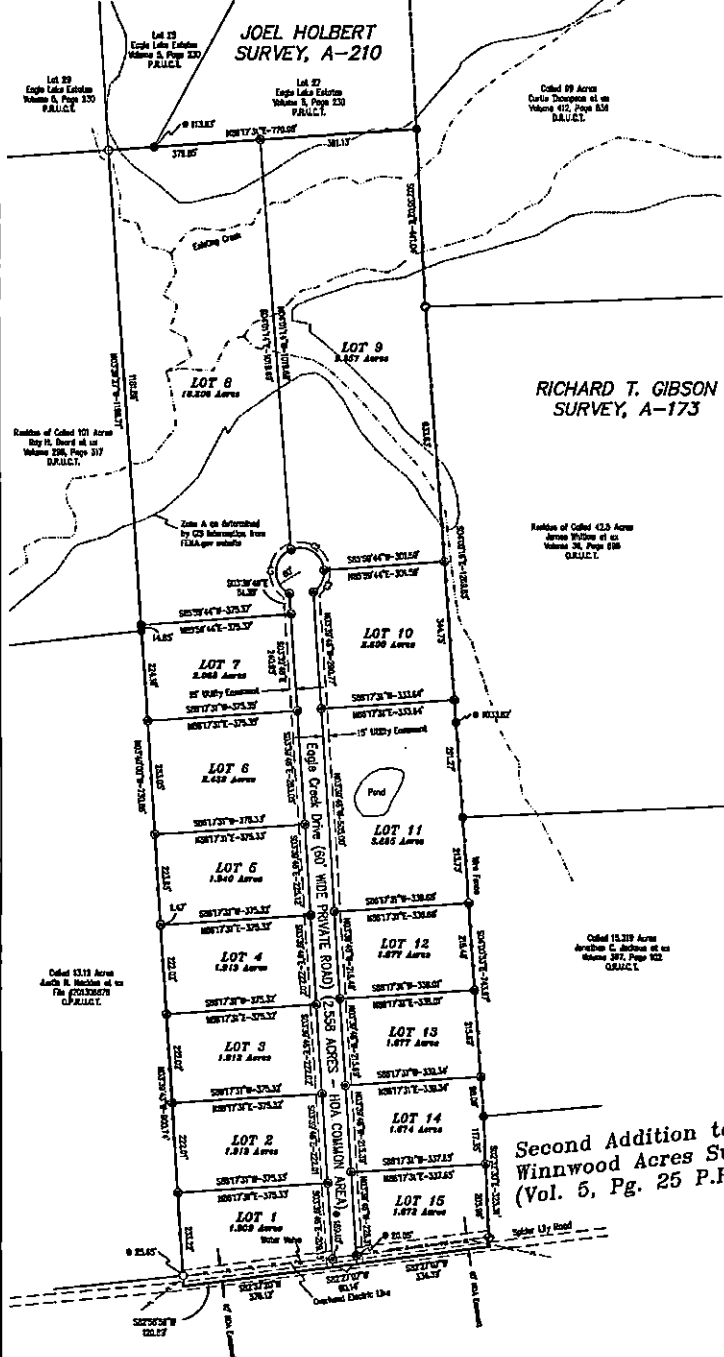
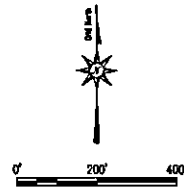


\*\*\*\* THIS PLAT AMENDS THE ORIGINAL PLAT SIGNED BY THE UPSHUR COUNTY COMMISSIONER'S COURT AND RECORDED IN VOLUME 5, PAGE 234 OF THE PLAT RECORDS OF UPSHUR COUNTY, TEXAS \*\*\*\*  
\*\*\*\* THE PURPOSE OF THIS PLAT AMENDMENT IS TO CHANGE THE ROAD FROM A DEDICATED ROAD TO A PRIVATE ROAD AND TO ADD A 40 FOOT WIDE HOA EASEMENT ALONG SPIDER LILY ROAD \*\*\*\*



By and for the County of Upshur, Texas  
County Judge  
Commissioner  
Deputy Commissioner



CURVE	ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	90.00°	137.24'	S 89°00'00\"	137.24'
C2	90.00°	113.15'	S 89°00'00\"	113.15'
C3	90.00°	85.31'	S 89°00'00\"	85.31'

NOTES:  
Subdividing or selling a portion of any lot depicted on this document, without a plat approved by the County of Upshur, Texas, is a violation of county ordinance and shall be and is subject to fines and penalties of \$250.00 and shall be null and void.

