

FIRST SUPPLEMENTARY DECLARATION OF COVENANTS, RESTRICTIONS AND CONDITIONS ADDING PHASE 2, THE BROOKS AT CUMBERLAND PARK

This First Supplementary Declaration of Covenants, Restrictions and Conditions Adding Phase 2, The Brooks at Cumberland Park ("Supplementary Declaration") is made by Broadway South Development, "M" No. 1, Ltd. (the "Declarant") this 15TH day of March, 2005, as follows:

Background. The Declarant has previously signed and filed of record a Declaration of Covenants, Restrictions and Conditions for The Brooks at Cumberland Park, Phase 1 dated January 29, 2003, of record in Volume 6885, Page 1 of the Official Public Records of Smith County, Texas, and a First Amendment to Declaration of Covenants, Restrictions and Conditions for The Brooks at Cumberland Park, Phase 1 dated December 16, 2003, of record in Volume 7403, Page 24 of the Official Public Records of Smith County, Texas (such documents being collectively referred to herein as the "Original Declaration"). The Original Declaration imposed certain covenants, restrictions and conditions on the Phase 1 of The Brooks at Cumberland Park (the "Subdivision") located in the Thomas J. Blackwell Survey, A-112, Smith County, Texas. Article II, Section 2.3 of the Original Declaration authorizes the Declarant to add additional properties to the Subdivision by filing a supplementary declaration of covenants, restrictions and conditions. The purpose of this Supplementary Declaration is to add the lots in Phase 2 of the Subdivision (the "New Lots") to the Subdivision (such New Lots being more particularly described in the final plat showing The Brooks at Cumberland Park, Phase 2, a copy of which is attached hereto as Exhibit A) and to impose the covenants, restrictions and conditions as contained herein and in the Original Declaration on the New Lots. Capitalized terms as used herein shall have the same meanings ascribed to them in the Original Declaration unless otherwise specified herein.

NOW THEREFORE, Declarant declares the New Lots in Phase 2 of The Brooks at Cumberland Park to be a part of the Subdivision and that they shall be held, transferred, sold, conveyed and occupied subject to the covenants, conditions, restrictions, easements, charges and liens set forth in the Original Declaration. The New Lots in The Brooks at Cumberland Park, Phase 2 shall be Type "B" Lots and shall be included within the definition of Type "B" Lots as set forth in Section 1.1(p) of the Original Declaration. The following additional covenants, restrictions and conditions shall also be applicable to the New Lots:

Fences, Walls and Hedges: Sec. 5.9 of the Original Declaration shall be amended as follows;

The following sentences shall be added to the end of the existing paragraph:

"A uniform 6' high wooden privacy fence shall be erected along the entire rear property line of NCB 1730-F, Lot Nos. 2, 3, 4, 5, 6 and 7 at or before the time that the dwelling is constructed on each such lot. Said fence shall be of the same type material and construction as that of the "common fence" and shall be maintained in good repair at all times at the sole expense and responsibility of the lot owner.

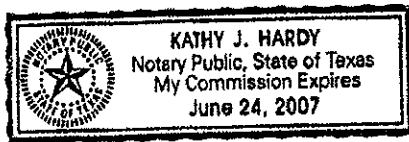
Except as otherwise specifically amended, all of the other terms and provisions of the Original Declaration shall remain in full force and effect.

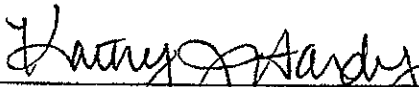
BROADWAY SOUTH DEVELOPMENT M#1, LTD.
By: Broadway South Development, LC, its Sole
General Partner

By: 
John R. Garrett, President

THE STATE OF TEXAS §
COUNTY OF SMITH §

This instrument was acknowledged before me on the 15TH day of March, 2005, by John R. Garrett, President of Broadway South Development, LC, Sole General Partner of Broadway South Development M#1, Ltd.




Notary Public, State of Texas
Notary's Printed Name: Kathy J. Hardy
Commission Expires: 6/24/07

After recording, return to:

John R. Garrett
P.O. Box 1084
Tyler, TX 75710

Filed for Record in:
SMITH COUNTY, TEXAS
JUDY CARNES, COUNTY CLERK
On Mar 16 2005
At 8:53am
Receipt #: 341584
Recording: 18.00
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Doc/Type : REC
Deputy -Elena Glasscock