

UNRECORDED

FILED  
TARRANT COUNTY TEXAS

2007 JUL 17 PM 1:32

**FOURTH AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR  
WHITTIER HEIGHTS**

SUZANNE WILSON  
DEPUTY CLERK

BY \_\_\_\_\_

STATE OF TEXAS §  
COUNTY OF TARRANT §

**KNOW ALL MEN BY THESE PRESENTS:**

**WHEREAS**, Broadland Limited Partnership, Texas limited partnership (the "Declarant"), filed that certain Declaration of Covenants, Conditions and Restrictions for Whittier Heights executed August 25, 2003 (as heretofore amended, the "Declaration"), recorded September 25, 2003 in Volume 17239, Page 306 of the Deed Records of Tarrant County, Texas as subsequently amended by that certain First Amendment dated October 7, 2003 recorded October 10, 2003 in Volume 17295, Page 41 in the Deed Records of Tarrant County, Texas, and that certain Second Amendment recorded November 20, 2006 as Instrument D206366537 in the Deed Records of Tarrant County, Texas, which Second Amendment was subsequently corrected by instrument recorded January 29, 2007 as instrument #D207031983, and that certain Third Amendment dated April 20, 2007, recorded April 23, 2007 in the Deed Records of Tarrant County, Texas as instrument #D207140009; and

**WHEREAS**, Section 5.15 of the Declaration as amended provides that until the sale by Declarant of the total number of lots in the Addition to entities unrelated to Declarant, Declarant may amend the Declaration in whole or in part; and

**WHEREAS**, As of the date hereof, Declarant has not sold the total number of lots in the Addition to entities unrelated to Declarant; and

**WHEREAS**, Declarant desires to amend the Declaration;

**NOW, THEREFORE**, Declarant hereby amends ARTICLE I of the Declaration by adding thereto a new Section 1.0 immediately preceding Section 1.1 as follows:

"Section 1.0 Approved Builders. The Committee shall maintain and provide upon request a list of currently approved builders who may be employed by property owners in Whittier Heights to perform home construction and/or modifications to structures in the Addition (the "Approved Builders"). Only Approved Builders may perform home construction and/or modifications to structures in the Addition, other than minor repairs, to structures, as distinguished by the Committee in its sole judgment. Builders not included among those on the approved builders list are not approved for employment to perform home construction and/or modifications to structures in the Addition. Committee authority "

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**NOW, THEREFORE,** Declarant hereby amends ARTICLE II, Section 2.3 Authority by adding the following language to the end of said Section 2.3:

"The Committee may elect to create, modify, and maintain or discontinue a full or partial list of contractors and subcontractors by trade or craft that are approved to provide aspects of construction and landscaping services in Whittier Heights, that are identified on the list for example, contractors for swimming pool and related installation. Contractors and subcontractors not named on any such list kept by the Committee or not otherwise specifically approved in writing to provide aspects of construction and landscaping services identified on contractor and subcontractor lists in Whittier Heights are not permitted. For example, if there is a list of Committee approved pool contractors and/or subcontractors for Whittier Heights and a particular contractor or subcontractor is not named on it, then that contractor or subcontractor is not permitted to provide the related services in Whittier Heights, unless approved specifically for a particular installation or construction in writing by the Committee."

**NOW, THEREFORE,** Declarant hereby amends ARTICLE III, Section 3.2 Landscaping by adding the following language to the beginning of said Section 3.2:

"The Committee shall maintain and provide upon request a list of each house designer currently approved to provide house design services in Whittier Heights ("Approved House Designer") and a list of each currently approved Texas-licensed landscape architect ("Approved Landscape Architect") currently approved to provide landscape design services, including respectively modifications to existing house construction or existing landscaping in the Addition. House plans, other than for minor house modifications, as distinguished by the Committee in its sole judgment, are required to be prepared by an Approved House Designer. Landscape plans, other than for minor landscape matters, as distinguished by the Committee in its sole judgment, are required to be prepared by an Approved Landscape Architect. Irrigation plans must be prepared an Approved Landscape Architect or by a Texas-licensed irrigation contractor. Installation of landscape improvements, including swimming pools, must be overseen either by an Approved Landscape Architect or by an Approved Builder."

Except as specifically set forth hereinabove, the Declaration is unchanged and shall remain in full force and effect and shall govern the Addition.

Executed this 22nd day of June 2007.

DECLARANT:

BROADLAND LIMITED PARTNERSHIP

By: The David Bagwell Company, its general partner

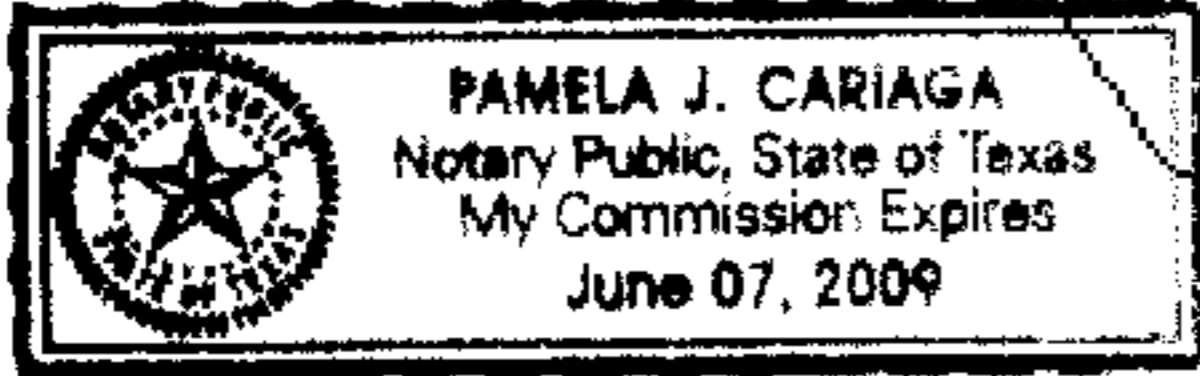
By: *David S. Bagwell*  
David S. Bagwell, President

STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on the 22nd day of June 2007, by David S. Bagwell, in his capacity as the President of The David Bagwell Company, a Texas corporation, on behalf of said corporation in its capacity as general partner of Broadland Limited Partnership, a Texas limited partnership, on behalf of such partnership.

*Pamela J. Cariaga*  
Notary Public, State of Texas



(Notary Seal)

DAVID BAGWELL  
8222 DOUGLAS AVE 605

DALLAS TX 75225

Submitter: DAVID BAGWELL



SUZANNE HENDERSON  
TARRANT COUNTY CLERK  
TARRANT COUNTY COURTHOUSE  
100 WEST WEATHERFORD  
FORT WORTH, TX 76196-0401

**DO NOT DESTROY**

**WARNING - THIS IS PART OF THE OFFICIAL RECORD.**

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Instrument #: D207249081  
OPR 4 PGS \$24.00

By: \_\_\_\_\_



**D207249081**

ANY PROVISION WHICH RESTRICTS THE SALE, RENTAL OR USE  
OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR  
RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.