

THIRD AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR
OLD GROVE

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Old Grove Limited Partnership, a Texas limited partnership (the "Declarant"), filed that certain Declaration of Covenants, Conditions and Restrictions for Old Grove executed on January 5, 2005 (as heretofore amended, the "Declaration") and recorded January 6, 2005 as Clerk's document #D205007069 in the Deed Records of Tarrant County, Texas; as subsequently amended by that certain Amendment dated November 9, 2006 and recorded November 20, 2006 as Clerk's document #D206366538 in the Deed Records of Tarrant County, Texas; as subsequently amended by that certain Second Amendment dated June 22, 2007 and recorded July 17, 2007 as Clerk's document #D207249080 in the Deed Records of Tarrant County; 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 Section G.3 of the First Amendment by deleting Section G.3 in its entirety and replacing it with the following:

3. Title to Common Areas. Declarant may retain legal title to the surface of the Common Areas or portions thereof until such time as, in the sole and exclusive opinion of Declarant, the Association is able to maintain same. Notwithstanding the foregoing, Declarant shall convey legal title to the surface of the Common Areas no later than Resignation.

Prior to and after conveyance of the surface of the Common Areas and until Resignation, Declarant may, if it so desires, maintain and make improvements to the Common Areas, but Declarant has no obligation to do so, and the cost incurred by Declarant in so doing shall be a loan to the Association to be repaid by the Association by means of assessments provided herein on such reasonable terms as the Board of Directors of the Association may determine.

4. Reservation of Mineral Rights. The Declarant shall retain the mineral estate and all rights relating thereto in the Common Areas including executive rights. The executive rights shall include, without limitation, the right to negotiate and execute

leases and to receive bonus and royalty payments. However, Declarant will not retain any right to use the surface of the Common Areas for the production or extraction of minerals.

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 16th day of October 2008.

DECLARANT:

OLD GROVE LIMITED PARTNERSHIP

By: The David Bagwell Company, its general partner

By:

David S. Bagwell

David S. Bagwell, President

STATE OF TEXAS

COUNTY OF DALLAS
arrant

This instrument was acknowledged before me on the 16 day of October, 2008, 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 Old Grove Limited Partnership, a Texas limited partnership, on behalf of such partnership.

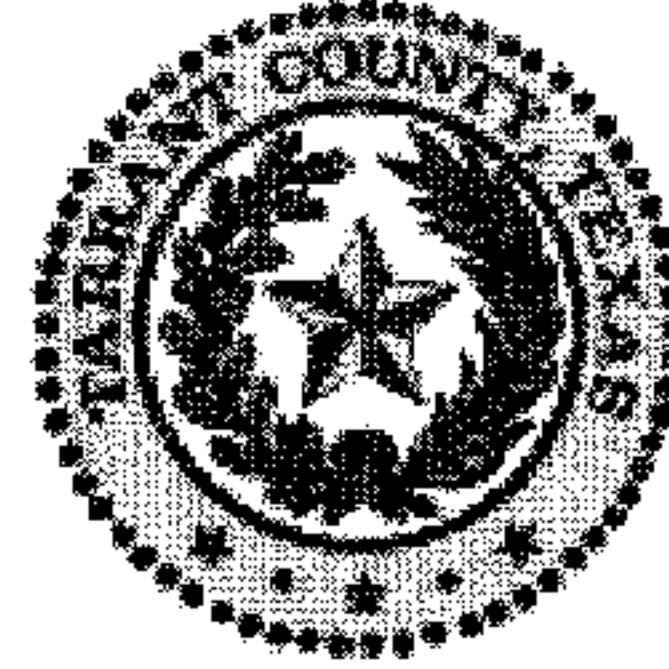
Connie Tinner

Notary Public, State of Texas

(Notary Seal)



Return to: David Bagwell
P.O. Box 1672
Colleyville, TX 76034



DAVID BAGWELL
P O BOX 1672

COLLEYVILLE TX 76034

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.

Filed For Registration: 10/16/2008 04:16 PM
Instrument #: D208397304
OPR 3 PGS \$20.00

By: _____



D208397304

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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