

Michael H Carper  
c/o Western Title



STATE OF TEXAS           §  
  §  
COUNTY OF LUBBOCK   §

**FIRST AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

This First Amendment to Declaration of Covenants, Conditions and Restrictions ("Amendment") is made effective the 22<sup>nd</sup> day of October, 2024, by DRAKE/EDEWOOD, LLC, a Texas limited liability company ("Declarant").

WHEREAS, Declarant is the owner of a portion of that certain real property situated in Lubbock County, Texas described as follows:

All of Lots 1 thru 65, Centerpointe, an Addition to the City of Lubbock, Lubbock County, Texas, being more fully described in a Dedication Deed filed on or about the 13th day of March, 2023, in the Official Public Records of Lubbock County, Texas (the "Property").

WHEREAS, Declarant subjected the Property to the provisions of that certain Declaration of Covenants, Conditions and Restrictions (the "Declaration") dated March 24, 2023 and recorded under County Clerk File Number 2023011289 of the Official Public Records, Lubbock County, Texas;

WHEREAS, pursuant to Section 11 of the Declaration, the restrictive covenants may be amended by the owners of record of seventy-five percent (75%) of the Property subject to the Declaration; and

WHEREAS, the Declarant is the owner of more that seventy-five percent (75%) of the Property and desires to amend the Declaration.

NOW THEREFORE, Declarant hereby declares that the Declaration is hereby amended as follows:

1. Recitals Incorporated. The Recitals above are hereby incorporated into and made a part of this Agreement.
2. Definitions. All defined terms used herein without definition shall have the meaning ascribed thereto in the Declaration.
3. Amendment. Section 1 of the Declaration is deleted in its entirety and amended to read as follows:
  1. Lots 1 through 65 (hereinafter sometimes referred to as "the lots") shall be used for single family residential purposes only, and a "single-family residence" shall be construed as a single family dwelling used and occupied by one family and its constituent members. No building shall be erected, altered, placed, or permitted to remain on any lot other than one single family residence not to exceed two stories in height, and a private garage attached to the main residence providing for a minimum of two automobiles. Houses constructed on the lots shall contain at least 1,450 square feet of floor space, exclusive of garage, open or screened porch, storage rooms, basement and other space not equipped with heating and cooling.

Each garage shall be entered from and face the front of the lot on which it is located, subject to current City of Lubbock Regulations.

All of any chimney and at least eighty percent (80%) of the exposed exterior walls of each residence shall be of brick veneer construction; provided, all of any chimney may

alternatively be of synthetic stucco or other masonry material approved by Declarant. No residence may be constructed of stucco; provided, synthetic epoxy based stucco texture may be used. In calculating the above eighty percent (80%) requirement, openings for doors, windows, etc., shall be excluded. It is the intent hereby to prohibit concrete blocks, as well as asbestos shingles, as an exterior siding. No residence may be constructed pursuant to an experimental design, including, but not limited to adobe, geodesic domes or all steel exterior construction; provided, the foregoing is not intended to prohibit steel frame construction. No residence shall be built with a roof of crushed stone, marble or gravel. Rather, each residence roof shall be constructed of thirty year or greater laminate shingles or other lifetime roofing materials (except as otherwise excluded) in earth tone colors only and shall have a pitch of 6 x 12 or more. Replacement shingles or other roofing materials shall be of the same or similar color as that being replaced. Residences consisting of two stories shall provide for sixty percent (60%) of floor space to be located on the first floor of such residence. There shall be no portable or "move in" homes allowed on any of the lots, which shall include (and thereby preclude) any modular or pre-built home of any kind. It is the intent of the foregoing to require that only newly erected, permanent residences be placed on the Addition lots and that such be built in-place and on-site.

Each residence shall have and there shall be erected a wood fence, six feet (6') in height, encompassing all of that residence's "back yard." Any fencing greater than six feet (6') in height is prohibited. All fences shall be constructed of a type of cedar wood. The wood fence shall not be painted, but rather left in its natural state or stained with a semi-transparent stain similar in color to the cedar picket itself and shall be maintained in good repair and condition. In no instance shall a fence, wall or hedge be constructed, altered or maintained closer to any street than the minimum building setback line as promulgated by the City of Lubbock, except that on corner lots the fence may be installed from the interior lot line, along the rear lot line to the side street property line, and forward along the side street property line to within ten feet (10') of the front of the residence, thence across the side yard to the residence.

In addition to the fence requirements set forth above, Lot 1 shall have the smooth side of the wood fence face outward on the north, south and east sides of the lot. Lots 2 through 21, both inclusive, shall have the smooth side of the wood fence face outward on the south side such lots. Lot 22 shall have the smooth side of the wood fence face outward on the north, south, and west sides of the lot. Lot 23, 33 and 55 shall have the smooth side of the wood fence face outward on the south and west sides such lots. Lots 32, 43 and 65 shall have the smooth side of the wood fence face outward on the south and east sides of such lots. Lot 44 shall have the smooth side of the wood fence face outward on the north and east sides of the lot. Lot 54 shall have the smooth side of the wood fence face outward on the north and west sides of the lot.

Each residence shall have access to mail service delivered by the United States Postal Service to a double-mount mailbox attached to a single pedestal post. Therefore, each residence shall contribute one-half the cost to purchase and install such a mailbox with an adjacent residence, the placement of which shall be in compliance with regulations issued by the United States Postal Service. If a residence has only one adjacent residence, and such adjacent residence already has access to mail service, the residence with only one adjacent residence shall have access to mail services delivered by the United States Postal Service to a single-mount mailbox attached to a single pedestal post. Mailboxes described in this paragraph shall be constructed solely of metal components, including, but not limited to, aluminum and steel components, and of an overall appearance similar to that promulgated by Declarant.

Each residence built on a lot shall be located such that it fronts the street on which the lot faces. No circular drives or other parking areas shall be located in front of a residence.

Each residence shall have landscaping complying with "Smartscape" principles. If an automatic sprinkler system is installed, such system must be a low mist automatic sprinkler system and shall be equipped with a rain sensor and shall utilize underground drip systems in any flowerbeds. Only native and adaptive plants, turf grasses and trees promulgated by Texas Smartscape for the West Texas region and/or included as water-wise plant recommendations by the Lubbock Master Gardeners Association, may be utilized in the landscaping; accordingly, all varieties of fescue are specifically prohibited.

- 4. Integration. Except as provided for herein, the Declaration is in full force and effect and is hereby ratified and confirmed. In the event of any inconsistency of this Amendment and the Declaration, the terms of this Amendment shall control.

IN WITNESS WHEREOF, Declarant has caused this Amendment to be executed as of the day and year first written above.

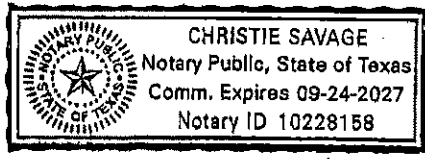
DECLARANT:

**DRAKE/EDGEWOOD, LLC, a Texas limited liability company**

By: Julie McMahon  
JULIE McMAHAN, Authorized Agent

STATE OF TEXAS           §  
  §  
COUNTY OF LUBBOCK   §

Acknowledged before me, the undersigned notary, on this 27<sup>th</sup> day of October, 2024, by JULIE McMAHAN, Authorized Agent of DRAKE/EDGEWOOD, LLC, a Texas limited liability company, in the capacity therein stated.



Christie Savage  
Notary Public, State of Texas

# FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



*Kelly Pinion*

Kelly Pinion, County Clerk  
Lubbock County, TEXAS  
10/25/2024 09:54 AM  
FEE: \$33.00  
2024042748

