## Denton County Juli Luke County Clerk

Instrument Number: 108989

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**MEMORANDUM** 

Recorded On: September 01, 2017 03:51 PM Number of Pages: 20

" Examined and Charged as Follows: "

Total Recording: \$102.00

#### \*\*\*\*\*\*\* 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.

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## STATE OF TEXAS COUNTY OF DENTON

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 Denton County, Texas.

Juli Luke County Clerk Denton County, TX

#### AFTER RECORDING, PLEASE RETURN TO:

Judd A. Austin, Jr.
Henry Oddo Austin & Fletcher, P.C.
1700 Pacific Avenue
Suite 2700
Dallas, Texas 75201

## THIRD SUPPLEMENTAL CERTIFICATE AND MEMORANDUM OF RECORDING OF DEDICATORY INSTRUMENTS FOR ABBEY MOOR OF TROPHY CLUB HOMEOWNERS' ASSOCIATION, INC.

STATE OF TEXAS

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COUNTY OF DENTON

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The undersigned, as attorney for Abbey Moor of Trophy Club Homeowners' Association, Inc., for the purpose of complying with Section 202.006 of the Texas Property Code and to provide public notice of the following dedicatory instruments affecting the owners of property described on Exhibit B attached hereto, hereby states that the dedicatory instruments attached hereto are true and correct copies of the following:

- 1. Abbey Moor of Trophy Club Homeowners' Association, Inc. Design Guidelines (Exhibit A-1); and
- 2. Abbey Moor of Trophy Club Homeowners' Association, Inc. Resolutions (Exhibit A-2).

All persons or entities holding an interest in and to any portion of property described on Exhibit B attached hereto are subject to the foregoing dedicatory instruments.

IN WITNESS WHEREOF, Abbey Moor of Trophy Club Homeowners' Association, Inc. has caused this Third Supplemental Certificate and Memorandum of Recording of Dedicatory Instruments to be filed with the office of the Denton County Clerk and serves to supplement that

certain instrument recorded as Instrument No. 2011-121454 in the Official Public Records of the Denton County Clerk, that instrument recorded as Instrument No. 2016-149595 in the Official Public Records of the Denton County Clerk; and that instrument recorded as Instrument No. 2017-5242 in the Official Public Records of the Denton County Clerk.

ABBEY MOOR OF TROPHY CLUB HOMEOWNERS/ASSOCIATION, INC.

By:

Its: Attorney

STATE OF TEXAS

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COUNTY OF DALLAS

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BEFORE ME, the undersigned Notary Public, on this day personally appeared Vinay B. Patel, attorney for Abbey Moor of Trophy Club Homeowners' Association, Inc., known to me to be the person whose name is subscribed on the foregoing instrument and acknowledged to me that he executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND AFFIRMED SEAL OF OFFICE on this 1st day of September, 2017.

Notary Public, State of Texas

BEVERLY BATES
Notary Public, State of Texas
Comm. Expires 04-28-2021
Notary ID 485647

#### **EXHIBIT A-1**

# Abbey Moor

## **ACC DESIGN GUIDELINES**

V2.0 - 07/8/2017

## **ABBEY MOOR HOA - SBB MANAGEMENT COMPANY**

## **Contents**

#### **DESIGN GUIDELINES**

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## **PURPOSE OF DESIGN GUIDELINES**

#### 1.1 ESTABLISHMENT OF COVENANTS, CONDITIONS AND RESTRICTION

#### (a) ACC PURPOSE

The Design Guidelines have been established for the use by homeowners and third party builders in the community. Certain standards have been adopted for key elements aimed at ensuring that:

- An attractive, coordinated physical environment is maintained at all times;
- The continuity, overall quality, charm and attraction of Abbey Moor will be sustained for many years to come so that property values in Abbey Moor follow the steadily increasing trajectory of other communities in Denton County.

The following guidelines are not intended to limit the creativity of the architects or builders in their design or construction of homes. They are intended to provide a basis for design concepts, forms, and materials to create a comfortable living environment while fitting into the overall sense of community.

The property owner should familiarize himself and his building team with the requirements of the Design Guidelines and confirm that he has the latest revision.

#### APPROVAL PROCESS

PER DCCR ARTICLE 3.3 (D): "THE ACC...MAY AMEND OR MODIFY SUCH GUIDELINES OR STANDARDS FROM TIME TO TIME IN ITS SOLE DISCRETION. SUCH GUIDELINES OR STANDARDS SHALL SUPPLEMENT THIS DECLARATION AND BE GENERAL GUIDES TO PERMITTED CONSTRUCTION WITHIN THE PROPERTY, BUT SHALL NOT DIMINISH THE AUTHORITY OF THE ACC...TO APPROVE PLANS AS OTHERWISE HEREIN PROVIDED."

