

**FIFTH AMENDMENT AND PARTIAL RELEASE OF RESTRICTIONS  
OF  
DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS  
FOR GRAYHAWK**

This Fifth Amendment is made on the date hereinafter set forth by Eldorado Ranch, Ltd., a Texas limited partnership, hereinafter referred to as "Declarant".

**WITNESSETH:**

**WHEREAS**, Eldorado Ranch, Ltd. is the Declarant named in the Declaration of Covenants, Conditions and Restrictions for Grayhawk recorded in the Office of the County Clerk of Denton County, State of Texas, and recorded under Document No. 2002-R0008616 and in Volume 5007, Page 3301, in the Real Property Records of Denton County, Texas (the "Declaration"); and

**WHEREAS**, pursuant to Article XI, Section 3 of the Declaration, Declarant is entitled to amend the Declaration; and

**WHEREAS**, a First Amendment of Declaration of Covenants, Conditions and Restrictions for Grayhawk has been recorded in the Office of the County Clerk of Denton County, State of Texas and recorded under Document No. R003-R0100846 and in Volume 5362, Page 4351 in the Real Property Records of Denton County, Texas; and

**WHEREAS**, a Second Amendment of Declaration of Covenants, Conditions and Restrictions for Grayhawk has been recorded in the Office of the County Clerk of Denton County, State of Texas and recorded under Document No. 2002-R0086096 and in Volume 5125, Page 187 in the Real Property Records of Denton County, Texas; and

**WHEREAS**, a Third Amendment of Declaration of Covenants, Conditions and Restrictions for Grayhawk has been recorded in the Office of the County Clerk of Denton County, State of Texas and recorded under Document No. 2003-R0100847 and in Volume 5362, Page 4355 in the Real Property Records of Denton County, Texas; and

**WHEREAS**, a Fourth Amendment and Partial Release of Restrictions of Declaration of Covenants, Conditions and Restrictions for Grayhawk has been recorded in the Office of the County Clerk of Denton County, State of Texas and recorded under Document No. 2004-104312 in the Real Property Records of Denton County, Texas; and

**WHEREAS**, Declarant desires to amend and release certain property consisting of 21.40 acres, more or less, from the Declaration and any Amendments thereto.

**AGREEMENT:**

**NOW, THEREFORE**, for and in consideration of the above-stated recitals and other good and valuable consideration, Declarant hereby supplements and amends the Declaration as follows:

1. The 21.40 acres of land, more or less, of real property more fully described on Exhibit "A" attached hereto and incorporated herein by reference, will be referred to in this Fifth Amendment as "Released School Site #2 Property".

2. Eldorado Ranch, Ltd., as Declarant of the Declaration and all Amendments thereto, hereby releases in its entirety, the Released School Site #2 Property of and from all covenants, conditions and restrictions of the Declaration such that the Declaration will no longer cover, include or affect in any way the Released School Site #2 Property.

3. In all other respects, except where inconsistent with the terms of this Third Amendment, the Declaration is hereby ratified and approved.

IN WITNESS WHEREOF, the Declarant has caused this instrument to be executed on its behalf, and attested as of the 10<sup>TH</sup> day of FEBRUARY, 2005.

**DECLARANT:**

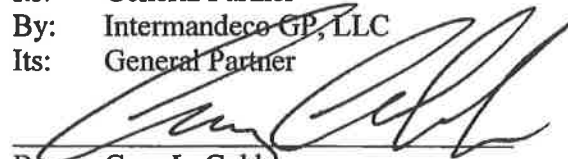
**ELDORADO RANCH, LTD.**

By: Intermandeco, Ltd.

Its: General Partner

By: Intermandeco GP, LLC

Its: General Partner

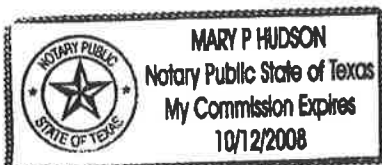
  
By: Cary L. Cobb

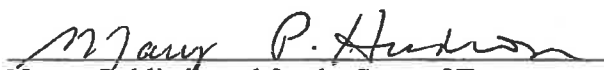
Title: Vice President

**STATE OF TEXAS**

**COUNTY OF COLLIN**

This instrument was acknowledged before me on the 10<sup>th</sup> day of February, 2005, by Cary L. Cobb, Vice President of Intermandeco GP, LLC, a Texas limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument; and he acknowledged to me that Intermandeco GP, LLC is the duly authorized representative of Intermandeco, Ltd., a Texas limited partnership, which is the duly authorized representative of Eldorado Ranch, Ltd., a Texas limited partnership and he executed said instrument for the purposes and consideration therein expressed on behalf of said limited partnership.



