

Tyler Oak Creek Homeowners Association, Inc.

Professionally Managed by Rose City Property Management

P.O. Box 167, Bullard, TX 75757

Office: 903-630-6355 • Fax: 903-630-6356

DATE: August 30, 2022
TO: All Tyler Oak Creek Owners
FROM: Tyler Oak Creek Declarant Board of Directors
RE: Food Voucher for Tyler Athletic and Swim Club

Enclosed you will find a copy of the new Amendment to Declaration of Covenants, Restrictions, Conditions, Assessments, Charges, Servitudes, Liens, Reservations and Easements to the Oak Creek Addition governing documents.

This Amendment is specifically to Section 9.07 Tennis and Athletic Assessments which outlines the mandatory membership with the Tyler Athletic and Swim Club. Item A. of Section 9.07 was updated to include that at the time when a food and beverage program is added to the Club, the POA shall pay the Club a mandatory quarterly food credit of \$60 for every Owner.

Tyler Athletic and Swim Club has now opened The Club Sola Bread Co. Tyler Oak Creek owners have \$20 per month starting in August. Oak Creek owners will need to follow the club bylaws as far as how the food and beverage credits may be used. Owners will receive \$20 per month as a statement credit to cover food/beverage and taxes. The food and beverage credit must be used in that month. Since notice is only going out now the August \$20 statement credit will extend into September. Beginning in September, all food credits must be used by the end of each month.

We hope everyone enjoys The Club Sola Bread Co.

If you have any questions regarding any of this information please contact Rose City Property Management by email to Carrie Montgomery or Chris Brewer at carrie@rosecitymanagement.com; or admin@rosecitymanagement.com.

For questions on the voucher and how to use the voucher, please stop into the Tyler Athletic and Swim Club, or contact them by phone directly at 903-561-3014.

Thank you!

OAK CREEK ADDITION
A Master Planned Residential and Recreational Subdivision

AMENDMENT TO

**Declaration of Covenants, Restrictions, Conditions,
Assessments, Charges, Servitudes, Liens,
Reservations and Easements**

This **AMENDMENT TO DECLARATION OF COVENANTS, RESTRICTIONS, CONDITIONS, ASSESSMENTS, CHARGES, SERVITUDES, LIENS, RESERVATIONS AND EASEMENTS**, hereinafter referred to as the "Amendment," is made on April , 2021 by Tyler Oak Creek Development, LLC, a Texas limited liability company, hereinafter referred to as "Declarant," pursuant to the provisions of Article XI of the Declaration of Covenants, Restrictions, Conditions, Assessments, Charges, Servitudes, Liens, Reservations and Easements dated October 22, 2015 and recorded under Clerk's File No.20150100050346 of the Official Public Records of Smith County, Texas (the "Declaration"), to amend the Declaration as follows:

Amendment to Section 9.07 POA Assessments

Section 9.07A of Article IX of the Declaration is hereby deleted in its entirety and replaced with the following:

A.

1. The initial amount of the Club Assessment shall be \$60 per month per Lot, commencing on the date that a non-builder Owner purchases a Lot; provided that the Club Assessment shall not include tennis membership privileges and benefits, but shall include all other Club privileges and benefits. The Club Assessment shall not be greater than \$60.00 for the year 2016 and may be changed beginning on January 1, 2017 and from time to time thereafter by the owner of the 10.00 acre tract or parcel described on Exhibit "B" provided that the annual increase in the club Assessment shall not be greater than (i) five percent (5%) per year or (ii) the increase in the Consumer Price Index, All Urban Consumer -- South Region with January 1, 2016 as the base period. This restriction limitation regarding the owner of the 10 acre tract's right to increase the Club Assessment shall automatically and without notice terminate on the expiration of the 15-year Term defined in Paragraph 9.07G below.

A.

2. At the time when a food and beverage program is added to the Club, the POA shall pay the Club a mandatory quarterly food credit of \$60.00 for every Owner. This requirement shall automatically and without notice terminate on the expiration of the 15-year Term defined in paragraph 9.07G, below. The POA shall not be required to pay the Club quarterly food until (i) the construction of the restaurant facility is completed and is open to its members and (ii) the Club has received its liquor license.