#### 3.3 (d) DESIGN GUIDELINES/BUILDING STANDARDS

- i. Abbey Moor is located within the Town of Trophy Club and is, therefore, subject to Trophy Club development ordinance. The Town of Trophy Club, and Denton County, or any other applicable governmental agency, should be contacted at the beginning of the building process to insure compliance with all applicable regulations. Compliance with all governmental regulation is the obligation of the builder. Builders within Abbey Moor are responsible for compliance with all applicable city, county, state and federal regulations.
- ii. All improvements to property are required to be submitted to the architectural control committee (ACC) for review and approval prior to the inception of any construction.
- iii. It is the applicant's responsibility to ensure compliance with the latest revisions to these guidelines. A digital copy will be made available upon request to the ACC.

### SPECIFIC CONSTRUCTION PROVISIONS

#### 3.4 (c) GARAGE REQUIREMENTS

- (1) Garage doors must be manufactured from stain-grade wood. No metal garage door will be permitted. The ACC must approve garage door replacements prior to installation. Painting garage doors is not permitted. The acceptable stain colors, or equivalent, for garage doors are as follows:
  - Behr Premium Natural Cedar
  - Sherwin Williams Hawthorne Brown SSW-3518
  - Seal Rite Ready Seal Medium Brown

#### 3.4 (e) (1) ANTENNAE/SATELLITE DISHES

a. No antennae will be permitted on the roof of the residence. All antennae must be concealed within the attic unless doing so impairs reception, unreasonably delays or prevents use of the antenna (due to permits or notifications, or unreasonably increases the cost of the antenna placement? All satellite dishes or antennae in excess of 1 meter in size shall be located in a fenced back yard with no part of the dish or antennae visible above the top of the fence. Satellite dishes less than 1 meter in size shall be installed to not be visible from the street directly in front of the house unless such location is the only location available for the proper reception of signal. Determination on signal strength must be made using industry accepted tools for measuring the signal strength and must follow industry standards for what is considered an acceptable quality of signal.

#### 3.4 (e) (2) FENCES AND WALLS

a. Fences are only to be constructed with 1" x 4" pickets of pine, cedar or spruce material. Posts and rails may be constructed with wood or with metal material. Diagonal and horizontal fencing is strictly prohibited. No used material may be used to construct any fence. All fences are to be kept in good repair. On all lots with wood fencing visible from the street, the fence must be constructed with the finished side out. Posts and rails are not to be seen from the street or any common area, and side yard gates are not permitted on adjacent street sides of a lot.

- b. Fences may be stained or re-stained using one of the three (3) acceptable stain colors, or equivalent, as follows:
  - Behr Premium Natural Cedar
  - Sherwin Williams Hawthorne Brown SSW-3518
  - Seal Rite Ready Seal Medium Brown
  - c. Metal, brick or block walls existing at the time of adoption of these guidelines may repaired or replaced with same materials.

#### 3.4 (e) (3) OUTBUILDINGS

- a. Unless express written consent for an exception from the ACC is secured prior to installation and placement on a Lot, only one lawn equipment storage unit and/or one children's playhouse, each limited to a maximum of 100 square feet of floor area, may be placed on a lot.
- b. Any outbuilding which may be visible from the street/above the fence line shall be submitted to the ACC for review and approval. The construction materials of any outbuilding that may be visible from the street shall be the same or esthetically complimentary to the house on the lot which it is located. In no case can the outbuilding be placed in a utility easement, within five feet of a side property line, or within ten feet of the back property line. Additionally, no outbuilding structure of any type is permitted unless the specific Lot involved is completely enclosed by fencing.

#### 3.4 (e) (4) TRASH CONTAINERS

All trash containers shall be screened from view of the street and from neighboring lots. Trash containers or bags cannot be put out before 7 pm the night before scheduled trash pickup, must be out at the curb by 7 am the day of scheduled trash pickup and must be brought in by 7am the day after scheduled trash pickup.

