

Plat A-358

92-0038321

THIRTEENTH SUPPLEMENTARY DECLARATION TO THE MASTER DECLARATION OF  
COVENANTS AND RESTRICTIONS FOR THE VILLAGE OF ELDORADO AND  
DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE VILLAGE OF  
ELDORADO, NORTHCREEK II

THE STATE OF TEXAS     §  
                                  §  
COUNTY OF COLLIN     §

This Thirteenth Supplementary Declaration to the Master Declaration of Covenants and Restrictions for the Village of Eldorado and Declaration of Covenants and Restrictions, made on the date hereinafter set forth by Deazer Developments, Inc. (hereinafter called "Declarant")

W I T N E S S E T H:

WHEREAS, Highgate Dev. Co., d/b/a HiDevCo, Inc. (hereinafter called the "Original Declarant") has heretofore executed that certain Master Declaration of Covenants and Restrictions for The Village of Eldorado, which was filed for record on February 18, 1981, in Volume 1353, at Page 786 of the Land Records of Collin County, Texas (hereinafter called the "Master Declaration") and Declarant is the successor to the Original Declarant; and

WHEREAS, Declarant is the owner of an 8.645 acre tract of land situated in the William Ryan Survey, Abstract Number 998, in the City of McKinney, Collin County, Texas and being a portion of Northcreek II of The Village of Eldorado as recorded by plat in Cabinet C, Page 133 of the Plat Records of Collin County, Texas; and

WHEREAS, the Declarant desires to provide for the preservation of the values and amenities in The Village of Eldorado, Northcreek II and to this end, the Declarant desires to subject the real property located within The Village of Eldorado, Northcreek II and described in Exhibit A hereto to the Master Declaration and to the covenants, restrictions, easements, charges and liens hereinafter set forth, each and all of which is and are for the benefit of such property and each owner thereof.

NOW, THEREFORE, pursuant to Article II, Section 2 of the Master Declaration the Declarant hereby supplements the Master Declaration and adds thereto all of the real property described in Exhibit A hereto so that all of the terms, conditions, covenants and

restrictions of the Master Declaration shall extend to the real property described in Exhibit A and the owners thereof as though such property was originally described in the Master Declaration, and the Declarant hereby declares that the real property described in Exhibit A shall be held, sold, transferred, conveyed, and occupied subject to the Master Declaration, as supplemented hereby, and to the covenants, restrictions, easements, liens, charges, and conditions hereof.

#### ARTICLE I

##### DEFINITIONS

All terms shall have the definitions given them in the Master Declaration unless expressly provided otherwise herein, it being understood that all references to the Original Declarant in the Master Declaration are deemed to refer to the Declarant herein.

#### ARTICLE II

##### MEMBERSHIP AND VOTING RIGHTS IN THE ASSOCIATION

The provisions contained in Article III of the aforesaid Master Declaration are hereby adopted and incorporated herein by reference.

#### ARTICLE III

##### COVENANTS FOR MAINTENANCE ASSESSMENTS

The provisions contained in Article IV of the aforesaid Master Declaration are hereby adopted and incorporated herein by reference.

#### ARTICLE IV

##### ARCHITECTURAL REVIEW COMMITTEE

The provisions contained in Article V of the aforesaid Master Declaration are hereby adopted and incorporated herein by reference.

#### ARTICLE V

##### PROTECTIVE COVENANTS

The provisions contained in Article VI of the aforesaid Master Declaration are hereby adopted and incorporated herein by reference

except that Section 2, Section 3, Section 6, and Section 21 shall be modified as follows:

Section 2: The floor area of the main structure, exclusive of one-story open porches and garages shall be as shown on Exhibit B hereto.

Section 3: No dwelling may be occupied until the Architectural Committee has issued a "Certificate of Substantial Completion" certifying that construction has been substantially completed in accordance with approved plans and specifications.

Section 6: No antenna or tower shall be erected on any Lot for any purpose. No antenna shall be affixed to any dwelling on any Lot which is more than three (3) feet above the highest roof line of the dwelling to which it is affixed. Satellite dishes may only be erected if installed within an enclosed area so as not to be visible from adjoining property. The enclosure must be constructed in such a manner as to be architecturally consistent with the design of the house proper. Plans for such enclosure and its location on the Lot must be submitted to the Architectural Committee for its approval prior to construction. It shall be in the Architectural Committee's sole discretion whether to accept the enclosure and its location as being architecturally consistent with the house.

Section 21: No Lot, creek, or drainage easement shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste. All garbage and trash shall be kept in sanitary containers fully enclosed by a walled structure approved by the Architectural Committee.

