

**PARTIAL RELEASE AND AMENDMENT TO RESTRICTIVE COVENANTS**

THE STATE OF TEXAS           §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HENDERSON       §

WHEREAS, on February 14, 2011, recorded in Instrument No. 2011-00001898, Henderson County Deed Records, Marita M. Boyd, Individually and as sole remaining Trustee of The Robert I. Boyd Trust, executed a Correction General Warranty Deed to Samuel L. Boyd that included restrictive covenants which encumbered certain real property, hereinafter referred to as the "Property", located in Henderson County, Texas, and being more particularly described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, the restrictive covenants provide that "No homes appraising at less than \$250,000 over the appraised value of the land upon which they are situated shall be erected or used on the subject property at any time"; and

WHEREAS, Samuel L. Boyd, is the owner of said Property, is desirous of abandoning and eliminating the above described covenant and restriction as it now exists upon the use, ownership, occupancy and development of said property; and

WHEREAS, Samuel L. Boyd also desires to amend the existing covenants and restrictions by adding the following encumbrances to the Property:


- 1) **Residential Use Only:** Any residence constructed on the Property shall be used for single-family residential purposes only. Single family use consists of use as a dwelling by two or more natural persons who are related by marriage or kinship or by not more than four natural persons who are not related by marriage or kinship. No commercial use of the Property is allowed.
  
- 2) **Minimum Floor Area:** Any residence constructed on the Property must have a ground floor area of not less than 1,800 square feet, exclusive of open or screened porches, terraces, patios, driveways, carports, and garages.

NOW THEREFORE, in consideration of the premises and for other good and valuable consideration, the receipt of which is hereby acknowledged, SAMUEL L. BOYD, the owner of the above-described property, does hereby PARTIALLY RELEASE, ELIMINATE and EXTINGUISH the restrictive covenant providing that "No homes appraising at less than \$250,000 over the appraised value of the land upon which they are situated shall be erected or used on the subject property at any time" and further agrees and stipulates that said restrictive covenant shall no longer constitute an encumbrance against the above-described property.

CTC # 6170823

FURTHERMORE, SAMUEL L. BOYD hereby declares, establishes and adopts the covenants set forth herein, regarding Residential Use Only and Minimum Floor Area, which shall be applicable to the ownership, use, development, improvement and sale of each tract within the Property. Said tracts within the Property shall be held, sold and conveyed subject to the covenants, and shall be deemed as covenants running with the land and imposed upon an intended to benefit and burden each part of the Property.

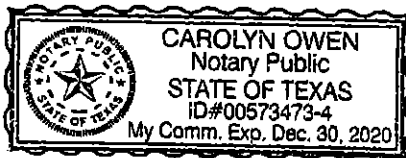
EXECUTED this 28 day of November, 2017.

  
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SAMUEL L. BOYD

THE STATE OF TEXAS           §

COUNTY OF SMITH           §

This instrument was acknowledged before me on the 28 day of November, 2017, by SAMUEL L. BOYD.



  
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NOTARY PUBLIC - STATE OF TEXAS

**EXHIBIT "A"**  
**SCHEDULE OF REAL PROPERTY**

**TRACT A:**

All that certain tract or parcel of land, consisting of 78 3/10 acres of land, a part of the S. CALDERON GRANT, located about 2 miles South from the Town of Chandler in Henderson County, Texas, and being more particularly described as follows:

**BEGINNING** on the North boundary line of the O'Neal 310 acre tract at the Southwest corner of 69 acres known as the Boyd Tract, a rock in gully, C.S. for corner;

**THENCE** following the Chandler and Noonday Road with its meanderings as follows: S 83 E 200 vrs., S 13 E at 258 vrs. pass a SWC of the above mentioned 60 acre tract and the NWC of a tract owned by Jon Cade, 325 vrs., S 1 1/2 W 768 vrs., S 11 E 240 vrs. to a stake in angle of said road on the NBL of the G. E. Sutherland Survey from which a R.O. 24" brs S 62 E 2 4/10 vrs;

**THENCE** West with the said line 284 vrs. to a corner on the West bank of said gully above mentioned, from which a R. O. 30" brs. N 28 E 3 vrs., this supposed to be the Northwest corner of said Sutherland Survey, and a corner of a tract known as the Chandler tract;

**THENCE** up said gully with its meanderings as follows: N 10 W 60 vrs., N 70 W 110 vrs., N 7 W 100 vrs., N 3 W 196 vrs., N 16 W at 128 vrs. pass the Northeast corner of the Chandler tract and Southeast corner of a tract of land owned by T. Y. Smith, 305 vrs., N 77 E 130 vrs., N 10 W 90 vrs., N 50 W 90 vrs., N 35 E 240 vrs., N 10 E 230 vrs., N 22 W 70 vrs., to the place of beginning, and being the same land described in a deed dated January 3, 1933, from W. J. Kelley and wife, Alice Kelley, to W. E. Canant, recorded in Volume 153, Page 545 of the Henderson County Deed Records.

**TRACT B:**

All that certain tract or parcel of land, a part of the S. CALDERON SURVEY in Henderson County, Texas, located about 1 1/2 to 1 3/4 miles Southeast from the Town of Chandler, and described as follows:

**BEGINNING** at the Northeast corner of a 100 acre tract owned by T. Y. Smith on same survey, and the Northwest corner of a tract owned by W. E. Canant on same Survey;

**THENCE** North with the East boundary line of a 126 acre tract known as the McClintock tract on same survey about 557 vrs. stake on edge of road leading from Chandler to Noonday;

**THENCE** in a Southeasterly direction with said road, about 676.8 vrs. to the West boundary line of the Canant tract, stake for corner;

**THENCE** West 187.2 vrs. to place of beginning, containing about 11 acres of land, more or less, and being the same land described in a Warranty Deed dated May 9, 1934, from E. W. Turner and wife, Roxie Turner, to R. I. Boyd, recorded in Volume 179, Page 326, Henderson County Deed Records.

**EXHIBIT "A"**  
**SCHEDULE OF REAL PROPERTY**

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**TRACT C:**

All that certain tract or parcel of land, a part of the S. CALDERON SURVEY and located about 3/4 miles Southeast of the Town of Chandler in Henderson County, Texas, and being 60 acres which is the East part of the 127 acre tract described in Volume 109, Page 611 of the Deed Records of Henderson County, Texas. Said 60 acres is more particularly described as follows:

**BEGINNING** at the Northeast corner of said 127 acre tract, a stake at the intersection of the Chandler and Noonday Road with a road leading West;

**THERCE** West with the North boundary line of said 127 acre tract and along a road 228 vrs to stake for corner;

**THERCE** South through said 127 acre tract 1071 vrs. to a stake for corner in South line of same;

**THERCE** East with the South boundary line of said tract 327 vrs. to the Southeast corner of same, whence a R. O. brs. N 5 W 3 6/10 vrs.;

**THERCE** North 1/4 West with the east boundary line of said tract (being 15 feet East of fence and in the middle of an old unused road) at about 780 vrs. entering said Chandler and Noonday Road at 930 vrs. a stake in said road;

**THERCE** with said road North 44 West 137 1/2 vrs., North 40 6/10 vrs. to the beginning and containing 60 acres of land. (The North boundary line and the South boundary line turn 1/2 degree to left.)

This is the same land described in a Warranty Deed dated February 14, 1931, from A. J. Holder and wife, Frances Holder, to R. I. Boyd, recorded in Volume 153, Page 289 of the Henderson County Deed Records.