  
Notary Public in and for the State of Texas

Return to:  
Signature Title Company, Inc.  
2400 Dallas Pkwy.  
Suite 140  
Plano, TX 75093

EXHIBIT "A"

LEGAL DESCRIPTION

BEING, a tract of land situated in the H.G. Hawkins Survey, Abstract No. 589, in the City of Frisco, Denton County, Texas, being out of a 219.177 acre tract, as described in Clerks File No. 00-R0037997, in the Deed Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING, at a ½ inch iron rod set at the northeast corner of said 219.177 acre tract;

THENCE, South 00°23'09" East, along the east line of said 219.177 acre tract, for a distance of 815.46 feet, to a ½ inch iron rod set on a curve to the left, having a radius of 2305.00 feet, a central angle of 14°47'45", and a tangent of 299.28 feet;

THENCE, departing said east line and with said curve to the left for an arc distance of 595.23 feet (Chord Bearing South 82°13'45" West - 593.58 feet), to a ½ inch iron rod set at the point of reverse curvature of a curve to the right, having a radius of 470.00 feet, a central angle of 46°38'17", and a tangent of 202.60 feet;

THENCE, along said curve to the right for an arc distance of 382.57 feet (Chord Bearing North 81°50'59" West - 372.10 feet), to a ½ inch iron rod set at the point of tangency;

THENCE, North 58°31'51" West, for a distance of 204.73 feet, to a ½ inch iron rod set;

THENCE, North 31°28'09" East, for a distance of 26.96 feet, to a ½ inch iron rod set at the point of curvature of a curve to the left, having a radius of 380.00 feet, a central angle of 26°45'12", and a tangent of 90.36 feet;

THENCE, along said curve to the left for an arc distance of 177.43 feet (Chord Bearing North 12°16'22" East - 175.83 feet), to a ½ inch iron rod set at the point of tangency;

THENCE, North 01°06'14" West, for a distance of 199.70 feet, to a ½ inch iron rod set;

THENCE, South 88°53'46" West, for a distance of 38.53 feet, to a ½ inch iron rod set;

THENCE, North 00°53'12" West, for a distance of 325.03 feet, to a ½ inch iron rod set in the north line of said 219.177 acre tract;

THENCE, North 89°06'48" East, along the north line of said 219.177 acre tract, for a distance of 1121.68 feet, to the POINT OF BEGINNING and containing 21.400 acres of land.

APPROX. LIMITS  
100 YEAR FLOOD PLAN  
(ZONE A)  
PER FEMA MAP NO. 482230430 E  
NOTE: LIMITS SHOWN ARE APPROXIMATE  
AND HAVE NOT BEEN FIELD VERIFIED  
BY SURVEYOR

BERT FIELDS JR.  
VOL. 523, PG. 661

N89°09'49"E 1821.88'

