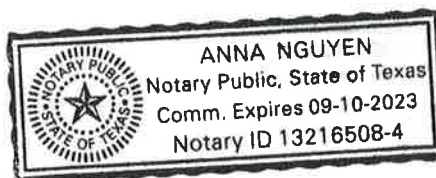
COUNTY OF HARRIS

§

BEFORE ME, the undersigned authority, on this day personally appeared Cale Kobza, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in capacity therein and herein stated, and as the act and deed of said corporation/political subdivision.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 17 day
of May, 2021.


Notary Public in and for the State of Texas



LIENHOLDER CONSENT AND SUBORDINATION

Texas Capital Bank, National Association, being a beneficiary of a mortgage lien and other liens, assignments and security interests encumbering all or a portion of the property hereby described, consents to the terms and provisions of this Declaration of Covenants, Conditions and Restrictions ("**Declaration**") to which this Lienholder Consent and Subordination is attached and acknowledges that the execution thereof does not constitute a default under the lien document or any other document executed in connection with or as security for the indebtedness above described, and subordinates the liens of the lien document and any other liens and/or security instruments securing said indebtedness to the rights and interests created under said Declaration, and acknowledges and agrees that a foreclosure of said liens and/or security interests will not extinguish the rights, obligations and interests created under the Declaration. No warranties of title are hereby made by lienholder, lienholder's joinder herein being solely limited to such consent and subordination.

SIGNED AND EXECUTED THIS ____ day of _____, 2021.

TEXAS CAPITAL BANK,
NATIONAL ASSOCIATION

By: _____
Print Name: _____
Title: _____

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the ____ day of _____,
2021, by _____, the _____
of Texas Capital Bank, National Association, on behalf of said entity.

Notary Public in and for the State of Texas

EXHIBIT "A"

STATE OF TEXAS

II C.B., L.P. TO
CALE KOHZA, ET AL,
TRACT 1
363.43 ACRES

COUNTY OF FAYETTE

All that certain tract or parcel of land containing **363.43 acres** (of which 2.2 acre lies within the fenced margins of "Armstrong Derry Road", 2.1 acres lies within the fenced margins of "Hunt Lane", and 0.9 acres lies within the fenced margins of "Sparta Field Road"), situated in the Adam Zumwalt Survey, A-118, Fayette County, Texas, and being a portion of that same tract described as 565.3 acres in a deed from Lee Ann Ott trustee of the Joy Avery Trust to II.C.B., LP. dated October 23, 2006 and recorded in Volume 1373, Page 832 of the Official Records of Fayette County, said **363.43 acre** tract being more particularly described by metes and bounds as follows:

Beginning at a point in "Armstrong Derry Road" (County maintained public roadway- no record right-of-way width), in the West line of a (called) 524.994 acre (net) Epps Interest tract (Vol. 1335, Pg. 157 F.C.O.R.) for the Southeast corner of a (called) 19.13 acre Ethel Clayborne tract (Vol. 1067, Pg. 655 F.C.O.R.), the Northeast corner of said II.C.B., LP. tract, the Northeast corner of the herein described tract and the **PLACE OF BEGINNING**, said point having a coordinate value of N= 13,814,761.42 feet and E= 2,536,655.70 feet according to the Texas State Plane Coordinate System -South Central Zone - NAD 83(2011), from which a 5/8" iron rod found bears South 36 degrees 38 minutes 47 seconds West, 43.51 feet;

Thence **South 01 degrees 56 minutes 14 seconds East, 3346.29 feet** within the fenced margins of said "Armstrong Derry Road" along the common line between said II.C.B., LP. tract, said Epps Interest tract and a (called) 50.984 acre C.R. Bovine tract (Vol. 1244, Pg. 346 F.C.O.R.), to a point within said "Armstrong Derry Road" and the intersection of "Hunt Lane" (County maintained public roadway - no record right-of-way width) for the Northeast corner of a 203.01 acre "Tract 2" also surveyed this date and the Southeast corner of the herein described tract, from which a 1/2" iron rod found bears North 19 degrees 44 minutes 07 seconds East, 72.30 feet;

