

*** Electronically Filed Document ***

Rockwall County
Shelli Miller
County Clerk

Document Number: 2013-495672
Recorded As : ERX-RECORDINGS

Recorded On: August 30, 2013
Recorded At: 12:45:29 pm
Number of Pages: 5
Book-VI/Pg: Bk-OR VI-7372 Pg-227
Recording Fee: \$28.00

Parties:

Direct- CHISHOLM RANCH ESTATES
Indirect- PUBLIC

Receipt Number: 308626
Processed By: F H

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT. *****



I hereby certify that this instrument was filed on the date and time stamped hereon and was duly recorded in the Volume and Page of the named records in Rockwall County, Texas

Any provision herein which restricts the sale, rental or use of the described Real Estate because of color or race is invalid and unenforceable under Federal law.


Shelli Miller
Rockwall County Clerk

THE STATE OF TEXAS §
 §
 COUNTY OF ROCKWALL §

VACATION OF EQUESTRIAN EASEMENTS
 CREATED BY PLAT OF CHISHOLM RANCH ESTATES

The purpose of this instrument is to vacate, abandon, and nullify the "Equestrian Trail Easements" and the "Equestrian Use" restriction created by the following-described subdivision plat of Chisholm Ranch Estates (the "**Plat**");

Final Plat, Chisholm Ranch Estates, recorded on July 11, 2005, as Document No. 2005-00332344, in Cabinet F, Pages 247-250, Plat Records, Rockwall County, Texas, as corrected by the Affidavit of Certificate of Correction, recorded on October 27, 2005, as Document No. 2005-00340232, in Volume 04267, Page 00301, Official Public Records, Rockwall County, Texas, and as partially replatted by the Replat, Chisholm Ranch Estates, Lot 14R, recorded on December 16, 2011, in Cabinet H, Slide 189, Plat Records, Rockwall County, Texas.

CHANGED CIRCUMSTANCES

In 2013, owners of more than three-fourths of the subdivision do not value the equestrian features shown on the 2005 Plat (features that were never developed) and believe it is in their best interests, collectively and individually, and for their heirs, successors, and assigns, to forever abandon and relinquish any right, title, claim, or interest in and to the Equestrian Trail Easements shown on the Plat. In platting the subdivision in 2005, the original owner and developer of Chisholm Ranch Estates ~ Chisholm Ranch Estates, Ltd. ~ apparently intended to create an "equestrian community" with easements for horse riding trails around and through the subdivision. The 2005 concept of an "equestrian community" was clearly abandoned in 2008, when Chisholm Ranch Estates, Ltd., acted to prohibit the keeping of horses on lots in the subdivision, per the instrument recorded on July 10, 2008, as Document No. 2008-00401700, in Volume 5519, Page 231, Real Property Records, Rockwall County, Texas. As of January 2013, there is no visual evidence of an equestrian trail or other equestrian feature in, around, or through the subdivision.

EASEMENTS ABANDONED

When this instrument is publicly recorded, the below-referenced easements and use restriction on the Plat will be forever vacated, abandoned, and nullified, to the extent permitted by law in the absence of a publicly recorded replat of the subdivision:

1. The "**Equestrian Trail Easement**" on the following lots in Chisholm Ranch Estates:
 - In Block A: Lots 1 - 13, 14R, and 16 - 27
 - In Block B: Lots 3, 4, 17 and 18
 - In Block C: Lots 2, 3, 11 and 12
 - In Block D: Lots 3, 4, 14 and 15
 - In Block E: Lots 1, 4 and 5
2. The "**Equestrian Trail Easement**" on Common Area Lot 14, Block E, Chisholm Ranch Estates
3. The reference to "**for Equestrian Uses**" on Common Area Lot 14, Block E, Chisholm Ranch Estates

CLOSING RECITALS

From and after the Effective Date, the owner of a lot on which the Equestrian Trail Easement is platted is deemed to own the lot free and clear of the Equestrian Trail Easement, to the extent permitted by law. From and after the Effective Date no owner or resident of any portion of the Property will have any right of access or use of the Equestrian Trail Easements or the Common Area for equestrian purposes. Abandonment of the Equestrian Trail Easements by this instrument does not affect any other easement created by or referenced on the Plat, such as (by way of example) a drainage easement in the same location as the Equestrian Trail Easement. This instrument is signed below to be effective on the date it is publicly recorded by the Clerk of Rockwall County, Texas.

