

**SUPPLEMENTAL DECLARATION TO
FIRST AMENDED DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS
ON AND FOR
IRON HORSE**

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|----------------------------|------------------------------------|
| STATE OF TEXAS § | Reference Recording No: 2021025218 |
| § | |
| COUNTY OF LUBBOCK § | |

THIS SUPPLEMENTAL DECLARATION TO FIRST AMENDED DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS ON AND FOR IRON HORSE ("Supplement") is made as of the date set forth below by WOLFFORTH LAND COMPANY/IRON HORSE, LLC, a Texas limited liability company ("**Declarant**").

WITNESSETH

WHEREAS, Declarant previously executed that certain instrument entitled "First Amended Declaration of Covenants, Conditions, and Restrictions on and for Iron Horse," recorded May 24, 2021, under Lubbock County Clerk's File No. 2021025218 in the Official Public Records of Lubbock County, Texas (as may be amended and supplemented from time to time, the "**Declaration**"); and

WHEREAS, pursuant to the terms of Article I, Section 2 of the Declaration, Declarant may unilaterally submit, at its option, at any time and from time to time, property it owns to the provisions of the Declaration by recording "Supplemental Declarations" (as defined in the Declaration) describing the property to be submitted to the Declaration which Supplemental Declaration may contain provisions applying to the property which are different from and inconsistent from the provisions of the Declaration; and

WHEREAS, the property described on Exhibit "A" to this Supplement ("**Additional Property**") is owned by Declarant; and

WHEREAS, Declarant, as the owner of the Additional Property, desires to submit the Additional Property to the terms of the Declaration;

NOW, THEREFORE, pursuant to the powers retained by Declarant under the Declaration, Declarant hereby submits the Additional Property to the provisions of the Declaration and this Supplement. All such property shall be held, sold, transferred, used, conveyed, occupied, and mortgaged or otherwise encumbered pursuant to the provisions of the Declaration and this Supplement, as either may be amended, which shall run with the title to the Additional Property and shall benefit and be binding upon all persons having any right, title, or any interest in all or any of the Additional Property, their respective heirs, legal representatives, successors, successors-in-title, and assigns.

**CHAPTER I
Definitions**

Except as otherwise defined in this Supplement, all capitalized terms shall have the same meaning as set forth in the Declaration.

CHAPTER II
Development Period

Pursuant to the terms set forth in Article I, Section 1.a of the Declaration, the Development Period, as it pertains to the Additional Property, shall be twenty (20) years from the date this Supplement is recorded in the Official Public Records of Lubbock County, Texas ("**Supplement Development Period**").

CHAPTER III
Amendment

3.1. By Declarant. Declarant shall have the unilateral right to amend this Supplement for any purpose during the Supplement Development Period, including, but not limited to, the right to impose additional covenants, conditions, restrictions and obligations which may be similar to, different from and inconsistent from those set forth in the Declaration. The imposition of such covenants, conditions, restrictions and obligations shall not require the consent of the Owner of any Lot within the Additional Property. Thereafter, Declarant may unilaterally amend this Supplement if such amendment is necessary (a) to bring any provision into compliance with any applicable governmental statute, rule, regulation, or judicial determination; (b) to enable any reputable title insurance company to issue title insurance coverage on the Units; (c) to enable any institutional or governmental lender, purchaser, insurer, or guarantor of mortgage loans, including, for example, the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation, to make, purchase, insure, or guarantee mortgage loans on the Lots; or (d) to satisfy the requirements of any local, state, or federal governmental agency. Furthermore, after the Supplement Development Period, Declarant may unilaterally amend this Supplement provided the amendment has no material adverse effect upon the rights of more than 2% of the Owners, except as set forth below, for any other purpose.

In addition, during the Supplement Development Period, Declarant may unilaterally amend this Supplement to submit additional property to the terms hereof or to reflect any revisions or amendments to any plats or legal description referenced on Exhibit "A" hereof.

Notwithstanding this reserved right, a revision or amendment to a plat shall not require an amendment to this Supplement so long as no property is added or excluded from the plat by the revision or amendment thereto. Declarant reserves the right to record revised, amended, or additional plats that only affect internal boundaries between Lots, combine Lots, or subdivide Lots shown on the original plat and, so long as they do not alter the overall property submitted to the Declaration by this Supplement, such revised, amended or additional plats shall not necessitate an amendment to this Supplement.

3.2. By Owners. Except as otherwise specifically provided above and elsewhere in this Supplement, this Supplement may only be amended by the affirmative vote or written consent, or any combination thereof, of 75% of the total votes allocated to all the Lots within the Additional Property and the written consent of Declarant during the Supplement Development Period.

3.3. Joinder of the Association. In the event that an "Association" (as defined in the Declaration) is established pursuant to the Declaration, the Association shall, not more than ten days after the request of Declarant, join in any amendment to this Supplement and execute such instruments to evidence such joinder and consent as Declarant shall, from time to time request. Failure to so join and consent to an amendment,

if any, by the Association shall not be cause to prevent such amendment from being made by Declarant or to affect the validity thereof.

