

**DECLARATION OF COVENANTS AND RESTRICTIONS  
OF HORSE HAVEN ESTATES SUBDIVISION, PHASE FIVE**

THE STATE OF TEXAS     §

COUNTY OF BRAZOS       §

WHEREAS, OAKWOOD CUSTOM HOMES GROUP, LTD., a Texas limited partnership ("Developer and/or Declarant"), is the owner of the subdivision in the City of College Station, Brazos County, Texas, known as HORSE HAVEN ESTATES SUBDIVISION, PHASE FIVE (herein sometimes called "Horse Haven Phase Five" or "Subdivision"), being more particularly described on the Plat recorded in Volume 9409, Page 183 of the Official Records of Brazos County, Texas; and

WHEREAS, Developer and the other owners of the Property in Horse Haven Estates Subdivision, Phase Five desire to create and carry out an organized and uniform plan for the improvement, development, sale, and possession of all the numbered lots in such phase being Horse Have Subdivision, Phase Five, as per the Plat, recorded in Volume 9409, Page 183, Official Records of Brazos County, Texas, for the benefit of present and future owners of the Subdivision;

WHEREAS, Joshua D. Louder and wife, Bethany Louder, formerly known as Bethany M. Davis, are the owners of Lot Two (2), Block Two (2), Horse Haven Estates Subdivision, Phase Five, as per the Plat recorded in Volume 9409, Page 183, Official Records of Brazos County, Texas;

WHEREAS, Kyle Dwyer and Sarah Dwyer are the owners of Lot One (1), Block, One (1), Lot Two (2), Block One (1) and Lot Three (3), Block Two (2), Horse Have Estates Subdivision, Phase Five, as per the Plat recorded in Volume 9409, Page 183, Official Records of Brazos County, Texas;

WHEREAS, Jason Randolph and wife, Julie Randolph are the owners of Lot One (1), Block Two (2), Horse Haven Estates Subdivision, Phase Five, as per the Plat recorded in Volume 9409, Page 183, Official Records of Brazos County, Texas;

WHEREAS, TDG Management, LP, a Texas limited partnership, owns Lot Three (3), Block One (1), Horse Haven Estates Subdivision, Phase Five, as per the Plat recorded in Volume 9409, Page 183, Official Records of Brazos County, Texas.

WHEREAS, Developer has previously filed Declarations of Covenants and Restrictions ("Declarations") in Volume 9290, Page 250, Official Records of Brazos County, Texas, covering or pertaining to the Horse Haven Estates Subdivision, Phase Four, and hereinafter referred to as Existing Declaration;

WHEREAS, the Existing Declaration allows for additional Phases to be brought within the Existing Declaration filed in Volume 9290, Page 250, Official Records of Brazos County, Texas, by supplemented Declarations;

NOW, THEREFORE, Declarant and the undersigned parties being all of the owners of the Property located in the Horse Haven Estates Subdivision, Phase Five, hereby adopt and establish the following reservation, restriction, covenants and easements to apply to: (a) the use, maintenance, occupancy, preservation of value and conveyance of all lots in the Horse Haven Estates Subdivision, Phase Five; and (b) to use in each contract or deed, which may be executed, delivered and accepted conveying any Lot in Horse Haven Estates, Phase Five. By acceptance of a contract, deed, or other conveyance therefore, whether or not it shall be so expressed in the deed or other conveyance, each lot owner in Horse Haven Estates Subdivision, Phase Five as per the Plat, recorded in Volume 9409, Page 183, Official Records of Brazos County, Texas, shall be deemed to covenant and agree to the reservation, restrictions, covenants and easements, recorded in Volume 9290, Page 250, Official Records of Brazos County, Texas, as amended from time to time, regardless of whether or not such reservation, restrictions, covenants and easements are set out in full or referenced in said contract or deed, and the Declarations filed in Volume 9290, Page 250, Official Records of Brazos County, Texas, shall apply to all of the Lots in Horse Haven Estates Subdivision, Phase Five as if the Horse Haven Estates Subdivision, Phase Five, was originally included in such Existing Declarations.


This Agreement shall be binding upon the heirs, successors and assigns of the owner of each and every Lot located in Horse Haven Estates Subdivision, Phase Five, as per the Plat, recorded in Volume 9409, Page 183, Official Records of Brazos County, Texas.

In the event all Property Owners in Phase Five do not sign this document, the Covenants and Restrictions for Phase Four shall encumber the Property of any Owner in Phase Five that signed this Declaration.