Surveyors are entitled to 1/2 inch north for the Texas Coordinate System (NAD83). North Coordinate Zone as determined by GPS measurements and are able to correct bearings about 1/2 inch to bearing related to County North, while bearing shown elsewhere by the surveying map of 1/2 inch. Distances shown are measured in 1/2 inch between measured along the 1/2 inch for the Texas Coordinate System of 1/2 inch North Coordinate Zone. To correct distance shown (NAD) to 1/2 inch for the Texas Coordinate System of 1/2 inch North Coordinate Zone, the survey distance shown (NAD) should be corrected by the project number and scale of 1.0001117.

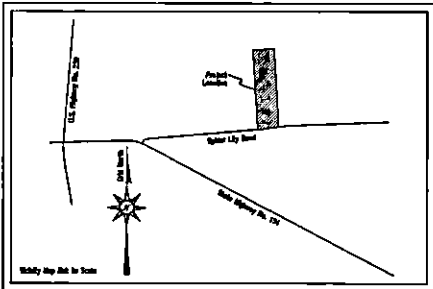
Not to be used for any other purpose and shall be subject to record, if any, and is subject to such laws as are enacted and amend the survey map shown.

SURVEYOR'S CERTIFICATE

I, Bryan P. Gatons, Registered Professional Land Surveyor No. 6265 of the State of Texas, do hereby certify that this plat was prepared from an actual survey made by me on the ground during 2021, and it conforms to the current procedures and practices established by the Texas Board of Professional Land Surveying as authorized by the Professional Land Surveying Practices Act, (Texas Occupations Code Chapter 1071) and its subsequent amendments.

Dated UNDER MY HAND AND SEAL this 6th day of April, 2025.

Bryan P. Gatons  
Bryan P. Gatons  
Registered Professional Land Surveyor  
State of Texas No. 6265



LEGEND

- 1/2" Iron Rod Found W/Tag (Gatons RPLS 8265)
- 3/8" Iron Rod Found
- 1/2" Grouted Iron Pipe Found
- 1/2" Iron Rod Found
- Steel Fence Post Found
- 1/2" Iron Pipe Found

PLAT AMENDMENT OF  
**EAGLE CREEK ESTATES**

15 LOTS - 49.504 ACRES TOTAL  
JOEL HOLBERT SURVEY, A-210  
UPSHUR COUNTY, TEXAS  
Gatons Surveying & Mapping, LLC - Firm No. 10194087  
290 Walton Street, Kilgore, Texas 75662 (937-483-2712)  
Drawn/Prepared by BPG  
Project No. 24-272 (21-189) Revised 12-2-2024, 4-6-2025  
Sheet 1 of 2

\*\*\*\* THIS PLAT AMENDS THE ORIGINAL PLAT SIGNED BY THE UPSHUR COUNTY COMMISSIONER'S COURT AND RECORDED IN VOLUME 5, PAGE 234 OF THE PLAT RECORDS OF UPSHUR COUNTY, TEXAS \*\*\*\*  
 \*\*\*\* THE PURPOSE OF THIS PLAT AMENDMENT IS TO CHANGE THE ROAD FROM A DEDICATED ROAD TO A PRIVATE ROAD AND TO ADD A 40 FOOT WIDE HOA EASEMENT ALONG SPIDER LILY ROAD \*\*\*\*

## DEDICATIONS

KNOW ALL MEN BY THESE PRESENTS that J. Pool Enterprises II LLC is the owner of Lot 1, Lot 9, Lot 10, Lot 14 and Lot 15 of Eagle Creek Estates as shown on a plat recorded in Volume 5, Page 234 of the Plat Records of Upshur County, Texas and that said I (NE) accept this plat amendment as shown herein.

J. Pool Enterprises II LLC by [Signature] (agent)

ACKNOWLEDGMENTS  
 STATE OF TEXAS  
 COUNTY OF UPSHUR  
 Acknowledged before me by [Signature] this the 2nd day of May, 2024.  
 Notary Public

KNOW ALL MEN BY THESE PRESENTS that Shelly Majors and Shannon Majors are the owners of Lot 2 of Eagle Creek Estates as shown on a plat recorded in Volume 5, Page 234 of the Plat Records of Upshur County, Texas and that said I (NE) accept this plat amendment as shown herein.

Shelly Majors  
 Shelly Majors

ACKNOWLEDGMENTS  
 STATE OF TEXAS  
 COUNTY OF UPSHUR  
 Acknowledged before me by [Signature] this the 21 day of May, 2024.  
 Notary Public

ACKNOWLEDGMENTS  
 STATE OF TEXAS  
 COUNTY OF UPSHUR  
 Acknowledged before me by [Signature] this the 21 day of May, 2024.  
 Notary Public

KNOW ALL MEN BY THESE PRESENTS that Roy Randall Northcutt and Kathleen S. Northcutt are the owners of Lot 3 of Eagle Creek Estates as shown on a plat recorded in Volume 5, Page 234 of the Plat Records of Upshur County, Texas and that said I (NE) accept this plat amendment as shown herein.