Thence **South 89 degrees 03 minutes 51 seconds West**, departing said "Armstrong Derry Road" and severing said II.C.B., LP. tract, **3650.66 feet** along the North line of said 203.01 acre "Tract 2" also surveyed this date and within the fenced margins of said "Hunt Lane" to a point within said "Hunt Lane" for the Northwest corner of said 203.01 acre "Tract 2" also surveyed this date, an inside corner of the herein described tract and being within said II.C.B., LP. tract;

Exhibit "A"
Property Metes and Bounds

II C.B., L.P. TO
CALE KOEZA, ET AL,
TRACT 1
263.43 ACRES
PAGE 2

Thence **South 02 degrees 26 minutes 07 seconds East, 19.13 feet** along the West line of said 203.01 acre "Tract 2" also surveyed this date severing said II.C.B., LP. tract, to a point in said "Hunt Lane" for the Northeast corner of a (called) 124 1/4 acre Kyle Hunt tract (Vol. 424, Pg. 543 G.C.D.R.), an inside corner of said II.C.B., LP. tract and an inside corner of the herein described tract, from which a 5/8" iron rod found bears South 02 degrees 26 minutes 07 seconds East, 16.42 feet;

Thence **South 88 degrees 45 minutes 11 seconds West, 618.39 feet** along the common line between said Hunt tract and said II.C.B., LP. tract, within the fenced margins of said "Hunt Lane" to a point within said road for the Southeast corner of a (called) 30 acre Anastasio Orosco tract (Vol. 507, Pg. 293 F.C.D.R.) for an inside corner of said II.C.B., LP. tract and an inside corner of the herein described tract, from which a 1/2" iron rod set for witness in the fenced North margin of said "Hunt Lane" bears North 02 degrees 19 minutes 33 seconds West, 11.38 feet, also from said point a 5/8" iron rod found bears South 88 degrees 45 minutes 11 seconds West, 964.10 feet and a 8" concrete post with "F" on one side and "G" on the other bears North 82 degrees 31 minutes 16 seconds West, 93.97 feet, from said concrete post another 8" concrete post with "F" on one side and "G" on the other bears North 50 degrees 12 minutes 34 seconds West, 7772.96 feet;

Thence **North 02 degrees 19 minutes 33 seconds West, 1,464.23 feet** along the common line between said II.C.B., LP. tract and said 30 acre Orosco tract to a 1/2" iron rod set for the Northeast corner of said 30 acre Orosco tract and an inside corner of said II.C.B., LP. tract, from which a 5/8" iron rod found bears South 02 degrees 19 minutes 33 seconds East, 14.27 feet;

Thence **South 89 degrees 02 minutes 42 seconds West, 772.30 feet** along the common line between said 30 acre Orosco tract and said II.C.B., LP. tract to a 5/8" iron rod found for the Southeast corner of a (called) 20.000 acre Anastasio Orosco tract (Vol. 542, Pg. 605 G.C.D.R.), an inside corner of said II.C.B., LP. tract and an inside corner of the herein described tract;

Thence **North 01 degrees 37 minutes 54 seconds West, (called North 02°21'53" West),** along the common line between said 20.000 acre Orosco tract, a (called) 50 acre Robert Bilton tract (Vol. 192, Pg. 530 F.C.D.R.) and said II.C.B., LP. tract, passing at 920.86 feet and 8.12 feet East of a 5/8" iron rod found, and continuing for a total distance of **1923.35 feet** (called 1899.93 feet) to a 1/2" iron rod set in the fenced South margin of "Sparta Field Road" (County maintained public roadway-no record right-of-way width), for the Northeast corner of said Bilton tract and the Northwest corner of the herein described tract, from which a 3/8" iron rod found disturbed bears South 87 degrees 57 minutes 23 seconds East, 0.51 feet;