Section 9.07E of Article IX of the Declaration is hereby amended as follows:

- E. Five (5) years after the date that the control of the POA in the Development is transferred from the Developer to the property owners of Lots in the Development, the members of the POA may terminate the requirement imposed upon each Lot for membership in the Club and Club Assessments, including the payment to the Club of the \$60 quarterly food credit for every Owner, by the affirmative vote of at least sixty percent (60.0%) of the voting members of the POA, which vote must be completed by no later than sixty (60)

days after the fifth anniversary of the transfer of the control of the POA to its members:

1. If the requirement for Club membership and Club Assessments and the payment by the POA to the Club of the \$60 quarterly food credit for every Owner is not terminated as provided above, then another vote may not be allowed to termination of such requirement until five (5) years after the date of the failed vote.
2. If the POA votes to terminate the requirement for Club membership and Club Assessments, and the payment by the POA to the Club of the \$60 quarterly food credit for every Owner, Lot owners may join the Club upon payment of the then current initiation fee and Club Assessments, provided that any non-builder initial purchaser of a Lot from the Developer or from the homebuilder who initially constructed the residence on a Lot shall be required to pay only one-half of the then current initiation fee, such one-half initiation fee not to exceed \$300.00 for a period ending five (5) years after the Closing Date.

Amendment to Exhibit "C" - Definitions

The definition of "Lot" on Exhibit "C" of the Declaration is hereby amended to read as follows:

L. "Lot" shall mean each of:

- (1) **Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50 and 51 of the Oak Creek Addition, Unit 1, as shown on the Plat of the Property recorded in Cabinet E, Slide 339-B of the Plat Records of Smith County, Texas, and**
- (2) **Lots 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76 and 78 of the Oak Creek Addition, Unit 2, as shown on the Plat of the Property recorded in Cabinet F, Slide 7-D of the Plat Records of Smith County, Texas, and**
- (3) **Lots 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126 and 127 of the Oak Creek Addition, Unit 3, as shown on the Plat of the Property recorded in Cabinet F, Slide 6-C of the Plat Records of Smith County, Texas, and**
- (4) **Any lots to be added on the following described property:**
Land Description: 47.939 acres
Section 4, Don Thomas Quevado Seven League
Grant, A-18 Smith County, Texas

Being a tract or parcel of land located in Section 4, Don Thomas Quevado Seven League Grant, A-18, Smith County, Texas, and being all of a called 15.000 acre tract as described in a deed from Jon R. Hayden and James Henry Hayden to Murray 3 Holdings, Inc, dated February 5, 2019 and recorded in Document Number 20190100004187 in the Deed Records of Smith County, Texas and being all of a called 5.000 acre tract as described in a deed from James Henry Hayden and Jon R. Hayden to Murray 3 Holdings, Inc, dated September 17, 2015 and recorded in Document Number 20150100044571 in said Deed Records and being all of a called 18.936 acre tract as described in a deed from James Henry Hayden and Jon R. Hayden to Murray 3 Holdings, Inc, dated June 3, 2014 and recorded in Document Number 201400022267 in said Deed Records and being all of a called 9.000 acre tract as described in a deed from James Henry Hayden and Jon R. Hayden to Murray 3 Holdings, Inc, dated June 27, 2011 and recorded in Document Number 201100028371 in said Deed Records and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with "Cowan" cap (found) for the southwest corner of the above referenced 15.000 acre tract, same being in the north line of Lot 124, Oak Creek Addition, Unit 3 as shown by plat recorded in Cabinet F, Slide 6-C in the Plat Records of Smith County, Texas, from which the a 1/2 inch iron rod with "2114" cap (found) for the northeast corner of said Lot 124, bears North 88 deg. 21 min. 42 sec. East a distance of 34.10 feet;

THENCE North 06 deg. 02 min. 58 sec. West with the west line of said 15.000 acre tract, a distance of 908.46 feet to a 1/2 inch iron rod with "Cowan" cap (found) for the northwest corner of same and being in the south line of a called 11.5 acre tract as described in a deed to RCMC Development, LLC, dated August 29, 2016 and recorded in Document Number 20160100036028 in said Deed Records;