Roy Randall Northcutt  
 Roy Randall Northcutt

ACKNOWLEDGMENTS  
 STATE OF TEXAS  
 COUNTY OF UPSHUR  
 Acknowledged before me by [Signature] this the 14 day of May, 2024.  
 Notary Public

ACKNOWLEDGMENTS  
 STATE OF TEXAS  
 COUNTY OF UPSHUR  
 Acknowledged before me by [Signature] this the 14 day of May, 2024.  
 Notary Public

KNOW ALL MEN BY THESE PRESENTS that Christopher Sumrell and Maryalice Sumrell are the owners of Lot 4 and Lot 5 of Eagle Creek Estates as shown on a plat recorded in Volume 5, Page 234 of the Plat Records of Upshur County, Texas and that said I (NE) accept this plat amendment as shown herein.

Christopher Sumrell  
 Christopher Sumrell

ACKNOWLEDGMENTS  
 STATE OF TEXAS  
 COUNTY OF UPSHUR  
 Acknowledged before me by [Signature] this the 24th day of May, 2024.  
 Notary Public

ACKNOWLEDGMENTS  
 STATE OF TEXAS  
 COUNTY OF UPSHUR  
 Acknowledged before me by [Signature] this the 24th day of May, 2024.  
 Notary Public

KNOW ALL MEN BY THESE PRESENTS that Southern Design & Construction, LLC is the owner of Lot 6 of Eagle Creek Estates as shown on a plat recorded in Volume 5, Page 234 of the Plat Records of Upshur County, Texas and that said I (NE) accept this plat amendment as shown herein.

Southern Design & Construction, LLC  
 Southern Design & Construction, LLC (Agent)

ACKNOWLEDGMENTS  
 STATE OF TEXAS  
 COUNTY OF UPSHUR  
 Acknowledged before me by [Signature] this the 2nd day of May, 2024.  
 Notary Public

KNOW ALL MEN BY THESE PRESENTS that Kenneth R. Martin, Jr. and Shannon L. Martin are the owners of Lot 7 of Eagle Creek Estates as shown on a plat recorded in Volume 5, Page 234 of the Plat Records of Upshur County, Texas and that said I (NE) accept this plat amendment as shown herein.

Kenneth R. Martin, Jr.  
 Kenneth R. Martin, Jr.

ACKNOWLEDGMENTS  
 STATE OF TEXAS  
 COUNTY OF UPSHUR  
 Acknowledged before me by [Signature] this the 13 day of May, 2024.  
 Notary Public

ACKNOWLEDGMENTS  
 STATE OF TEXAS  
 COUNTY OF UPSHUR  
 Acknowledged before me by [Signature] this the 13 day of May, 2024.  
 Notary Public

KNOW ALL MEN BY THESE PRESENTS that Correll Daniel Dungey is the owner of Lot 8 of Eagle Creek Estates as shown on a plat recorded in Volume 5, Page 234 of the Plat Records of Upshur County, Texas and that said I (NE) accept this plat amendment as shown herein.

Correll Daniel Dungey  
 Correll Daniel Dungey

ACKNOWLEDGMENTS  
 STATE OF TEXAS  
 COUNTY OF UPSHUR  
 Acknowledged before me by [Signature] this the 12 day of May, 2024.  
 Notary Public

KNOW ALL MEN BY THESE PRESENTS that Jacob Dean Pool and Haley Taylor Pool are the owners of Lot 11 of Eagle Creek Estates as shown on a plat recorded in Volume 5, Page 234 of the Plat Records of Upshur County, Texas and that said I (NE) accept this plat amendment as shown herein.

Jacob Dean Pool  
 Jacob Dean Pool

ACKNOWLEDGMENTS  
 STATE OF TEXAS  
 COUNTY OF UPSHUR  
 Acknowledged before me by [Signature] this the 22nd day of May, 2024.  
 Notary Public

ACKNOWLEDGMENTS  
 STATE OF TEXAS  
 COUNTY OF UPSHUR  
 Acknowledged before me by [Signature] this the 22nd day of May, 2024.  
 Notary Public

KNOW ALL MEN BY THESE PRESENTS that Richard Morris and Karlyn Morris are the owners of Lot 12 of Eagle Creek Estates as shown on a plat recorded in Volume 5, Page 234 of the Plat Records of Upshur County, Texas and that said I (NE) accept this plat amendment as shown herein.