Exhibit "A"
Property Metes and Bounds

II C.B., L.P. TO
CALE KOBZA, ET AL,
TRACT 1
363.43 ACRES
PAGE 3

Thence **North 89 degrees 17 minutes 08 seconds East, 5041.31 feet** generally along the fenced South margin of said "Sparta Field Road" and partially within said "Sparta Field Road" along the following tracts: a (called) 64.70 acre (net) Barry Property Management, LLC, tract (Vol. 1708, Pg. 870 F.C.O.R.), a (called) 13.112 acre Michael Perales tract (Vol. 615, Pg. 675 F.C.D.R.), a 13.122 acre Hensley Sapenter tract (Vol. 636, Pg. 689 F.C.D.R.), a 13.112 acre Raymond Fontenot tract (Vol. 1138, Pg. 745 F.C.O.R.), a (called) 24.36 acre (net) Ethel Clayborne tract (Vol. 1067, Pg. 655 F.C.O.R.), a (called) 4.34 acre Delores Carter tract (Vol. 1671, Pg. 133 F.C.O.R.) and a (called) 19.13 acre Ethel Clayborne tract (Vol. 1067, Pg. 655 F.C.O.R.) to the **PLACE OF BEGINNING** and containing **363.43 acres**.

Bearings, distances and coordinates used herein are "GRID" based on the Texas State Plane Coordinate System - South Central Zone - NAD 83 (2011). Convergence = 10 degree 52 minutes 18 seconds. Combined factor = 0.999870576.

STATE OF TEXAS

COUNTY OF FAYETTE

I, Charles Tait, 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



Charles Tait, R.P.L.S.
Registration No. 6732
April 26, 2021
BEFCO Job No. 21-9731-Tr1