Witnessed to be effective this the 30<sup>th</sup> day of March, 2018.

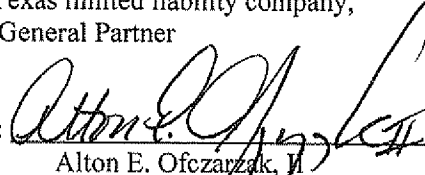
OAKWOOD CUSTOM HOMES GROUP, LTD  
a Texas limited partnership

By: OAKWOOD CUSTOM HOMEBUILDERS, L.L.C.  
A Texas limited liability company,  
Its General Partner

By:   
Alton E. Ofczafzak, II  
Managing Member

TDG MANAGEMENT, L.P.,  
a Texas limited partnership


By: TDG MANAGER, L.L.C.,  
A Texas limited liability company,  
Its General Partner

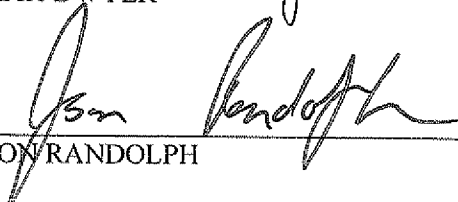
By:   
Alton E. Ofczarski,  
Managing Member

\_\_\_\_\_  
JOSHUA D. LOUDER

\_\_\_\_\_  
BETHANY LOUDER

  
\_\_\_\_\_  
KYLE DWYER

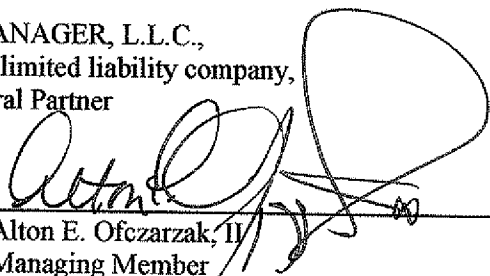
  
\_\_\_\_\_  
SARAH DWYER

  
\_\_\_\_\_  
JASON RANDOLPH

  
\_\_\_\_\_  
JULIE RANDOLPH

TDG MANAGEMENT, L.P.,  
a Texas limited partnership

By: TDG MANAGER, L.L.C.,  
A Texas limited liability company,  
Its General Partner

By:   
Alton E. Ofczarzak, II  
Managing Member

  
JOSHUA D. LOUDER

  
BETHANY LOUDER

\_\_\_\_\_  
KYLE DWYER

\_\_\_\_\_  
SARAH DWYER

\_\_\_\_\_  
JASON RANDOLPH

\_\_\_\_\_  
JULIE RANDOLPH

THE STATE OF TEXAS §  
§  
COUNTY OF BRAZOS §

This instrument was acknowledged before me on this the 30<sup>th</sup> day of March, 2018, by Alton E. Ofczarzak, II, Managing Member of Oakwood Custom Homebuilders, L.L.C., a Texas limited liability company, acting in its capacity as General Partner of Oakwood Custom Homes Group, Ltd., a Texas limited partnership, on behalf of said partnership.



M. Longoria  
Notary Public, State of Texas

THE STATE OF TEXAS §  
§  
COUNTY OF BRAZOS §

This instrument was acknowledged before me on this the 30<sup>th</sup> day of March, 2018, by Alton E. Ofczarzak, II, Managing Member of Oakwood Custom Homebuilders, L.L.C., a Texas limited liability company, acting in its capacity as General Partner of Oakwood Custom Homes Group, Ltd., a Texas limited partnership, on behalf of said partnership.



M. Longoria  
Notary Public, State of Texas

THE STATE OF TEXAS §  
§  
COUNTY OF BRAZOS §

This instrument was acknowledged before me on this the \_\_\_ day of \_\_\_\_\_, 2018, by JOSHUA D. LOUDER.

\_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF TEXAS §  
§  
COUNTY OF BRAZOS §

This instrument was acknowledged before me on this the \_\_\_ day of \_\_\_\_\_, 2018, by BETHANY LOUDER.

\_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF TEXAS §  
COUNTY OF BRAZOS §

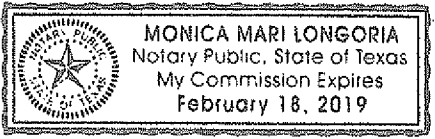
This instrument was acknowledged before me on this the 5<sup>th</sup> day of April, 2018, by KYLE DWYER.