Richard Morris  
 Richard Morris

ACKNOWLEDGMENTS  
 STATE OF TEXAS  
 COUNTY OF UPSHUR  
 Acknowledged before me by [Signature] this the 5th day of May, 2024.  
 Notary Public

ACKNOWLEDGMENTS  
 STATE OF TEXAS  
 COUNTY OF UPSHUR  
 Acknowledged before me by [Signature] this the 5th day of May, 2024.  
 Notary Public

KNOW ALL MEN BY THESE PRESENTS that Corey Abbott and Heather Abbott are the owners of Lot 13 of Eagle Creek Estates as shown on a plat recorded in Volume 5, Page 234 of the Plat Records of Upshur County, Texas and that said I (NE) accept this plat amendment as shown herein.

Corey Abbott  
 Corey Abbott

ACKNOWLEDGMENTS  
 STATE OF TEXAS  
 COUNTY OF UPSHUR  
 Acknowledged before me by [Signature] this the 14 day of May, 2024.  
 Notary Public

ACKNOWLEDGMENTS  
 STATE OF TEXAS  
 COUNTY OF UPSHUR  
 Acknowledged before me by [Signature] this the 14 day of May, 2024.  
 Notary Public

Under Signature  
 Notary  
[Signature]  
 Vice President

Date: April 28, 2025

Eastern Credit Union  
 By [Signature]  
 Vice President

Date: June 27, 2025

By [Signature]  
 Vice President

Date: June 26, 2025

Acacia Bank, N.A.  
 By [Signature]  
 Vice President

Date: June 27, 2025

THE STATE OF TEXAS  
 COUNTY OF UPSHUR  
 I hereby certify that this instrument was FILED on the date and the time stamped herein by me and was duly RECORDED in the Records of Upshur County, Texas.  
 202504074 V: 1308 P: 576 PLAT  
 07/07/2025 01:59 PM

Terril Ross, County Clerk  
 Upshur County, Texas

PLAT AMENDMENT OF  
EAGLE CREEK ESTATES

15 LOTS - 49.504 ACRES TOTAL  
 JOEL HOLBERT SURVEY, A-210  
 UPSHUR COUNTY, TEXAS  
 Gatons Surveying & Mapping, LLC - Firm No. 10194087  
 290 Walton Street, Kilgore, Texas 75682 (903-483-2712)  
 Drawn/Prepared by BPG  
 Project No. 24-272 (21-189) Revised 12-2-2024, 4-8-2025  
 Sheet 2 of 2

## **CONSENT AND AGREEMENT OF LENDERS**

This Consent and Agreement of Lenders (the "Agreement") is made effective as of \_\_\_\_\_, 2025, by and among the undersigned Lenders (the "Lenders").

### **RECITALS:**

Eagle Creek Estates (ECE), is a subdivision of a 49.504 acre tract in the Joel Holbert Survey, A-210, Upshur County, Texas, consisting of fifteen (15) lots (Property) according to the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas and is owned by the following owners:

J. POOL ENTERPRISES II, LLC, a Texas Limited Liability Company, whose address is 139 Rockrose Drive, Longview, Texas 75605, is the owner of Lots 1, 9, 10, 14, and 15 as they appear on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas; Lot 10 is secured by a deed of trust in favor of VeraBank recorded as Clerk's Instrument Number 202401763 in the Official Public Records, Upshur County, Texas;

SHELBY MAJORS and SHANNON MAJORS, whose address is 204 Hill Street, Longview, Texas 75605, are the owners of Lot 2 as shown on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas, secured by a deed of trust in favor of VeraBank recorded as Clerk's Instrument Number 202405548 in the Official Public Records, Upshur County, Texas;

ROY RANDALL NORTHCUTT and KATHLEEN S. NORTHCUTT, whose address is 145 Eagle Creek Drive, Diana, Texas 75640, are the owners of Lot 3 as it appears on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas.