#### ARTICLE VI

##### LIMITATIONS OF RESTRICTIONS ON DECLARANT

The provisions contained in Article VII of the aforesaid Master Declaration are hereby adopted and incorporated herein by reference.

#### ARTICLE VII

##### GENERAL PROVISIONS

The provisions contained in Article VIII of the aforesaid Master Declaration are hereby adopted and incorporated herein by reference.

IN WITNESS WHEREOF, Declarant has executed this instrument this  
the 24<sup>th</sup> day of October, 1991.

BEAZER DEVELOPMENTS, INC.

Steven D. Armsey  
By: Steven D. Armsey  
Title: President

THE STATE OF TEXAS     §  
                                  §  
COUNTY OF COLLIN     §

BEFORE ME, the undersigned authority, on this day personally  
appeared STEVEN D. ARMSEY, President of BEAZER  
DEVELOPMENTS, INC., a corporation, known to me to be the person whose  
name is subscribed to the foregoing instrument, and acknowledged to  
me that he executed the same for the purposes and consideration  
therein expressed, in the capacity therein stated and as the act and  
deed of said corporation.

GIVEN under my hand and seal of office this the 24 day of  
October, 1991.

Cynthia D. Throckmold  
Notary Public, Collin County,  
Texas

My Commission Expires:

11-07-93



**EXHIBIT A**

Exhibit "A"  
Field Note Description

BEING a 0.645 acre tract of land situated in the F.C. Wilmeth Survey, Abstract Number 998 in the City of McKinney, Collin County, Texas and being a portion of the Eldorado Addition, an addition to the City of McKinney according to the plat recorded in Cabinet F, Page 489 of the Plat Records of Collin County Texas (PRCCT) and being more particularly described as follows:

BEGINNING at the southwest corner of North Creek - Phase I as recorded in Cabinet G, Page 350 (PRCCT) and being located in the northwesterly line of said Eldorado Addition;

THENCE along the southerly line of said North Creek - Phase I as follows:

South 86°29'59" East a distance of 215.16 feet to a 5/8 inch iron rod set for corner;

South 50°00'43" East a distance of 578.75 feet to a 5/8 inch iron rod set in the northwesterly right-of-way line of Valley Creek Trail (a 60 feet wide right-of-way) as recorded in Cabinet G, Pages 107-108 (PRCCT) and being in a curve to the left having a radius of 1,039.99 feet, a chord bearing of South 31°02'58" West and chord length of 188.32 feet;

THENCE along the northwesterly right-of-way line of said Valley Creek Trail as follows:

Continuing along said curve to the left through central angle of 10°23'22" for an arc length of 188.58 feet to a 5/8 inch iron rod set for the point of tangency;

South 25°51'18" West a distance of 250.31 feet to a 5/8 inch iron rod set for the beginning of a curve to the right having a radius of 2,581.54 feet, a chord bearing of South 26°51'12" West and chord length of 89.96 feet;

Continuing along said curve to the right through a central angle of 01°59'49" for an arc length of 89.95 feet to a 5/8 inch iron rod set for corner;

THENCE departing the northwesterly right-of-way line of said Valley Creek Trail, North 59°09'04" West a distance of 423.09 feet to a 5/8 inch iron rod set for the beginning of a curve to the right having a radius of 365.00 feet, a chord bearing of North 43°59'37" West and chord length of 190.88 feet;

THENCE along said curve to the right through a central angle of 30°18'54" for an arc length of 193.12 feet to 5/8 inch iron rod set for the point of tangency;

THENCE North 28°50'10" West a distance of 61.34 feet to a 5/8 inch iron rod set in the northwesterly line of said Eldorado Addition;

THENCE along the northwesterly line of said Eldorado Addition as follows:

North 61°09'50" East a distance of 115.00 feet to a 5/8 inch iron set for corner;

North 01°29'17" East a distance of 294.46 feet to a 5/8 inch iron rod set for corner;

North 03°30'01" East a distance of 94.26 feet to the POINT OF BEGINNING;

CONTAINING within these mates and bounds 8.645 acres of 376,586 square feet of land more or less.

EXHIBIT B

VILLAGE OF ELDORADO

NORTHCREEK II

<u>BLOCK</u>	<u>LOTS</u>	<u>MIN. SQ. FT. LIVING AREA *</u>
A	1-40	1,600

\*NOTE: For one and one-half (1-1/2) and two (2) story, add 300 square feet

A ten percent (10%) reduction in the minimum square footage may be allowed at the sole discretion of the Architectural Committee.