

CORRECTION FIFTH AMENDMENT TO DECLARATION OF COVENANTS
CONDITIONS AND RESTRICTIONS FOR WHITTIER HEIGHTS

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS

§

COUNTY OF TARRANT

§

WHEREAS, Broadland Limited Partnership, a Texas limited partnership (the "Declarant"), then being the owner of Lots 1 through 45 of Block A, Lots 1 through 11 of Block B, Lots 1 through 16 of Block C, Lots 1 through 21 of Block D, and Open Space Lots 46-X through 50-X of Block A, 12-X and 13-X of Block B, 17X of Block C and 22-X of Block D in Whittier Heights, an Addition (the "Addition") to the City of Colleyville, Texas (the "City") according to the plat thereof recorded in Cabinet A, slides 8667 and 8668 of the Plat Records of Tarrant County, Texas (the "County") filed that certain Declaration of Covenants, conditions and Restrictions for Whittier Heights executed August 25, 2003 (as heretofore amended, the "Declaration"), record in Volume 17239, Page 306 of the Deed Records of Tarrant County, Texas; as subsequently amended by that certain First Amendment to Declaration of Covenants, Conditions and Restrictions for Whittier Heights dated October 7, 2003 recorded October 10, 2003 in Volume 17295, Page 41 of the Deed Records of Tarrant County, Texas; as subsequently amended by the Second Amendment to Declaration of Covenants, Conditions and Restrictions for Whittier Heights dated November 9, 2006 and recorded November 20, 2006 as Instrument #D206366537 in the Real Property Records, Tarrant County, Texas as subsequently corrected by instrument recorded January 29, 2007 as Instrument D207031983; as subsequently amended by the Third Amendment to Declaration of Covenants, Conditions and Restrictions for Whittier Heights dated April 20, 2007 and recorded April 23, 2007 as Instrument D207140009 in the Real Property Records, Tarrant County, Texas; as subsequently amended by the Fourth Amendment to Declaration of Covenants, Conditions and Restrictions for Whittier Heights dated June 22, 2007 and recorded July 17, 2007 as Instrument D207249081 in the Real Property Records, Tarrant County, Texas; as subsequently amended by the Fifth Amendment to Declaration of Covenants, Conditions and Restrictions for Whittier Heights dated October 16, 2008 and recorded October 16, 2008 as Instrument D208397305 of the Real Property Records, Tarrant County, Texas; as subsequently amended by the Sixth Amendment to Declaration of Covenants, Conditions and Restrictions for Whittier Heights dated May 4, 2009 and recorded May 5, 2009 as Instrument D209118950 of the Real Property Records, Tarrant County, Texas as subsequently corrected by instrument recorded JUNE 15, 2009 as Instrument D209158089 as subsequently amended by the Seventh Amendment to Declaration of Covenants, Conditions and Restrictions for Whittier Heights dated JUNE 15, 2009 and recorded JUNE 15, 2009 Instrument D209158089 the Real Property Records, Tarrant County, Texas; and

WHEREAS, Section 5.15 of the Declaration as amended grants to the Declarant, until the sale by Declarant of the total number of lots in the Addition to entities unrelated to Declarant, the right, in its sole discretion, to amend the Declaration; 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

NOW, THEREFORE, Declarant adopts the following correction to the Fifth Amendment to the Declaration of Covenants, Conditions and Restrictions for Whittier Heights: in the WHEREAS preamble, the words "Old Grove" are deleted and replaced by "Whittier Heights"

and in the "NOW THEREFORE" rubric, "Section G.3" is deleted and replaced by "Article VI. G."

It is expressly provided that this Correction Fifth Amendment to Declaration of Covenants, Conditions and Restrictions for Whittier Heights is executed, delivered, and accepted to correct that certain Fifth Amendment to Declaration of Covenants, Conditions and Restrictions for Whittier Heights, dated October 16, 2008 and recorded October 16, 2008 as Instrument D208397305 in the Real Property Records of Tarrant County, Texas.

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

Executed this 15th day of June, 2009.

DECLARANT:

BROADLAND LIMITED PARTNERSHIP

By: The David Bagwell Company,
Its general partner

By: [Signature]
David S. Bagwell, President

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

This instrument was acknowledged before me on the 15th day of June, 2009, 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.



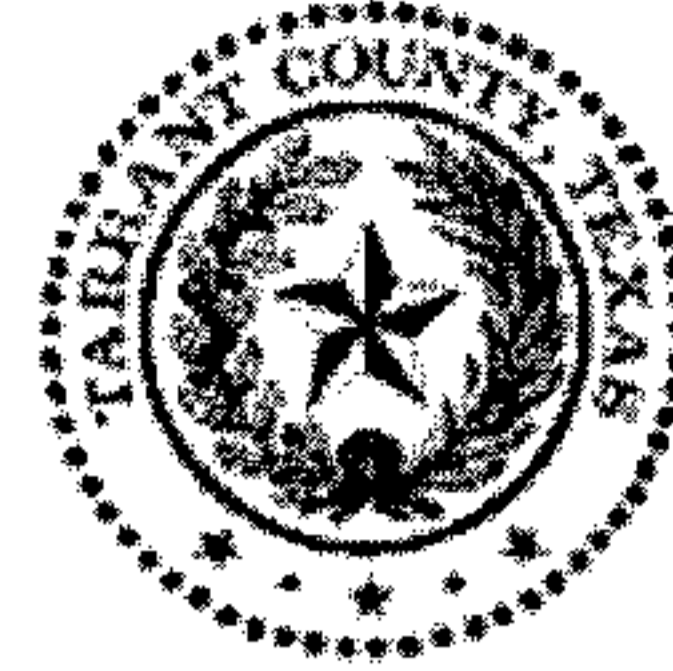
[Signature]

Return to:
Broadland L.P.
P.O. Box 1672
Collegedale, TX 76034

BROADLAND LP
P O BOX 1672

COLLEYVILLE TX 76034

Submitter: BROADLAND LP



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.

Filed For Registration: 06/15/2009 10:15 AM
Instrument #: D209158090
OPR 3 PGS \$20.00

By: 



D209158090

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.

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