THENCE North 88 deg. 18 min. 54 sec. East with the north line of said 15.000 acre tract and the south line of said 11.5 acre tract, a distance of 507.33 feet to a 1/2 inch iron rod with "Cowan" cap (found) for the southeast corner of said 11.5 acre tract, same being the southwest corner of a called 51.185 acre tract as described in a deed to Fidone Family Management, LLC, dated May 28, 2015 and recorded in Document Number 20150100023733 in said Deed Records;

THENCE North 88 deg. 21 min. 38 sec. East with the north line of said 15.000 acre tract and the south line of said 51.185 acre tract, at a distance of 213.94 feet pass a 1/2 inch iron rod (found) for the northeast corner of said 15.000 acre tract, same being the northwest corner of the aforementioned 5.000 acre tract, continuing with said south line and with the north line of said 5.000 acre tract, at a distance of 454.16 feet pass the northeast corner of said 5.000 acre tract, same being the northwest corner of the above mentioned 18.936 acre tract, from which a 1/2 inch iron rod (found) for reference, bears South 06 deg. 04 min. 00 sec. East a distance of 4.95 feet, continuing with said south line and with the north line of said 18.936 acre tract and with the north line of said 9.000 acre tract for a total distance of 1,876.11 feet to a 1/2 inch iron rod (found) for the northeast corner of said 9.000 acre tract on the east edge of County Road No. 164, same being in the west line of a called 103.24 acre tract as described in a deed to the State of Texas, dated June 25, 1997 and recorded in Volume 4002, Page 299 in said Deed Records;

THENCE South 06 deg. 03 min. 38 sec. East with the northernmost east line of said 9.000 acre tract and with said west line, a distance of 600.01 feet to a 1/2 inch iron rod (found) for the easternmost southeast corner of said 9.000 acre tract, same being the northeast corner of a called 1.597 acre tract as described in a deed to Delhi Gas Pipeline Corp, dated August 17, 1992 and recorded in Volume 3267, Page 114 in said Deed Records;

THENCE South 88 deg. 21 min. 34 sec. West with the easternmost south line of said 9.000 acre tract and the north line of said 1.597 acre tract, at a distance of 4.1 feet pass a 60d nail (found) for reference and continuing a total distance of 234.40 feet to a 1/2 inch iron rod with "3683" cap (found) for an interior ell corner of said 9.000 acre tract and the northwest corner of said 1.597 acre tract;

THENCE South 06 deg. 44 min. 10 sec. East with the southernmost east line of said 9.000 acre tract and with the west line of said 1.597 acre tract, a distance of 309.21 feet to a 1/2 inch iron rod with "3683" cap (found) for the southernmost southeast corner of said 9.000 acre tract and the southwest corner of said 1.597 acre tract, same being in the north line of the residue of a called 63.830 acre tract (Tract 1) as described in a deed to Tyler Oak Creek Development, LLC, dated June 20, 2014 and recorded in Document Number 2014-24651 in said Deed Records;

THENCE South 88 deg. 21 min. 42 sec. West with the south line of said 9.000 acre tract and with said north line, at a distance of 280.81 feet pass a 1/2 inch iron rod (found) for the southwest corner of said 9.000 acre tract, same being the southeast corner of the aforementioned 18.936 acre tract, continuing with said north line and with the south lines of said 18.936 acre tract and said 5.000 acre tract and with the north line of a called 0.339 acre right of way dedication as shown on

the above referenced Oak Creek Addition, Unit 3 (Cabinet F, Slide 6-C), at a distance of 1,431.48 feet pass a 1/2 inch iron rod with "2114" cap (found) for the southwest corner of said 5.000 acre tract, same being the southeast corner of the aforementioned 15.000 acre tract, continuing with the south line of said 15.000 acre tract and the line of said 0.339 acre tract and the north lines of Lots 116 thru 124, Oak Creek Addition, Unit 3, for a total distance of 2,152.91 feet to the **PLACE OF BEGINNING** and containing 47.939 acres of land.