APPROVALS

APPROVAL BY PROPERTY OWNERS ASSOCIATION

By signing below, I hereby confirm that this Vacation of Equestrian Easements Created by the Plat of Chisholm Ranch Estates was approved by owners of more than 75 percent of the house lots in Chisholm Ranch Estates, as being in their collective best interests. The approvals of owners are evidenced by the signatures below of D. R. Horton-Texas, Ltd., and First Security Bank, N.A., which jointly own 78.4 percent of the 99 house lots.

Additionally, the directors of Chisholm Ranch Estates Homeowners Association, Inc., unanimously approved this instrument as it applies to Common Area Lot 14, Block E, which is owned by the Association.


SIGNED on the date stated below in the acknowledgment.

CHISHOLM RANCH ESTATES HOMEOWNERS ASSOCIATION, INC., a Texas property owners association and nonprofit corporation

By: 
David L. Booth, its President

THE STATE OF TEXAS §
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COUNTY OF DALLAS §

This instrument was acknowledged before me on this 16th day of July 2013 by David L. Booth, President of Chisholm Ranch Estates Homeowners Association, Inc., a Texas property owners association and nonprofit corporation, on behalf of said association.


Notary Public, The State of Texas



APPROVAL BY SUCCESSOR DECLARANT & OWNER OF 38.4% OF 99 LOTS

By signing below, I hereby confirm that this Vacation of Equestrian Easements Created by Plat of Chisholm Ranch Estates was approved by D. R. Horton-Texas, Ltd., a Texas limited partnership, in its capacity as the Dedarant of Chisholm Ranch Estates, pursuant to instrument recorded on March 13, 2012, as Document No. 2012-00464020, in Volume 6725, Page 205, Real Property Records, Rockwall County, Texas, and as the owner of the following 38 lots in Chisholm Ranch Estates, per plat recorded 7/11/05 as #2005-00332344, in Cabinet F, Pages 247-250, Plat Records, Rockwall County, Texas, as corrected & replatted:

- Lots 1-4, 7, 8, 11, 18, 23-25, 27, 28, 36 & 37, Block A
- Lots 2-8 & 15-20, Block B
- Lots 1-3, 5, 7 & 11-13, Block C
- Lots 1 & 2, Block D

SIGNED on the date stated below in the acknowledgment.

D. R. HORTON - TEXAS, LTD., a Texas limited partnership


By: D. R. HORTON, INC., a Delaware corporation, its authorized agent

By: 

 David L. Booth, Assistant Vice President

THE STATE OF TEXAS §
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 COUNTY OF DALLAS §

This instrument was acknowledged before me on this 16th day of July 2013 by David L. Booth, Assistant Vice President of D. R. Horton, Inc., a Delaware corporation, on behalf of said corporation in its capacity as authorized agent for D. R. Horton - Texas, Ltd., a Texas limited partnership, on behalf of the limited partnership.



 Notary Public, The State of Texas



APPROVAL BY BANK AS OWNER OF 40.4 % OF 99 LOTS

By signing below, I hereby confirm that this Vacation of Equestrian Easements Created by Plat of Chisholm Ranch Estates was approved by First Security Bank, N.A., a national bank chartered in Texas, in its capacity as the owner of the following 40 house lots in Chisholm Ranch Estates, per plat recorded 7/11/05 as #2005-00332344, in Cabinet F, Pages 247-250, Plat Records, Rockwall County, Texas, as corrected & replatted:

- Lots 5, 6, 29, 31-35, Block A
- Lot 9-13, Block B
- Lots 8-10, Block C
- Lots 3-11 & 13-17, Block D
- Lots 1-4, 7-9, 11-13, Block E

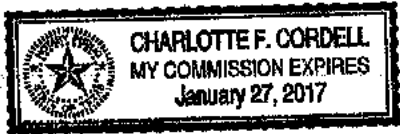
SIGNED on the date stated below in the acknowledgment.

FIRST SECURITY BANK, N.A., a national bank chartered in Texas

By: Frank R. Scheer
Frank R. Scheer, President

THE STATE OF TEXAS §
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COUNTY OF DENTON §

This instrument was acknowledged before me on this 16th day of July 2013 by Frank R. Scheer, President of First Security Bank, N.A., a national bank chartered in Texas, on behalf of said entity.



Charlotte F. Cordell
Notary Public, The State of Texas