CHRISTOPHER SUMRALL and MARY ALICE SUMRALL, whose address is 167 Eagle Creek Drive, Diana, TX 75640, are the owners of Lot 4 and Lot 5 as they appear on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas, Lot 4 secured by: (1) a deed of trust in favor of Eastman Credit Union recorded as Clerk's Instrument Number 202404438 in the Official Public Records, Upshur County, Texas; and (2) a deed of trust in favor of VeraBank from Southern Design & Construction, LLC, a Texas Limited Liability Company, recorded as Clerk's Instrument Number at 2022209785 in the Official Public Records of Upshur County, Texas;

SOUTHERN DESIGN & CONSTRUCTION, LLC, a Texas Limited Liability Company, whose address is P.O. Box 1550, Kilgore, Texas 75663, is the owner of Lot 6 as it appears on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas, secured by a deed of trust in favor of VeraBank recorded as Clerk's Instrument Number 202209798 in the Official Public Records, Upshur County, Texas;

KENNETH R. MARTIN JR. and SHANNON L. MARTIN, whose address is 102 Remington Trail, Longview, Texas 75604, are the owners of Lot 7 as it appears on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur

County, Texas, secured by a deed of trust in favor of Cadence Bank recorded as Clerk's Instrument Number 202201635 in the Official Public Records, Upshur County, Texas;

GARRETT DANIEL BUNGER and NATALIE BUNGER, whose address is 2890 Sego Lilly Road, Unit 1, Diana, Texas 75640, are the owners of Lot 8 as it appears on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas;

JACOB DEAN POOL and HALEY TAYLOR POOL, whose address is 236 Eagle Creek Drive, Diana, Texas 75640, are the owners of Lot 11 as it appears on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas;

RICHARD MORRISON and KAROLYN MORRISON, whose address is 11998 Calhoun 455, Camden, Arkansas 71701, are the owners of Lot 12 as it appears on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas; and

CASEY ABBOTT and HEATHER ABBOTT, whose address is 148 Eagle Creek Drive, Diana, Texas 75640, are the owners of Lot 13 as it appears on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas, secured by: (1) a residential construction contract with deed of trust and power of sale in favor of Austin Bank, Texas N.A. recorded as Clerk's Instrument Number 202202015 in the Official Public Records, Upshur County, Texas; and (2) a deed of trust in favor of Austin Bank, Texas N.A. recorded as Clerk's Instrument Number 202406240 in the Official Public Records, Upshur County, Texas.

All the Owners have requested the approval of an amendment of the plat of the Property (Amended Plat) to be submitted to Upshur County Commissioners Court for approval. For the amendment to be valid, all lenders having loans secured by lots in ECE are required to execute the Amended Plat.

The undersigned Lenders hold a security interest in a portion of the Property pursuant to certain loan agreements, promissory notes, deeds of trust, and other related documents (collectively, the "Loan Documents"):

In consideration of the mutual covenants and agreements contained herein, the Lenders hereby consent and agree as follows:

1. *Consent to Plat amendment:* The Lenders hereby consent to the amendment of the plat of the Property as requested by the Owners and agree to execute the Amended Plat, subject to the terms and conditions set forth herein.

2. *Conditions of Consent:* The amendment of the plat shall not adversely affect the security interests of the Lenders in the Property. The Owners shall comply with all applicable laws, regulations, and requirements of the State of Texas and Upshur County Commissioners Court, Texas in connection with the plat amendment. The Owners shall provide the Lenders with a copy of the Amended Plat promptly upon approval by Upshur County Commissioners Court .

3. **Effect on Loan Documents:** Except as expressly modified by this Agreement, all terms and conditions of the Loan Documents shall remain in full force and effect. The Lenders' consent to the plat amendment shall not be construed as a waiver of any rights or remedies under the Loan Documents.

4. **Governing Law:** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas.

5. **Counterparts:** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the undersigned Lenders have executed this Consent and Agreement as of the date first above written.

**Jurisdiction and Venue:** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas. Any legal action or proceeding arising out of or relating to this Agreement shall be brought exclusively in Upshur County, Texas.

**Amendments:** This Agreement may be amended or modified only by a written instrument signed by all parties.

**Entire Agreement:** This Agreement constitutes the entire understanding between the parties and supersedes all prior agreements and understandings.."

**Notices:** All notices under this Agreement shall be in writing and shall be deemed to have been duly given if delivered by hand, sent by certified mail, return receipt requested, or sent by a recognized overnight delivery service.

**LENDER SIGNATURES:**

**VERABANK**

Thimbalay Graham  
By:

Title: Vice President

Date: April 28, 2025

**EASTMAN CREDIT UNION**

---

By:

Title:

Date: \_\_\_\_\_, 2025

**CADENCE BANK**

---

By:

Title:

Date: \_\_\_\_\_, 2025

**AUSTIN BANK, TEXAS N.A.**

---

By:

Title:

Date: \_\_\_\_\_, 2025

### CONSENT AND AGREEMENT OF LENDERS

This Consent and Agreement of Lenders (the "Agreement") is made effective as of \_\_\_\_\_, 2025, by and among the undersigned Lenders (the "Lenders").