And,

- (5) **Any lots added on the following described property:**
Legal Description 9.721 Acres
Section 4 Don Thomas Quevado Seven League Grant A-18
Smith County, Texas,

ALL THAT CERTAIN lot, tract, or parcel of land situated within Section 4 of the Don Thomas Quevado Seven League Grant, Abstract 18, Smith County, Texas and being all of a called 9.356 acre (Tract 1) and a called 0.504 acre (Tract 2) tract described in a deed to Al and Terri L. Thigpen, dated November 22, 2004, recorded in Volume 7663, Page 801 in the Deed Records of Smith County, Texas and being more completely described as follows:

BEGINNING at a PK nail set in the centerline of County Road 178 and being the southwest corner of said 9.356 acre tract and the most westerly northwest corner of a called 95.084 acre tract described in a Subordination and Attornment Agreement among ER Propco ML, LLC, ER Propco MI, LLC and Ally Bank, recorded in Document Number 20180100009198 in said Deed Records;

THENCE North 01 deg. 35 min. 30 sec. West along said centerline and along the west line of said called 9.356 acre tract and said 0.504 acre tract, a distance of 210.50 feet to a PK Nail set in same and being the northwest corner of said 0.504 acre tract and the southwest corner of a called 1.511 acre tract described in a deed to Jimmy McManus, recorded in Document Number 2002-R00155561 in said Deed Records;

THENCE North 88 deg. 33 min. 20 sec. East along the north line of said 0.504 acre tract and the south line of said 1.511 acre tract, passing a 3/4 inch iron pipe found for reference at 24.63 feet, continuing along said common line a total distance of 209.15 feet to a 1 inch iron pipe found for the northeast corner of said 0.504-acre tract and the southeast corner of said 1.511 acre tract and being in the west line of said 9.356 acre tract;

THENCE North 01 deg. 30 min. 37 sec. West along said west line and the east line of said 1.511 acre tract, passing a 1/2 inch iron rod found for the northeast corner of said 1.511 acre tract, same being the southeast corner of a called 1.511 acre tract described in a deed to Jimmy McManus, recorded in Document Number 2006-R0014704 at 315.26 feet, continuing along said west line and the east line of said 1.511 acre tract (Document Number 2006-R0014704) for a total distance of 628.23 feet to a car axle found for the northwest corner of said 9.356 acre tract and the northeast corner of said 1.511 acre tract and being in the south line of a called 65.264 acre (Tract 2) tract described in a deed to Tyler Oak Creek Development, LLC, recorded in Document Number 2014-24651 in said Deed Records;

THENCE North 88 deg. 45 min. 49 sec. East along the north line of said 9.356 acre tract and the south line of said 65.264 acre tract, a distance of 459.82 feet to a 1/2 inch iron rod found for the northeast corner of said 9.356 acre tract and the most northerly northwest corner of said 95.084 acre tract;

THENCE South 01 deg. 30 min. 33 sec. along the east line of said 9.356 acre tract and a west line of said 95.084 acre tract, a distance of 835.41 feet to a 1/2 inch iron rod found for the southeast corner of said 9.356 acre tract and being an ell corner in the west line of said 95.084 acre tract;

THENCE South 88 deg. 24 min. 49 sec. West along the south line of said 9.356 acre tract and the most westerly north line of said 95.084 acre tract, a distance of 668.65 feet to the **PLACE OF BEGINNING** containing 9.842 acres of which approximately 0.121 of an acre lies within said County Road 178, leaving

a net of 9.721 acres of land.