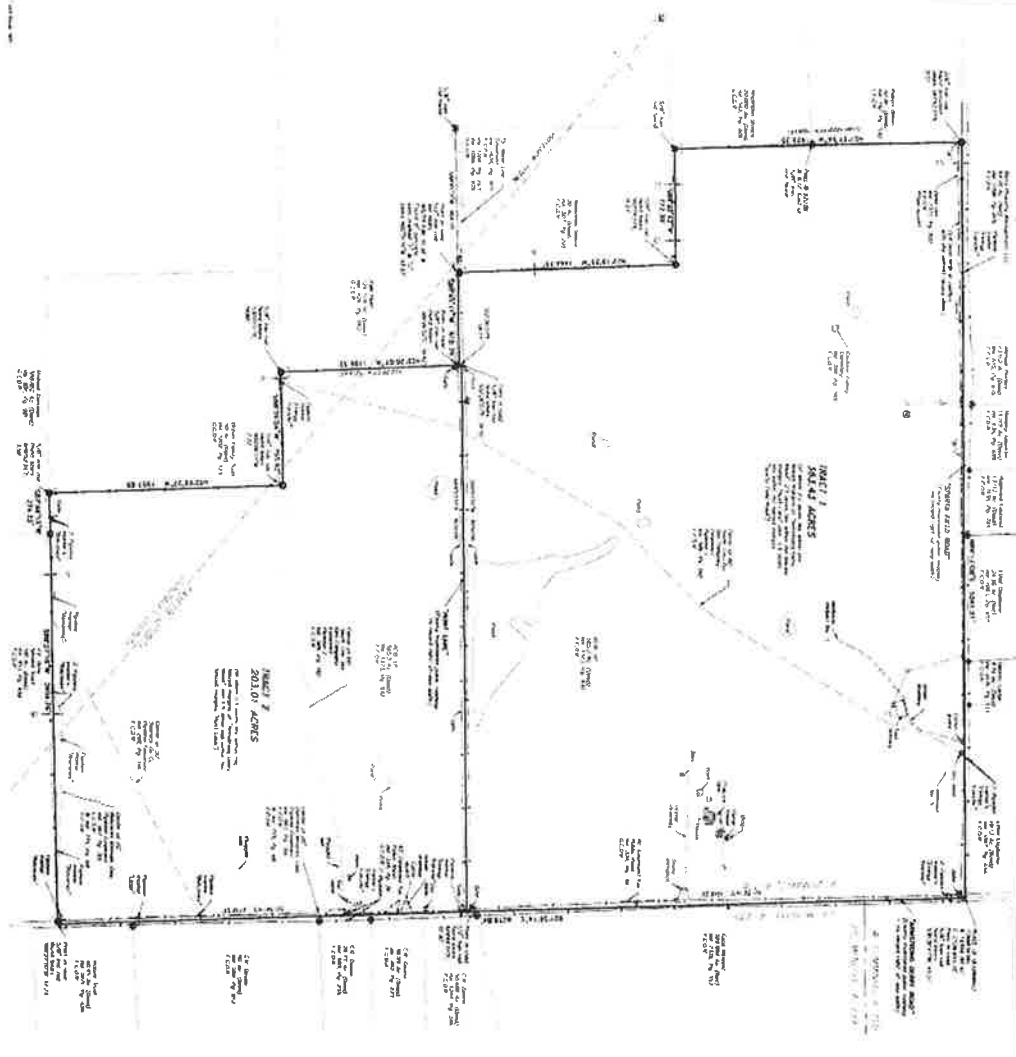


TABLE 1. SUMMARY OF SURVEY DATA

Lot No.	Area (Acres)	Survey Date	Surveyor
1	1.25	10/15/1988	J. L. Smith
2	1.25	10/15/1988	J. L. Smith
3	1.25	10/15/1988	J. L. Smith
4	1.25	10/15/1988	J. L. Smith
5	1.25	10/15/1988	J. L. Smith
6	1.25	10/15/1988	J. L. Smith
7	1.25	10/15/1988	J. L. Smith
8	1.25	10/15/1988	J. L. Smith
9	1.25	10/15/1988	J. L. Smith
10	1.25	10/15/1988	J. L. Smith
11	1.25	10/15/1988	J. L. Smith
12	1.25	10/15/1988	J. L. Smith
13	1.25	10/15/1988	J. L. Smith
14	1.25	10/15/1988	J. L. Smith
15	1.25	10/15/1988	J. L. Smith
16	1.25	10/15/1988	J. L. Smith
17	1.25	10/15/1988	J. L. Smith
18	1.25	10/15/1988	J. L. Smith
19	1.25	10/15/1988	J. L. Smith
20	1.25	10/15/1988	J. L. Smith
21	1.25	10/15/1988	J. L. Smith
22	1.25	10/15/1988	J. L. Smith
23	1.25	10/15/1988	J. L. Smith
24	1.25	10/15/1988	J. L. Smith
25	1.25	10/15/1988	J. L. Smith
26	1.25	10/15/1988	J. L. Smith
27	1.25	10/15/1988	J. L. Smith
28	1.25	10/15/1988	J. L. Smith
29	1.25	10/15/1988	J. L. Smith
30	1.25	10/15/1988	J. L. Smith
31	1.25	10/15/1988	J. L. Smith
32	1.25	10/15/1988	J. L. Smith
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51	1.25	10/15/1988	J. L. Smith
52	1.25	10/15/1988	J. L. Smith
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80	1.25	10/15/1988	J. L. Smith
81	1.25	10/15/1988	J. L. Smith
82	1.25	10/15/1988	J. L. Smith
83	1.25	10/15/1988	J. L. Smith
84	1.25	10/15/1988	J. L. Smith
85	1.25	10/15/1988	J. L. Smith
86	1.25	10/15/1988	J. L. Smith
87	1.25	10/15/1988	J. L. Smith
88	1.25	10/15/1988	J. L. Smith
89	1.25	10/15/1988	J. L. Smith
90	1.25	10/15/1988	J. L. Smith
91	1.25	10/15/1988	J. L. Smith
92	1.25	10/15/1988	J. L. Smith
93	1.25	10/15/1988	J. L. Smith
94	1.25	10/15/1988	J. L. Smith
95	1.25	10/15/1988	J. L. Smith
96	1.25	10/15/1988	J. L. Smith
97	1.25	10/15/1988	J. L. Smith
98	1.25	10/15/1988	J. L. Smith
99	1.25	10/15/1988	J. L. Smith
100	1.25	10/15/1988	J. L. Smith



PLAT SHOWING THE SURVEY AND DIVISION OF A 201.07 ACRES TRACT SITUATED IN THE ADAM ZIMMELMAN SURVEY, A-118, IN PAVETTE COUNTY, TEXAS AND 560.3 ACRES IN A TRACT FROM LAND OFF THE STATE TRACT RESERVES AS TAKEN TO U.S. 12. DATED INTERIOR 22. NOV. AND RECORDED IN VOLUME 1372, PAGE 825 OF THE OFFICIAL RECORDS OF PAVETTE COUNTY.



STATE OF TEXAS
COUNTY OF PAVETTE
SHERIFF
J. L. Smith
10/15/1988