

**AMENDMENT TO RESTRICTIVE COVENANTS  
FOR  
HIGHLAND ESTATES PHASE II**

STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BELL §

The undersigned, being at least seventy-five percent (75%) of the owners of all of the lots in HIGHLAND ESTATES PHASE II, do hereby amend the restrictive covenants which are recorded under Instrument Number 2015-00036348 of the Official Public Records of Real Property of Bell County, Texas, and which restrict the use of said land, as follows:

Paragraph 3.3 entitled "Annual Assessment or Charge" shall be amended to add the following paragraphs which shall apply to Lots Five (5) and Six (6), Block One (1) and Lots Three (3) and Four (4), Block Five (5):

d. **Lots/Units with Alternative Collection Systems.** For all Lots having an alternative collection system under Subchapter D of Chapter 217 of the Texas Administrative Code, the Association (or its agent, representative, or designee) and the Owner of the Lot/Unit shall execute a service agreement that complies with Section 217.95 of the Texas Administrative Code. The Association shall bear all maintenance and repair costs, both for emergencies and non-emergencies, of the alternative collection system, and the Owner shall reimburse the Association for these maintenance and repair costs through an annual assessment in an amount set by the Association. The Association is entitled to enforce this annual assessment through the foreclosure and other remedies under Section 3.5 and Section 3.6, *infra*, as well as through any other foreclosure remedies as allowed by law. The Owner shall allow the Association or its agents, representatives, or designees access to the alternative collection system at all reasonable times to inspect the on-site components, building laterals, on-site collection components, service isolation valves, and any other aspect of the alternative collection system required to determine if maintenance or repair is necessary. The Owner shall allow the Association or its agents, representatives, or designees to make any necessary repairs and to perform any necessary maintenance. Should Texas law provide the Association with an additional duty or right with regard to alternative collection systems, the Owner shall not impede or prevent the Association from performing that duty or exercising that right. The Association shall have the right, but not the duty, to replace the alternative collection system itself when, in the sole judgment of the Association, it is necessary, and the Owner shall allow the Association or its agents, representatives, or designees access to the alternative collection system at all reasonable times to inspect the alternative collection system to determine if

replacement is necessary, and to replace the alternative collection system when the Association determines replacement is required.”


e. **Establishment and Purpose of Maintenance Fund for Alternative Collection Systems.** A fund shall be established out of the annual maintenance assessments collected from those Owners with alternative collection systems, as provided for under subsection d. above. The funds shall be used for performing all required repairs and required maintenance to the alternative collection systems; for payment of all legal and other expenses incurred in connection with the enforcement of all recorded covenants, restrictions and conditions affecting the alternative collection systems to which this Maintenance Fund applies; for payment of all legal and other expenses incurred in complying with or enforcing any requirements of Texas law with respect to alternative collection systems; and for payment of all reasonable and necessary expenses in connection with the collection and administration of the maintenance charge and assessments. The Association is empowered to make an annual maintenance assessment regardless of whether maintenance or repair was, is, or will be required in a given year. It being understood that the judgment of the Board of Directors of the Association regarding the expenditure of the funds under this subsection and the determination of what constitutes required repairs and required maintenance shall be final and conclusive so long as such judgment is exercised in good faith. However, the Association shall not be required to make capital improvements or the like to the alternative collection systems, unless required by Texas law. If, in the sole judgment, exercised in good faith, of the Board of Directors of the Association, reserve funds should be maintained to cover the cost of improving or replacing the alternative collection system, the Board shall have the authority to create a separate fund for that purpose out of the annual maintenance assessments collected pursuant to this subsection.”

All other restrictive covenants are hereby ratified and confirmed in every respect.

IN TESTIMONY the undersigned has caused these Amendments to Restrictive Covenants to be effective this 28th day of September, 2016.

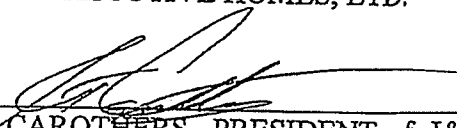
CAROTHERS DEVELOPMENT, LLC, a Texas  
limited liability company

BY:

  
\_\_\_\_\_  
JASON T. CAROTHERS, PRESIDENT

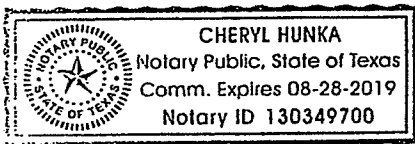
CAROTHERS EXECUTIVE HOMES, LTD.

BY:

  
\_\_\_\_\_  
JASON T. CAROTHERS, PRESIDENT of J&B  
CAROTHERS MANAGEMENT, L.L.C.,  
GENERAL PARTNER

STATE OF TEXAS §  
COUNTY OF BELL §

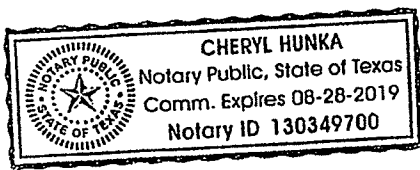
This instrument was acknowledged before me on September 28, 2016, by JASON T. CAROTHERS, PRESIDENT of J&B CAROTHERS MANAGEMENT, general partner of CAROTHERS EXECUTIVE HOMES, LTD., a Texas limited partnership, on behalf of said limited partnership.



  
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NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS §  
COUNTY OF BELL §

This instrument was acknowledged before me this 28 day of September, 2016, by JASON T. CAROTHERS, PRESIDENT OF CAROTHERS DEVELOPMENT, LLC, a Texas limited liability company, on behalf of said company.



  
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NOTARY PUBLIC, STATE OF TEXAS

Bell County  
Shelley Coston  
County Clerk  
Belton, Texas 76513



70 2016 00039475

Instrument Number: 2016-00039475

Recorded On: September 29, 2016

As  
Recordings

Parties: CAROTHERS DEVELOPMENT LLC

To EX PARTE

Billable Pages: 3

Number of Pages: 4

Comment:

( Parties listed above are for Clerks reference only )

**\*\* Examined and Charged as Follows: \*\***

Recordings	19.00
Total Recording:	19.00

\*\*\*\*\* DO NOT REMOVE. 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: 2016-00039475

Receipt Number: 281117

Recorded Date/Time: September 29, 2016 03:12:05P

User / Station: D Wilson - Cash Station 1

**Record and Return To:**

HARRELL & STOEBNER PC

2106 BIRD CREEK DRIVE

254-771-1855

TEMPLE TX 76502



I hereby certify that this instrument was filed on the date and time stamped hereon and was duly recorded in the Real Property  
Records in Bell County, Texas

Shelley Coston  
Bell County Clerk