And,

(6) Any lots added on the following described property:

Legal Description

20.233 Acres

Thomas Quevado Seven League Grant Section 5, A-18

ALL THAT CERTAIN lot, tract or parcel of land situated within the Thomas Quevado Seven League Grant Section 5, Abstract 18, Smith County, Texas and being a part of a called 11.5 acre tract (Tract One) and all of a called 11.5 acre tract (Tract Two) as described in a deed to RCMC Development, LLC, dated August 29, 2016, recorded in Document Number 201610100036028 in the Official Public Records of Smith County, Texas, and being more completely described as follows:

BEGINNING at a cotton spindle found for the southwest corner of said 11.5 acre (Tract Two), same being the northwest corner of the residue of a called 32 acre tract described in a deed to James Hayden and John R. Hayden, recorded in Volume 1918, Page 523 in the Deed Records of Smith County, Texas and being in County Road 178 (Jonestown Road);

THENCE North 01 deg. 16 min. 16 sec. West along said County Road and the west line of said 11.5 acre (Tract Two) and 11.5 acre (Tract One), a distance of 262.89 feet to a PK Nail set in same;

THENCE across said 11.5 acres (Tract one) as follows:

North 88 deg. 21 min. 21 sec. East passing a ½ inch iron rod capped "Summit Surveying" set for reference at 32.00 feet, continuing a total distance of 320.00 feet to a ½ inch iron rod capped "Summit Surveying" set for corner; and

North 01 deg. 16 min. 16 sec. West a distance of 244.00 feet to a ½ inch iron rod capped "Summit Surveying" set for corner in the north line of said 11.5 acre (Tract One) and in a south line of a called 10.124 acre tract described in a deed to Cooper Empire, LLC, recorded in Document Number 20170100034697 in said Public Records;

THENCE North 88 deg. 21 min. 21 sec. East along said north line and said southline, a distance of 1,574.39 feet to a ½ inch iron rod capped "Summit Surveying" set for the northeast corner of said 11.5 acre (Tract One) and the southeast corner of said 10.124 acre tract and being in the west line of a called 51.185 acre tract described in a deed to Fidone Family Management, LLC, recorded in Document Number 20150100023733 in said Public Records;

THENCE South 01 deg. 16 min. 13 sec. East along the east line of said 11.5 acre (Tract One) and (Tract Two) and said west line, a distance of 505.92 feet to a ½ inch iron rod found for the southeast corner of said 11.5 acre (Tract Two) and the southwest corner of said 51.185 acre tract and being in the north line of a called 15.000 acre tract described in a deed to Tyler Oak Creek Development, LLC, recorded in Document Number 20200100005505 in said Public Records;

THENCE South 88 deg. 18 min. 54 sec. West along the south line of said 11.5 acre (Tract Two) and the north line of said 15.000 acre tract, a distance of 507.33 feet to a ½ inch iron rod found for the northwest corner of said 15.00 acre tract, same being the northeast corner of the above referenced residue 32 acre tract;

THENCE South 88 deg. 19 min. 51 sec. West along said south line and the north line of said residue of 32-acre tract, passing a ½ inch iron rod found for reference at 1,354.93 feet, continuing a total distance of 1,387.07 feet to the PLACE OF BEGINNING containing 20.233 acres of land which approximately 0.219 of an acre lies within the approximate occupied right of way sold County Road 178 (Jonestown Road) leaving a net of 20.014 acres of land.

And,

(7) Any lots added on the following described property:

Legal Description

29.500 Acres

Thomas Quevado Seven League Grant Section 4, A-18

ALL THAT CERTAIN lot, tract, or parcel of land situated within the Thomas Quevado Seven League Grant Section 4, Abstract 18, Smith County, Texas and being all of the residue of a called 32 described in a deed to James Hayden and Jon R. Hayden, recorded in Volume 1918, Page 523 in the Deed Records of Smith County, Texas, and being more completely described as follows:

BEGINNING at a metal fishplate found for the southwest corner of said 32 acre tract, same being the northwest corner of the residue of a called 63.830 acre tract (Tract 1) described in a deed by Tyler Oak Creek Development, LLC, recorded in Document Number 2014-24651 in said Deed Records, and being near the centerline of County Road 178 (Jonestown Road);

THENCE North 01 deg. 59 min. 03 sec. West along said County Road and the west line of said 32 acre tract, a distance of 905.03 feet to a Cotton Spindle found in said road and being the northwest corner of said 32 acre tract and being in the southwest corner of a called 11.5 acre tract (Tract 2) described in a deed to RCMC Development, LLC, recorded in Document Number 2016100036028 in said Deed Records;