#### RECITALS:

Eagle Creek Estates (ECE), is a subdivision of a 49.504 acre tract in the Joel Holbert Survey, A-210, Upshur County, Texas, consisting of fifteen (15) lots (Property) according to the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas and is owned by the following owners:

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SHELBY MAJORS and SHANNON MAJORS, whose address is 204 Hill Street, Longview, Texas 75605, are the owners of Lot 2 as shown on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas, secured by a deed of trust in favor of VeraBank recorded as Clerk's Instrument Number 202405548 in the Official Public Records, Upshur County, Texas;

ROY RANDALL NORTHCUTT and KATHLEEN S. NORTHCUTT, whose address is 145 Eagle Creek Drive, Diana, Texas 75640, are the owners of Lot 3 as it appears on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas.

CHRISTOPHER SUMRALL and MARY ALICE SUMRALL, whose address is 167 Eagle Creek Drive, Diana, TX 75640, are the owners of Lot 4 and Lot 5 as they appear on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas, Lot 4 secured by: (1) a deed of trust in favor of Eastman Credit Union recorded as Clerk's Instrument Number 202404438 in the Official Public Records, Upshur County, Texas; and (2) a deed of trust in favor of VeraBank from Southern Design & Construction, LLC, a Texas Limited Liability Company, recorded as Clerk's Instrument Number at 2022209785 in the Official Public Records of Upshur County, Texas;

SOUTHERN DESIGN & CONSTRUCTION, LLC, a Texas Limited Liability Company, whose address is P.O. Box 1550, Kilgore, Texas 75663, is the owner of Lot 6 as it appears on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas, secured by a deed of trust in favor of VeraBank recorded as Clerk's Instrument Number 202209798 in the Official Public Records, Upshur County, Texas;

X

KENNETH R. MARTIN JR. and SHANNON L. MARTIN, whose address is 102 Remington Trail, Longview, Texas 75604, are the owners of Lot 7 as it appears on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur

County, Texas, secured by a deed of trust in favor of Cadence Bank recorded as Clerk's Instrument Number 202201635 in the Official Public Records, Upshur County, Texas;

GARRETT DANIEL BUNGER and NATALIE BUNGER, whose address is 2890 Sego Lilly Road, Unit 1, Diana, Texas 75640, are the owners of Lot 8 as it appears on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas;

JACOB DEAN POOL and HALEY TAYLOR POOL, whose address is 236 Eagle Creek Drive, Diana, Texas 75640, are the owners of Lot 11 as it appears on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas;

RICHARD MORRISON and KAROLYN MORRISON, whose address is 11998 Calhoun 455, Camden, Arkansas 71701, are the owners of Lot 12 as it appears on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas; and

CASEY ABBOTT and HEATHER ABBOTT, whose address is 148 Eagle Creek Drive, Diana, Texas 75640, are the owners of Lot 13 as it appears on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas, secured by: (1) a residential construction contract with deed of trust and power of sale in favor of Austin Bank, Texas N.A. recorded as Clerk's Instrument Number 202202015 in the Official Public Records, Upshur County, Texas; and (2) a deed of trust in favor of Austin Bank, Texas N.A. recorded as Clerk's Instrument Number 202406240 in the Official Public Records, Upshur County, Texas.

All the Owners have requested the approval of an amendment of the plat of the Property (Amended Plat) to be submitted to Upshur County Commissioners Court for approval. For the amendment to be valid, all lenders having loans secured by lots in ECE are required to execute the Amended Plat.

The undersigned Lenders hold a security interest in a portion of the Property pursuant to certain loan agreements, promissory notes, deeds of trust, and other related documents (collectively, the "Loan Documents"):

In consideration of the mutual covenants and agreements contained herein, the Lenders hereby consent and agree as follows:

1. *Consent to Plat amendment:* The Lenders hereby consent to the amendment of the plat of the Property as requested by the Owners and agree to execute the Amended Plat, subject to the terms and conditions set forth herein.

2. *Conditions of Consent:* The amendment of the plat shall not adversely affect the security interests of the Lenders in the Property. The Owners shall comply with all applicable laws, regulations, and requirements of the State of Texas and Upshur County Commissioners Court, Texas in connection with the plat amendment. The Owners shall provide the Lenders with a copy of the Amended Plat promptly upon approval by Upshur County Commissioners Court.



3. **Effect on Loan Documents:** Except as expressly modified by this Agreement, all terms and conditions of the Loan Documents shall remain in full force and effect. The Lenders' consent to the plat amendment shall not be construed as a waiver of any rights or remedies under the Loan Documents.

4. **Governing Law:** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas.