#### 3.4 (e) (8) SWIMMING POOL/RECREATION FACILITIES

#### SPECIFIC CONSTRUCTION PROVISIONS

- a. Above ground spas and/or hot tubs are permitted with the restriction that they shall not be visible from the front of the residence. All plumbing, heaters, pumps, filters etc. must be skirted, decked, screened or landscaped to hide from public view.
- b. Swimming pool appurtenances such as rock waterfalls, slides, and diving boards may not be visible over the fence line **without the approval of the ACC.**
- c. Pool walls shall not encroach on any utility easement. If pool plumbing is required
  in the utility easements, contact the appropriate utility company before digging.
   Wood or concrete pool decks may be placed on utility easements, but are subject
  to removal by utility companies in the future.

#### 3.4 (e) (10) PLAYGROUND EQUIPMENT

Abbey Moor desires to be a family friendly community. As such playground equipment such as swings, trampolines, playhouses or equipment are permitted. Any equipment which would exceed the height of the property fence shall be submitted to the ACC for review and approval.

#### CONSTRUCTION MATERIALS

#### 3.5 (a) EXTERIOR MATERIALS

#### (1) ROOF GUTTERS & DOWNSPOUTS

Downspouts are to be located to provide a clean, unobtrusive appearance, terminated by either splash blocks or drained underground to appropriate termination.

#### (2) A/C EQUIPMENT

No window or roof top HVAC equipment is permissible.

Extreme care should be taken in the location of condensers to avoid noise infiltration of adjoining bedrooms and other "quiet" zones.

A/C units and other facilities located on the street side of a lot are to be placed behind the fence or screened by landscaping.

#### (3) EXTERIOR LIGHTING

Ground lighting or decorative light fixtures are acceptable. Decorative fixtures must be of high quality materials and workmanship and be in scale with the residence.

Freestanding decorative fixtures are acceptable with ACC approval. Mercury vapor lights, when used for special landscape lighting (hung in trees as up or down lights) is permissible only with prior approval of the ACC.

Incandescent, low voltage incandescent, metal halide, quartz and natural gas lights are acceptable.

The builder/owner may install and maintain lighting on individual lots in a manner so as to not cause distraction or nuisance, and not be unsightly or intrusive to neighbors. Spotlights are to be directed to avoid spill onto any adjacent property.

#### (a) Maintenance

Outdoor wall mounted lighting that is visible from the street must be maintained in good aesthetic condition.

Outdoor wall mounted lighting in the front of the home must be repainted with is Rust-Oleum, Painters Touch, Ultra Cover Premium Metallic Paint, Metallic Oil Rubbed Bronze.

Replacement of the original outdoor wall mounted lighting that is visible from the street will require ACC review and approval before installation takes place.

#### (4) SHUTTERS

Shutters must be manufactured from stain-grade wood. No metal shutters will be permitted. The ACC must approve shutter replacements prior to installation.

Painting shutters is not permitted. The acceptable stain colors for shutters, **or equivalent**, are as follows:

- Behr Premium Natural Cedar
- Sherwin Williams Hawthorne Brown SSW-3518
- Seal Rite Ready Seal Medium Brown

#### 3.5 (b) CHIMNEYS AND ROOFTOP PROTRUSIONS

- (1) Prefabricated metal fireplaces and metal flues may be used but their chimneys must be masonry clad to present the appearance of traditional masonry chimneys. Heights of chimneys shall conform to the building and fire codes. This is also applicable to outdoor fireplaces.
- (2) Vent stacks and other necessary roof protrusions, where possible, should be located away from view from the adjacent street. All vent stacks and flashing are to be painted to match the color of the roof shingles. Shingles are to be overlapped at valleys so that no valley flashing is exposed.

## **CONSTRUCTION PERIOD AND PROCESS**

#### 3.8 (a) LANDSCAPING

#### (1) TREES

Trees shall be a minimum 3" caliper and be one of the trees listed below to count toward tree requirements:

- Bald Cypress
- Cedar Elm
- Chinese Pistachio
- Homestead Elm
- Lace Bark Elm
- Little Gem Magnolia
- Live Oak
- October Glory Maple
- Southern Magnolia
- Texas Red Oak

#### **EXHIBIT A-2**

#### RESOLUTIONS

#### **Definition of Recreational Vehicle**

The definition of recreation vehicles under 2.2 (b) of the D.C.C.& R's is defined by the Board of Directors as meaning any vehicle that is strictly for recreational use and includes golf carts and four wheel drive vehicles.

#### **Definition of Yard Equipment**

The Board of Directors defines yard equipment as stated in 2.2 (k) of the D.C.C.&R.'s to be any tool used to take care of the yard or a pool on the lot. This would include, in addition to what is listed in 2.2 (k) for yard equipment, skimmer nets, long handled (6 feet or longer) pool brushes and pool chemical containers.