THENCE North 88 deg. 19 min. 51 sec. East along the north line of said 32 acre tract and the south line of said 11.5 acre tract, passing a ½ inch iron rod found at 32.14 feet, continuing along said north line and said south line a total distance of 1,387.07 feet to a ½ inch iron rod found for the northwest corner of a called 15.000 acre tract described in a deed to Tyler Oak Creek Development, LLC, recorded in Document Number 20200100005505 in said Deed Records;

THENCE South 06 deg. 02 min. 58 sec. East across said 32 acre tract and along the west line of said 15.000 acre tract, a distance of 908.46 feet to a ½ inch iron rod found for the southwest corner of said 15.000 acre tract, same being in the south line of said 32 acre tract, and being in the north line of Lot 124 of Oak Creek Addition Unit 3, recorded in Cabinet F, Slide 6-C in the Plat Records of Smith County, Texas;

THENCE South 88 deg. 21 min. 42 sec. West along said south line and the north line of Lots 124 thru 127 of said Oak Creek Addition, Unit 3 and the north line of Lots 128 thru 133 of Oak Creek Addition Unit 4 (Corrected Plat) recorded in Cabinet F, Slide 143-D in said Plat Records and the north line of the aforementioned called 63.830 acre tract, passing a ½ inch iron rod capped "Summit Surveying" set for reference at 1,421.48 feet, continuing a total distance of 1,451.48 feet to the PLACE OF BEGINNING containing 29.500 acres of land of which approximately 0.616 of an acre lies within the approximate occupied right of way of said County Road 178 (Jonestown Road) leaving a net of 28.884 acres of land.

together with any lots which may, from time to time, result from the resubdivision, replatting, amendment, correction, combination or division of any of the lots as may be shown upon the Plat or Plats of Unit 1, Unit 2, Unit 3 and any other plats of the Property included in Exhibit "C", or any part thereof, hereafter filed for record in the Plat Records of Smith County, Texas. "Lot" shall also mean such additional lots as shall be shown or described on any additional Plats that shall hereinafter be filed in the Plat Records of Smith County, Texas expanding the Oak Creek Addition.

The Declarant affirms that the Declarant has not initially sold all of the Lots, thus, pursuant to the provisions of Section 11.02 of the Declaration, the Declarant has the sole right to unilaterally change or amend the Declaration.

As required pursuant to Section 11.04 of the Declaration, **the Declarant has voted to make the foregoing amendments to the Declaration.**

Signed on ~~April~~ ^{MAY} 28, 2021.

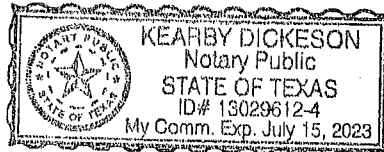
TYLER OAK CREEK DEVELOPMENT, LLC
a Texas limited liability company

BY: *Lenard R. McMillin*
LENARD R. McMILLIN, Manager

STATE OF TEXAS *
COUNTY OF SMITH *

This instrument was acknowledged before me on ~~April~~ ^{MAY} 28, 2021 by Lenard R. McMillin, Manger of OakCreek Development, LLC. a Texas limited liability company, on behalf of said company.

Kearby Dickeson
Notary Public State of Texas



**Smith County
Karen Phillips
Smith County Clerk**

Document Number: 202101021136

eRecording - Real Property

RESTRICTION

Recorded On: May 28, 2021 11:05 AM

Number of Pages: 8

Billable Pages: 7

" Examined and Charged as Follows: "

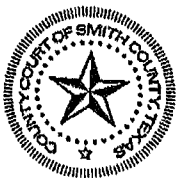
Total Recording: \$50.00

***** 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: 202101021136
Receipt Number: 20210528000074
Recorded Date/Time: May 28, 2021 11:05 AM
User: Tammy P



**STATE OF TEXAS
COUNTY OF SMITH**

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Smith County, Texas.

Karen Phillips
Smith County Clerk
Smith County, TX

Karen Phillips