5. **Counterparts:** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the undersigned Lenders have executed this Consent and Agreement as of the date first above written.

**Jurisdiction and Venue:** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas. Any legal action or proceeding arising out of or relating to this Agreement shall be brought exclusively in Upshur County, Texas.

**Amendments:** This Agreement may be amended or modified only by a written instrument signed by all parties.

**Entire Agreement:** This Agreement constitutes the entire understanding between the parties and supersedes all prior agreements and understandings.."

**Notices:** All notices under this Agreement shall be in writing and shall be deemed to have been duly given if delivered by hand, sent by certified mail, return receipt requested, or sent by a recognized overnight delivery service.

**LENDER SIGNATURES:**

**VERABANK**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2025

EASTMAN CREDIT UNION

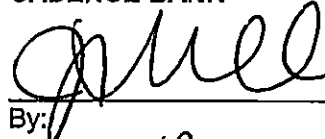
By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2025

X

CADENCE BANK



By: \_\_\_\_\_

Title: SVP

Date: May 13, 2025

AUSTIN BANK, TEXAS N.A.

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2025

### CONSENT AND AGREEMENT OF LENDERS

This Consent and Agreement of Lenders (the "Agreement") is made effective as of \_\_\_\_\_, 2025, by and among the undersigned Lenders (the "Lenders").

#### RECITALS:

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SHELBY MAJORS and SHANNON MAJORS, whose address is 204 Hill Street, Longview, Texas 75605, are the owners of Lot 2 as shown on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas, secured by a deed of trust in favor of VeraBank recorded as Clerk's Instrument Number 202405548 in the Official Public Records, Upshur County, Texas;

ROY RANDALL NORTHCUTT and KATHLEEN S. NORTHCUTT, whose address is 145 Eagle Creek Drive, Diana, Texas 75640, are the owners of Lot 3 as it appears on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas.

CHRISTOPHER SUMRALL and MARY ALICE SUMRALL, whose address is 167 Eagle Creek Drive, Diana, TX 75640, are the owners of Lot 4 and Lot 5 as they appear on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas, Lot 4 secured by: (1) a deed of trust in favor of Eastman Credit Union recorded as Clerk's Instrument Number 202404438 in the Official Public Records, Upshur County, Texas; and (2) a deed of trust in favor of VeraBank from Southern Design & Construction, LLC, a Texas Limited Liability Company, recorded as Clerk's Instrument Number at 2022209785 in the Official Public Records of Upshur County, Texas;

SOUTHERN DESIGN & CONSTRUCTION, LLC, a Texas Limited Liability Company, whose address is P.O. Box 1550, Kilgore, Texas 75663, is the owner of Lot 6 as it appears on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas, secured by a deed of trust in favor of VeraBank recorded as Clerk's Instrument Number 202209798 in the Official Public Records, Upshur County, Texas;

KENNETH R. MARTIN JR. and SHANNON L. MARTIN, whose address is 102 Remington Trail, Longview, Texas 75604, are the owners of Lot 7 as it appears on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur

County, Texas, secured by a deed of trust in favor of Cadence Bank recorded as Clerk's Instrument Number 202201635 in the Official Public Records, Upshur County, Texas;

GARRETT DANIEL BUNGER and NATALIE BUNGER, whose address is 2890 Sego Lilly Road, Unit 1, Diana, Texas 75640, are the owners of Lot 8 as it appears on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas;

JACOB DEAN POOL and HALEY TAYLOR POOL, whose address is 236 Eagle Creek Drive, Diana, Texas 75640, are the owners of Lot 11 as it appears on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas;

RICHARD MORRISON and KAROLYN MORRISON, whose address is 11998 Calhoun 455, Camden, Arkansas 71701, are the owners of Lot 12 as it appears on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas; and

CASEY ABBOTT and HEATHER ABBOTT, whose address is 148 Eagle Creek Drive, Diana, Texas 75640, are the owners of Lot 13 as it appears on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas, secured by: (1) a residential construction contract with deed of trust and power of sale in favor of Austin Bank, Texas N.A. recorded as Clerk's Instrument Number 202202015 in the Official Public Records, Upshur County, Texas; and (2) a deed of trust in favor of Austin Bank, Texas N.A. recorded as Clerk's Instrument Number 202406240 in the Official Public Records, Upshur County, Texas.

All the Owners have requested the approval of an amendment of the plat of the Property (Amended Plat) to be submitted to Upshur County Commissioners Court for approval. For the amendment to be valid, all lenders having loans secured by lots in ECE are required to execute the Amended Plat.