M. Longoria  
Notary Public, State of Texas

THE STATE OF TEXAS §  
COUNTY OF BRAZOS §

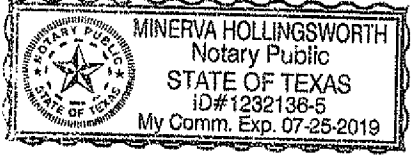
This instrument was acknowledged before me on this the 5<sup>th</sup> day of April, 2018, by SARAH DWYER.



M. Longoria  
Notary Public, State of Texas

THE STATE OF TEXAS §  
COUNTY OF BRAZOS §

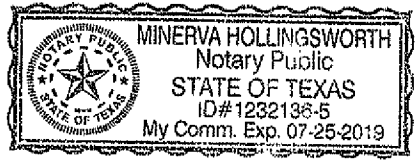
This instrument was acknowledged before me on this the 2 day of April, 2018, by JASON RANDOLPH.



Minerva Hollingsworth  
Notary Public, State of Texas

THE STATE OF TEXAS §  
COUNTY OF BRAZOS §

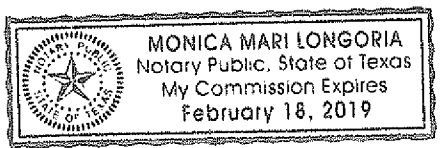
This instrument was acknowledged before me on this the 2 day of April, 2018, by JULIE RANDOLPH.



Minerva Hollingsworth  
Notary Public, State of Texas

THE STATE OF TEXAS §  
§  
COUNTY OF BRAZOS §

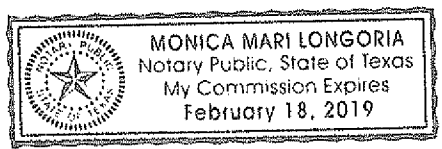
This instrument was acknowledged before me on this the 23<sup>rd</sup> day of April, 2018, by Alton E. Ofczarzak, II, Managing Member of Oakwood Custom Homebuilders, L.L.C., a Texas limited liability company, acting in its capacity as General Partner of Oakwood Custom Homes Group, Ltd., a Texas limited partnership, on behalf of said partnership.



[Signature]  
Notary Public, State of Texas

THE STATE OF TEXAS §  
§  
COUNTY OF BRAZOS §

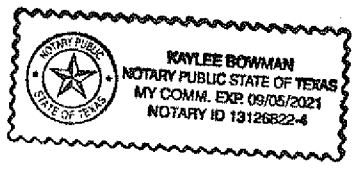
This instrument was acknowledged before me on this the 23<sup>rd</sup> day of April, 2018, by Alton E. Ofczarzak, II, Managing Member of Oakwood Custom Homebuilders, L.L.C., a Texas limited liability company, acting in its capacity as General Partner of Oakwood Custom Homes Group, Ltd., a Texas limited partnership, on behalf of said partnership.



[Signature]  
Notary Public, State of Texas

THE STATE OF TEXAS §  
COUNTY OF Tarrant §

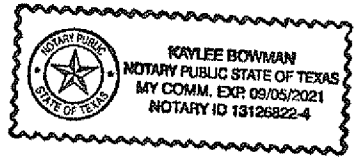
This instrument was acknowledged before me on this the 19<sup>th</sup> day of April 2018, by JOSHUA D. LOUDER.



[Signature]  
Notary Public, State of Texas

THE STATE OF TEXAS §  
COUNTY OF Tarrant §

This instrument was acknowledged before me on this the 19<sup>th</sup> day of April 2018, by BETHANY LOUDER.



[Signature]  
Notary Public, State of Texas

**Brazos County  
Karen McQueen  
County Clerk**

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**Instrument Number:** 1329174  
Volume : 14667  
ERecordings - Real Property

Recorded On: May 14, 2018 04:17 PM

Number of Pages: 8

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**" Examined and Charged as Follows: "**

Total Recording: \$54.00

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**\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\***

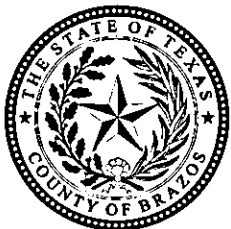
Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 1329174  
Receipt Number: 20180514000150  
Recorded Date/Time: May 14, 2018 04:17 PM  
User: Susie C  
Station: CCLERK02

**Record and Return To:**

eRx  
8600 Harry Hines Blvd. Ste 300  
Dallas TX 75235



STATE OF TEXAS  
COUNTY OF BRAZOS

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 Public Records of Brazos County, Texas.

Karen McQueen  
County Clerk  
Brazos County, TX