#### **Nominating Committee**

The Board of Directors has been given the authority in the documents to form committees. The Board of Directors may appoint a Nominating Committee to actively solicit applications for Board positions from the community.

- The Nominating Committee will be comprised of three (3) members from standing committees.
- At the discretion of the Board, nominations for vacancies may be accepted from the floor during the annual meeting.

#### **EXHIBIT B**

Those tracts and parcels of real property located in the City of Trophy Club, Denton County, Texas and more particularly described as follows:

All lots, tracts of land, and real property subject to the **Declaration of Covenants**, Conditions and Restrictions for Abbey Moor of Trophy Club, filed of record on May 6, 2011, under Denton County Clerk's Instrument No. 2011-41528 in the Official Public Records of Denton County, Texas, including any other amendments thereof or supplements thereto.

#### LEGAL DESCRIPTION OF THE LAND/LOTS

#### LEGAL DESCRIPTION 46.413 ACRES NH-8

BEING A 46.413 ACRE TRACT OF LAND SITUATED IN THE R. ALLEN SURVEY, ABSTRACT NO. 5, TOWN OF TROPHY CLUB, DENTON COUNTY, TEXAS, AND BEING PART OF A 608.207 ACRE TRACT OF LAND CONVEYED AS "TRACT D" TO 831 TROPHY, LP, BY DEED RECORDED IN COUNTY CLERK'S FILE NO. 2006-128658, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS, SAID 46.413 ACRE TRACT, WITH REFERENCE BEARING BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83 (CORS96, EPOCH DATE 2002), DETERMINED BY GPS OBSERVATIONS ON JULIAN DAY 213, 2006 CALCULATED FROM ARLINGTON RRP2 CORS ARP (PID-DF5387), SAGINAW TX CORS ARP (PID-DH7149) AND DENTON CORS ARP (PID-DF8986) AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 5/8 INCH IRON ROD FOUND FOR AN INTERIOR ANGLE POINT ON THE EAST LINE OF SAID "TRACT D", SAID POINT BEING ON THE NORTH LINE OF EAST MARSHALL CREEK DRIVE (A VARIABLE WIDTH PRESCRIPTIVE RIGHT-OF-WAY);

THENCE, SOUTH 00 DEGREES 43 MINUTES 00 SECONDS EAST, ALONG AN EAST LINE OF SAID "TRACT D", A DISTANCE OF 19.81 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR THE POINT OF BEGINNING, AND THE NORTHWEST CORNER OF A CALLED 3 ACRE TRACT OF LAND CONVEYED TO JACK HEMINGWAY, ET UX, BY DEED RECORDED IN VOLUME 538, PAGE 17, DEED RECORDS, DENTON COUNTY, TEXAS, SAID POINT BEING ON THE CENTERLINE OF SAID EAST MARSHALL CREEK DRIVE;

THENCE, SOUTH 00 DEGREES 42 MINUTES 58 SECONDS EAST, CONTINUING ALONG THE EAST LINE OF SAID "TRACT D" AND THE COMMON WEST LINE OF SAID 3 ACRE TRACT, A DISTANCE OF 573.60 FEET TO A CONCRETE MONUMENT FOUND FOR THE SOUTHWEST CORNER OF SAID 3 ACRE TRACT AND THE NORTHWEST CORNER OF A CALLED 240 ACRE TRACT CONVEYED AS "TRACT E-405" TO UNITED STATES OF AMERICA BY DEED RECORDED IN VOLUME 370, PAGE 208, DEED RECORDS, DENTON COUNTY, TEXAS

THENCE, SOUTH 00 DEGREES 23 MINUTES 38 SECONDS EAST, CONTINUING ALONG THE EAST LINE OF SAID "TRACT D" AND THE COMMON WEST LINE OF SAID "TRACT E-405", A DISTANCE OF 1126.08 FEET TO A CONCRETE MONUMENT FOUND FOR CORNER AT THE NORTH CORNER OF A CALLED 134.4 ACRE TRACT OF LAND CONVEYED AS "TRACT E-401A" TO THE UNITED STATES OF AMERICA, BY DEED RECORDED IN VOLUME 467, PAGE 12, DEBD RECORDS, DENTON COUNTY, TEXAS;

THENCE, ALONG THE SOUTH LINE OF SAID "TRACT D" AND THE NORTH LINE OF SAID "TRACT E-401A", THE FOLLOWING COURSES AND DISTANCES:

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SOUTH 48 DEGREES 35 MINUTES 57 SECONDS WEST, A DISTANCE OF 228.36 FEET TO A CONCRETE MONUMENT FOUND FOR CORNER;

SOUTH 33 DEGREES 59 MINUTES 03 SECONDS WEST, A DISTANCE OF 464.16 FEET TO A CONCRETE MONUMENT FOUND FOR CORNER;

SOUTH 09 DEGREES 27 MINUTES 28 SECONDS WEST, A DISTANCE OF 463.78 FEET TO A 5/8 INCH IRON ROD WITH A PLASTIC CAP STAMPED "CSC" FOUND FOR CORNER AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 80 DEGREES 30 MINUTES 35 SECONDS, A RADIUS OF 408.00 FEET, AND A LONG CHORD THAT BEARS NORTH 50 DEGREES 54 MINUTES 36 SECONDS WEST, A DISTANCE OF 527.29 FEET;

THENCE, OVER AND ACROSS SAID "TRACT D", THE FOLLOWING COURSES AND DISTANCES:

ALONG SAID NON-TANGENT CURVE TO THE RIGHT, AN ARC LENGTH OF 573.31 FEET TO A 5/8 INCH IRON ROD WITH A PLASTIC CAP STAMPED "CSC" FOUND FOR CORNER:

NORTH 10 DEGREES 39 MINUTES 19 SECONDS WEST, A DISTANCE OF 104.62 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

NORTH 79 DEGREES 20 MINUTES 41 SECONDS EAST, A DISTANCE OF 45.00 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

NORTH 10 DEGREES 39 MINUTES 19 SECONDS WEST, A DISTANCE OF 360.08 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 28 DEGREES 48 MINUTES 51 SECONDS, A RADIUS OF 1880.93 FEET, AND A LONG CHORD THAT BEARS NORTH 25 DEGREES 03 MINUTES 44 SECONDS WEST, A DISTANCE OF 935.99 FEET;

ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC LENGTH OF 945.92 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER AND THE BEGINNING OF A COMPOUND CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 02 DEGREES 28 MINUTES 22 SECONDS, A RADIUS OF 1200.00 FEET AND A LONG CHORD THAT BEARS NORTH 40 DEGREES 42 MINUTES 20 SECONDS WEST, A DISTANCE OF 51.78 FEET;

ALONG SAID COMPOUND CURVE, AN ARC LENGTH OF 51.79 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

NORTH 02 DEGREES 37 MINUTES 30 SECONDS EAST, A DISTANCE OF 42.22 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

NORTH 47 DEGREES 54 MINUTES 37 SECONDS EAST, A DISTANCE OF 358.34 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER AND THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 04 DEGREES 36 MINUTES 45 SECONDS, A RADIUS OF 1980.02 FEET, AND A LONG CHORD THAT BEARS NORTH 50 DEGREES 12 MINUTES 59 SECONDS EAST, A DISTANCE OF 159.35 FEET;

ALONG SAID TANGENT CURVE TO THE RIGHT, AN ARC LENGTH OF 159.40 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

NORTH 52 DEGREES 31 MINUTES 21 SECONDS EAST, A DISTANCE OF 855.96 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER AND THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 36 DEGREES 43 MINUTES 07 SECONDS, A RADIUS OF 500.00 FEET AND A LONG CHORD THAT BEARS NORTH 70 DEGREES 52 MINUTES 55 SECONDS EAST, A DISTANCE OF 314.97 FEET;

ALONG SAID TANGENT CURVE TO THE RIGHT, AN ARC LENGTH OF 320.43 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

NORTH 89 DEGREES 14 MINUTES 29 SECONDS EAST, A DISTANCE OF 6.06 FEET TO THE POINT OF BEGINNING AND CONTAINING 49.994 ACRES OF LAND, MORE OR LESS.

#### SAVE & EXCEPT

ALL OF A 3.581 ACRE TRACT CONVEYED TO BECK PROPERTIES TROPHY CLUB, L.P., AS RECORDED IN COUNTY CLERK'S FILE NO. 93-R0087516, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS, SAID 3.581 ACRE TRACT BEING KNOWN AS "PAD SITE 4H" AND BEING MORE PARTICULARLY DESCRIBED AS "SAVE & EXCEPT" TRACT IN AFORESAID DEED TO 831-TROPHY, L.P., AS RECORDED IN COUNTY CLERK'S FILE NO. 2006-128658, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS, AND CONTAINING A NET ACREAGE OF 46.413 ACRES OF LAND.

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