3.4. Declarant's Rights. Notwithstanding anything to the contrary herein contained, no amendment to this Supplement shall be effective which shall impair or prejudice the rights or privileges of Declarant without the specific written approval of Declarant (or the assignee of such right or privilege).

3.5. Validity and Effective Date. If an Owner consents to any amendment to this Supplement, it will be conclusively presumed that such Owner has the authority to consent, and no contrary provision in any mortgage or contract between the Owner and a third party will affect the validity of such amendment.

Any amendment shall become effective upon recording unless a later effective date is specified in the amendment. Any procedural challenge to an amendment must be made within six months of its recordation or such amendment shall be presumed to have been validly adopted. In no event shall a change of conditions or circumstances operate to amend any provisions of this Supplement.

IN WITNESS WHEREOF, the undersigned, on behalf of Declarant, has executed this Supplement, this 2nd day of June, 2022.

DECLARANT:

WOLFFORTH LAND COMPANY/IRON HORSE, LLC, a Texas limited liability company

By: [Signature]
Michael Montgomery, its Manager

THE STATE OF TX §
COUNTY OF Dallas §
§

This instrument was acknowledged before me on this 2nd day of June, 2022 by Michael Montgomery, the Manager of WOLFFORTH LAND COMPANY/IRON HORSE, LLC, a Texas limited liability company, on behalf of said entity.

[Signature]
Notary Public, State of Texas

AFTER RECORDING, RETURN TO:
WOLFFORTH LAND COMPANY/IRON HORSE, LLC
1020 E. Levee Street, Suite 130
Dallas, Texas 75207-7202
Attn: Michael Montgomery



EXHIBIT "A"

Legal Description of the Additional Property

Any and all real property and improvements containing approximately 47.073 acres, more or less, and lying in and being a part of Lots 177 thru 372 and Tracts E and F, Iron Horse Addition to the City of Wolfforth, Lubbock County, Texas, situated in Section 32, Block A-K, G. Ry Co. Survey, Abstract 883, Lubbock County, Texas out of an approximate 89.636 acre tract of land conveyed to Wolfforth Land Company/Iron Horse, LLC as described in County Clerk File (CCF) #2019017186, Official Public Records of Lubbock County, Texas (OPRLCT), and more particularly described by metes and bounds as follows:

BEGINNING in Alcove Avenue at the most easterly southeast corner of Lots 1 thru 176, Iron Horse Addition to the City of Wolfforth, Texas, according to the plat recorded in Plat Cabinet 15, Page 97-A, Plat Records of Lubbock County, Texas, for the northeast corner of this tract.

THENCE S. $01^{\circ} 52' 11''$ W. a distance of 1178.22 feet to the southeast corner of this tract.

THENCE N. $88^{\circ} 07' 57''$ W., at 120.16 feet pass a 1/2" iron rod set with a yellow cap inscribed "RPLS 4263" (hereafter referred to as an OJD cap) in the proposed west right-of-way line of Alcove Avenue, a total distance of 412.31 feet to an "HR&ASSOC" cap found for an angle corner of this tract.

THENCE N. $34^{\circ} 15' 45''$ W. a distance of 407.96 feet to a "COTTON" cap found for an ell corner of this tract.

THENCE S. $55^{\circ} 44' 28''$ W. a distance of 731.51 feet to a "COTTON" cap found for an angle corner of this tract.

THENCE N. $88^{\circ} 04' 48''$ W. a distance of 674.49 feet to a "CHT RPLS 6460" cap found for the southwest corner of this tract.

THENCE N. $00^{\circ} 05' 10''$ E. a distance of 20.01 feet to a "CHT RPLS 6460" cap found for an angle corner of this tract.

THENCE N. $45^{\circ} 21' 58''$ W. a distance of 14.70 feet to a "CHT RPLS 6460" cap found at the beginning of a non-tangent curve to the left for an angle corner of this tract.

THENCE in a northwesterly direction along said curve to the left having a radius of 314.00 feet, a chord bearing of N. $12^{\circ} 36' 44''$ W. and a chord distance of 98.75 feet, an arc length of 99.17 feet to a "CHT RPLS 6460" cap found at the end of said curve for a corner of this tract.

THENCE N. $21^{\circ} 39' 34''$ W. a distance of 246.06 feet to an OJD cap set for an angle corner of this tract.

THENCE N. $35^{\circ} 05' 48''$ E. a distance of 21.93 feet to an OJD cap set for an angle corner of this tract.

THENCE N. $24^{\circ} 40' 43''$ W. a distance of 58.12 feet to an OJD cap set for an angle corner of this tract.

THENCE N. $50^{\circ} 50' 44''$ W. a distance of 23.89 feet to an OJD cap set at the beginning of a non-tangent curve to the right for an angle corner of this tract.

THENCE in a northerly direction around said curve to the right having a radius of 250.00 feet, a chord bearing of N. $04^{\circ} 59' 09''$ W. and a chord distance of 60.06 feet, an arc length of 60.21 feet to a "CHIT RPLS 6+60" cap found at the end of said curve for a corner of this tract.

THENCE N. $01^{\circ} 54' 48''$ E. a distance of 46.22 feet to an OJD cap set for an angle corner of this tract.