21,400 GROSS ACRES  
19,143 NET ACRES

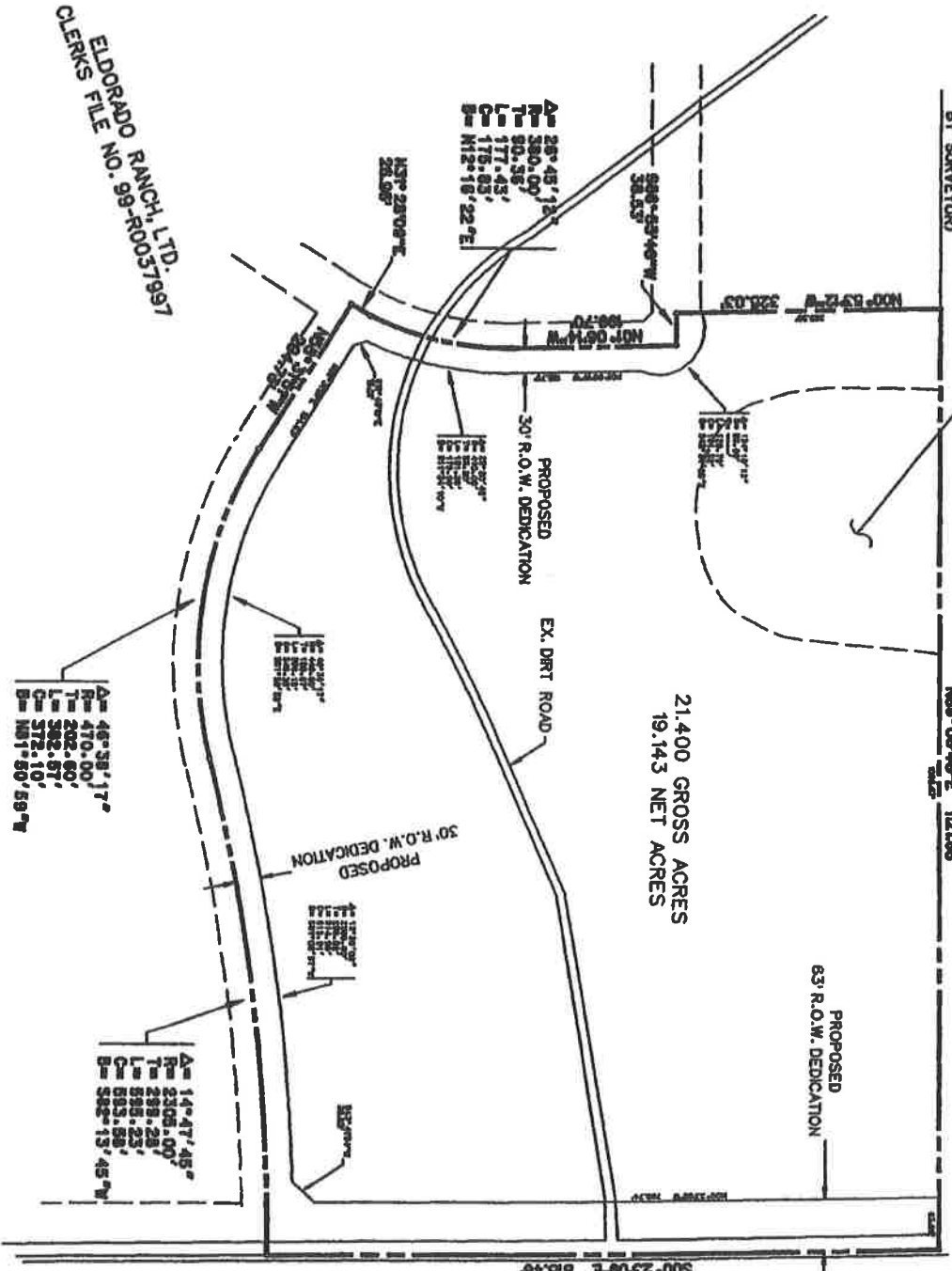
PROPOSED  
63' R.O.W. DEDICATION

S00°23'09"E 85.46'

CITY OF FRISCO  
CLERKS FILE NO. 98-0086765



SCALE 1" = 200'



ELDORADO RANCH, L.T.D.  
CLERKS FILE NO. 98-R0037897

**COERTIN ENGINEERING, INC.**  
200 W. Belmont, Suite E Allen, Texas 75013 (972) 366-1200

NOTE:  
BEARINGS ARE REFERENCED TO GRAYHAWK SECTION I  
PLAT AS AN ADDITION TO THE CITY OF FRISCO,  
PLAT DESCRIBED IN VOL. V, PG. 968, IN THE PLAT  
RECORDS OF DENTON COUNTY, TEXAS.

EXHIBIT 'A'  
GRAYHAWK SECTION II  
H.G. HAWKINS SURVEY, ABSTRACT NO. 589  
CITY OF FRISCO  
DENTON COUNTY, TEXAS

Denton County  
Cynthia Mitchell  
County Clerk  
Denton, TX 76202



70 2005 00021048

Instrument Number: 2005-21048

Recorded On: February 23, 2005

As  
Restrictions

Parties: ELDORADO RANCH

Billable Pages: 5

To

Number of Pages: 5

Comment:

**\*\* Examined and Charged as Follows: \*\***

Restrictions	22 00
Total Recording:	22.00

\*\*\*\*\* 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

**File Information:**

Document Number: 2005-21048  
Receipt Number: 172488  
Recorded Date/Time: February 23, 2005 11:36A

**Record and Return To:**

SIGNATURE TITLE CO  
2400 DALLAS PKWY STE 140  
PLANO TX 75093

User / Station: J Morris - Cash Station 1



THE 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.

*C. Mitchell*

County Clerk  
Denton County, Texas