The undersigned Lenders hold a security interest in a portion of the Property pursuant to certain loan agreements, promissory notes, deeds of trust, and other related documents (collectively, the "Loan Documents"):

In consideration of the mutual covenants and agreements contained herein, the Lenders hereby consent and agree as follows:

1. *Consent to Plat amendment:* The Lenders hereby consent to the amendment of the plat of the Property as requested by the Owners and agree to execute the Amended Plat, subject to the terms and conditions set forth herein.

2. *Conditions of Consent:* The amendment of the plat shall not adversely affect the security interests of the Lenders in the Property. The Owners shall comply with all applicable laws, regulations, and requirements of the State of Texas and Upshur County Commissioners Court, Texas in connection with the plat amendment. The Owners shall provide the Lenders with a copy of the Amended Plat promptly upon approval by Upshur County Commissioners Court.

County, Texas, secured by a deed of trust in favor of Cadence Bank recorded as Clerk's Instrument Number 202201635 in the Official Public Records, Upshur County, Texas;

GARRETT DANIEL BUNGER and NATALIE BUNGER, whose address is 2890 Sago Lilly Road, Unit 1, Diana, Texas 75640, are the owners of Lot 8 as it appears on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas;

JACOB DEAN POOL and HALEY TAYLOR POOL, whose address is 236 Eagle Creek Drive, Diana, Texas 75640, are the owners of Lot 11 as it appears on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas;

RICHARD MORRISON and KAROLYN MORRISON, whose address is 11998 Calhoun 455, Camden, Arkansas 71701, are the owners of Lot 12 as it appears on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas; and

CASEY ABBOTT and HEATHER ABBOTT, whose address is 148 Eagle Creek Drive, Diana, Texas 75640, are the owners of Lot 13 as it appears on the plat filed of record as Clerk's Instrument Number 202108236 in the Official Public Records of Upshur County, Texas, secured by: (1) a residential construction contract with deed of trust and power of sale in favor of Austin Bank, Texas N.A. recorded as Clerk's Instrument Number 202202015 in the Official Public Records, Upshur County, Texas; and (2) a deed of trust in favor of Austin Bank, Texas N.A. recorded as Clerk's Instrument Number 202406240 in the Official Public Records, Upshur County, Texas.

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1. *Consent to Plat amendment:* The Lenders hereby consent to the amendment of the plat of the Property as requested by the Owners and agree to execute the Amended Plat, subject to the terms and conditions set forth herein.

2. *Conditions of Consent:* The amendment of the plat shall not adversely affect the security interests of the Lenders in the Property. The Owners shall comply with all applicable laws, regulations, and requirements of the State of Texas and Upshur County Commissioners Court, Texas in connection with the plat amendment. The Owners shall provide the Lenders with a copy of the Amended Plat promptly upon approval by Upshur County Commissioners Court.

3. **Effect on Loan Documents:** Except as expressly modified by this Agreement, all terms and conditions of the Loan Documents shall remain in full force and effect. The Lenders' consent to the plat amendment shall not be construed as a waiver of any rights or remedies under the Loan Documents.

4. **Governing Law:** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas.

5. **Counterparts:** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the undersigned Lenders have executed this Consent and Agreement as of the date first above written.

**Jurisdiction and Venue:** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas. Any legal action or proceeding arising out of or relating to this Agreement shall be brought exclusively in Upshur County, Texas.

**Amendments:** This Agreement may be amended or modified only by a written instrument signed by all parties.

**Entire Agreement:** This Agreement constitutes the entire understanding between the parties and supersedes all prior agreements and understandings."

**Notices:** All notices under this Agreement shall be in writing and shall be deemed to have been duly given if delivered by hand, sent by certified mail, return receipt requested, or sent by a recognized overnight delivery service.

**LENDER SIGNATURES:**

**VERABANK**

By: \_\_\_\_\_

Title:

Date: \_\_\_\_\_, 2025

EASTMAN CREDIT UNION

Dylan Barton

By: Dylan Barton

Title: Manager, Mortgage Servicing

Date: April 15<sup>th</sup>, 2025

CADENCE BANK

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2025

AUSTIN BANK, TEXAS N.A.

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2025

**EASTMAN CREDIT UNION**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2025

**CADENCE BANK**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2025

**AUSTIN BANK, TEXAS N.A.**

By: Claudia Rogien

Title: SVP

Date: 5/15, 2025



EASTMAN CREDIT UNION

Dylan Bartori

By: Dylan Bartori

Title: Manager, Mortgage Servicing

Date: April 15<sup>th</sup>, 2025

CADENCE BANK

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2025

AUSTIN BANK, TEXAS N.A.

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2025