THENCE N. $46^{\circ} 54' 48''$ E. a distance of 14.14 feet to an OJD cap set for an angle corner of this tract.

THENCE N. $01^{\circ} 54' 48''$ E. a distance of 20.00 feet to an OJD cap set for an angle corner of this tract.

THENCE N. $43^{\circ} 05' 12''$ W. a distance of 14.14 feet to an OJD cap set for an angle corner of this tract.

THENCE N. $01^{\circ} 54' 48''$ E. a distance of 105.00 feet to a "CHT RPLS 6+60" cap found for an angle corner of this tract.

THENCE N. $46^{\circ} 52' 59''$ E. a distance of 21.22 feet to a "CHIT RPLS 6+60" cap found for an angle corner of this tract.

THENCE S. $88^{\circ} 08' 49''$ E. a distance of 548.78 feet to a "CHT RPLS 6+60" cap found for an angle corner of this tract.

THENCE S. $43^{\circ} 08' 49''$ E. a distance of 21.21 feet to a "CHIT RPLS 6+60" cap found for an angle corner of this tract.

THENCE S. $88^{\circ} 08' 49''$ E. a distance of 56.00 feet to a "CHT RPLS 6+60" cap found for an angle corner of this tract.

THENCE N. $46^{\circ} 51' 11''$ E. a distance of 21.21 feet to a "CHIT RPLS 6+60" cap found for an angle corner of this tract.

THENCE N. $01^{\circ} 51' 11''$ E. a distance of 56.00 feet to a "CHIT RPLS 6+60" cap found for an angle corner of this tract.

THENCE N. 43° 08' 49" W. a distance of 21.21 feet to a "CHT RPLS 6460" cap found for an angle corner of this tract.

THENCE N. 01° 51' 11" E. a distance of 85.00 feet to a "CHT RPLS 6460" cap found for an angle corner of this tract.

THENCE N. 46° 51' 11" E. a distance of 14.14 feet to a "CHT RPLS 6460" cap found for an angle corner of this tract.

THENCE N. 01° 51' 11" E. a distance of 20.00 feet to a "CHT RPLS 6460" cap found for an angle corner of this tract.

THENCE N. 43° 08' 49" W. a distance of 14.14 feet to a "CHT RPLS 6460" cap found for an angle corner of this tract.

THENCE N. 01° 51' 11" E. a distance of 87.00 feet to a "CHT RPLS 6460" cap found for an angle corner of this tract.

THENCE N. 46° 51' 11" E. a distance of 21.21 feet to a "CHT RPLS 6460" cap found for an angle corner of this tract.

THENCE N. 01° 51' 11" E. a distance of 52.00 feet to a "CHT RPLS 6460" cap found for an angle corner of this tract.

THENCE N. 43° 08' 49" W. a distance of 21.21 feet to a "CHT RPLS 6460" cap found for an angle corner of this tract.

THENCE N. 01° 51' 11" E. a distance of 87.00 feet to a "CHT RPLS 6460" cap found for an angle corner of this tract.

THENCE N. 46° 51' 11" E. a distance of 14.14 feet to a "CHT RPLS 6460" cap found for an angle corner of this tract.

THENCE N. 01° 51' 11" E. a distance of 20.00 feet to a "CHT RPLS 6460" cap found for an angle corner of this tract.

THENCE N. 43° 08' 49" W. a distance of 14.14 feet to a "CHT RPLS 6460" cap found for an angle corner of this tract.

THENCE N. 01° 51' 11" E. a distance of 85.00 feet to a "CHT RPLS 6460" cap found for an angle corner of this tract.

THENCE N. 46° 51' 11" E. a distance of 21.21 feet to a "CHT RPLS 6460" cap found for an angle corner of this tract.

THENCE S. 88° 08' 49" E. a distance of 690.00 feet to a "CHT RPLS 6460" cap found for an angle corner of this tract.

THENCE S. 43° 08' 49" E. a distance of 21.21 feet to a "CHT RPLS 6460" cap found for an angle corner of this tract.

THENCE S. 88° 08' 49" E. a distance of 52.00 feet to a "CHT RPLS 6460" cap found for an angle corner of this tract.

THENCE N. 46° 51' 11" E. a distance of 21.21 feet to a "CHT RPLS 6460" cap found for an angle corner of this tract.

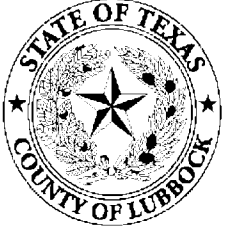
THENCE S. 88° 08' 49" E. a distance of 600.89 feet to a "CHT RPLS 6460" cap found for an angle corner of this tract.

THENCE S. 43° 08' 19" E. a distance of 21.21 feet to a "CHT RPLS 6460" cap found for an angle corner of this tract.

THENCE S. 88° 08' 49" E. a distance of 55.00 feet to the POINT OF BEGINNING.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



Kelly Pinion

Kelly Pinion, County Clerk
Lubbock County, TEXAS
06/02/2022 03:57 PM
Recording Fee: \$50.00
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