

**AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
LINDSEY CROSSING  
A Master Planned Residential Subdivision**

**WHEREAS**, Carr Properties, LLC and Huckabee Properties, LLC (jointly, the “Declarant”) are the owners of a certain 75.647 acre tract of land (the “Declarant’s Land” or the “Property”), more or less, described in a deed dated March 5, 2009 from Paul Morrison Hey and Suzanne Hey Darr, et al, to the Declarant that is recorded under Clerk’s File No. 2009-0R00010259 in the Official Public Records of Smith County, Texas; and

**WHEREAS**, Declarant intends to develop all or part of the Declarant’s Land into a residential subdivision to be known as Lindsey Crossing and comprised of multiple units (the “Subdivision”); and

**WHEREAS**, a Plat has been recorded in Cabinet F, Slide 133-B of the Official Public Records of Smith County, Texas for 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 and 29 of Lindsey Crossing, Unit 1, said Lots being a part of the Subdivision; and

**WHEREAS**, a Plat has been recorded in Cabinet F, Slide 166-D of the Official Public Records of Smith County, Texas for Lots 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50 of Lindsey Crossing, Unit 2, which Lots are also a part of the Subdivision; and

**WHEREAS**, a Plat has been recorded in Cabinet F, Slide 182A of the Official Public Records of Smith County, Texas for Lots 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 71, 72, 73, 74, 75, and 76 of Lindsey Crossing, Unit 3, which Lots are also a part of the Subdivision; and

**WHEREAS**, a Declaration of Covenants, Conditions and Restrictions Lindsey Crossing (the “Declaration”) was filed by the Declarant on November 15, 2019 under Clerk’s File No. 20190100038940 in the Official Public Records of Smith County, Texas, said Declaration affecting and running with all of the Declarant’s Land now or hereafter to be a part of the Subdivision; and

**WHEREAS**, Declarant desires to amend the Declaration to account for differences in the covenants, conditions and restrictions between certain of the Lots which are a part of Lindsey Crossing, Unit 1, Lindsey Crossing, Unit 2, and Lindsey Crossing, Unit 3;

THEREFORE, the Declaration is hereby amended as follows:

Paragraph 4 of the Declaration is amended to read as follows:

4. **Garages.** Each Dwelling Unit erected on a Lot in the Subdivision shall provide garage space for a minimum of two (2) conventional automobiles with a maximum space for (3) conventional

automobiles. Each garage shall open to the front of the Lot (facing the street), except for Lots 1, 15, 19, 20, 24, 25, 29, 42, 43, 50, 75, and 75 on which the garage may open to either the front or the side of the Lot (in either case facing the street). Driveways shall be constructed of concrete or other material expressly approved by the Architectural Control Committee and must be completed prior to occupancy of the Dwelling Unit.

The definitions of "Plat" and "Subdivision" on Exhibit "A" of the Declaration are amended to read as follows:

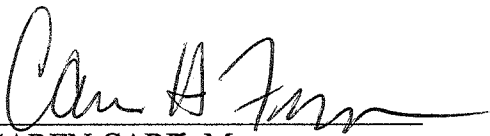
"Plat" means each of the survey plats of the Subdivision filed with and approved by the City of Tyler, Texas and recorded in Cabinet F, Slide 133-B, Cabinet F, Slide 166-D, Cabinet F, and Slide 182A of the Plat Records of Smith County, Texas.

"Subdivision" means Lindsey Crossing, Unit 1, Unit 2, and Unit 3as shown on the Plat, as the Subdivision may be hereafter changed, modified, supplemented or expanded.

In all other respects the Declaration is hereby ratified and confirmed.

SIGNED on the dates of the parties acknowledgments set forth below.

CARR PROPERTIES, LLC, a Texas limited liability company

BY:   
CAREN CARR, Manager  
Frazier

HUCKABEE PROPERTIES, LLC, a Texas limited liability company

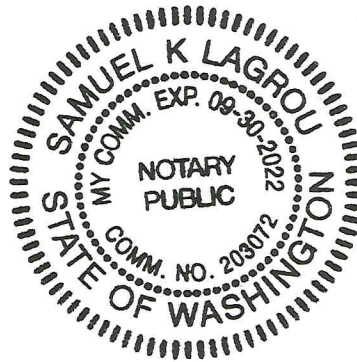
BY:   
KEVIN HUCKABEE, Manager

STATE OF TEXAS  
COUNTY OF SMITH

This instrument was acknowledged before me on April 19<sup>th</sup>, 2021 by Caren Frazier, the Manager of Carr Properties, LLC, a Texas limited liability company, on behalf of said company.

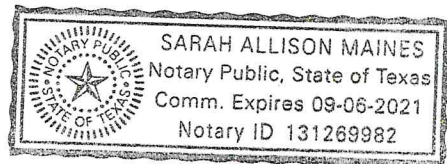
  
NOTARY PUBLIC, STATE OF TEXAS  
*Washington*

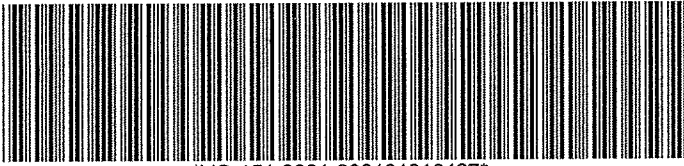
*Washington*  
STATE OF ~~TEXAS~~ - Texas  
COUNTY OF ~~SMITH~~ - *Spokane - Smith*



This instrument was acknowledged before me on April 27<sup>th</sup>, 2021 by Kevin Huckabee, the Manager of Huckabee Properties, LLC, a Texas limited liability company, on behalf of said company.

  
NOTARY PUBLIC, STATE OF TEXAS





\*VG-151-2021-202101016427\*

Smith County  
Karen Phillips  
Smith County Clerk

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Document Number: 202101016427

Real Property Recordings  
RESTRICTION

Recorded On: April 28, 2021 03:13 PM

Number of Pages: 4

Billable Pages: 3

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" Examined and Charged as Follows: "

Total Recording: \$34.00

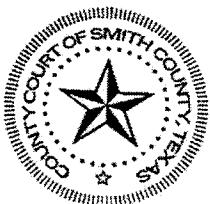
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\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

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: 202101016427  
Receipt Number: 20210428000128  
Recorded Date/Time: April 28, 2021 03:13 PM  
User: Alma D



STATE OF TEXAS  
Smith County

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



## Smith County Clerk

Karen Phillips  
200 E. Ferguson, Suite 300  
Tyler, TX 75702

**Main:** (903)590-4670

**Receipt:** 20210428000128

**Date:** 04/28/2021

**Time:** 03:13PM

**By:** Alma D

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<u>Seq</u>	<u>Item</u>	<u>Doc Type</u>	<u>Doc Number</u>	<u>Number Of</u>	<u>Amount</u>	<u>Serial Number</u>
1	Real Property Recordings	RESTRCT	202101016427	4	\$34.00	

**Order Total** (1) \$34.00

<u>Seq</u>	<u>Payment Method</u>	<u>Transaction Id</u>	<u>Comment</u>	<u>Total</u>
1	Cash			\$40.00
			<b>Total Payments</b> (1)	\$40.00
			<b>Change Due</b>	\$-6.00

LINSEY CROSSING LLC

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For more information about the County Clerk's office and to search property records online, please visit  
<https://www.smith-county.com/government/elected-officials/county-clerk/>