

After Recording Please Return To:

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

STATE OF TEXAS

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COUNTY OF COLLIN

8

FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR VAN BUREN ESTATES

INTRODUCTORY PROVISIONS

WHEREAS, Van Buren Estates, LLC, a Texas limited liability company (the "Declarant"), executed the Declaration of Covenants, Conditions and Restrictions for Van Buren Estates and filed it of record on November 20, 2018, under Instrument No. 20181120001433780 in the Official Public Records of Collin County, Texas (the "Declaration"); and

WHEREAS, the Declaration affects certain tracts or parcels of real property located in the City of Weston, Collin County, Texas, more particularly described on Exhibit A attached hereto (the "Addition"); and

WHEREAS, under Article IX, Section 9.03 of the Declaration titled "Amendments", Declarant, without the joinder of any other party, shall have the right to make amendments to this Declaration; and

WHEREAS, the following amendments to the Declaration have been approved by the Declarant; and

NOW, THEREFORE, the Declaration is hereby amended as follows:

A. Article I, Section 1.11 of the Declaration is hereby deleted and amended and, shall hereinafter read, in its entirety, as follows:

1.11 "Common Properties" shall mean the following:

- a) Any and all greenbelt areas, landscape easements, floodways, creeks, drainage ways, open spaces or other similar areas as shown on the Plat (as hereinafter defined) of the Property, whether within or surrounding or along the boundaries of the Property, including, any portions thereof lying within or beneath a pond, lake, floodway or flood plain access easement;
- b) Any other property or improvements for which Declarant and/or the Association have or may hereafter become obligated to maintain, improve or preserve;
- c) Any other land within the Property on which Declarant and/or the Association is granted or reserved any easement for any purposes whatsoever, including, but not limited to, maintaining, repairing, and/or replacing various structures or other improvements including cluster mailboxes, monument signs, lighting, landscaping, and/or irrigation systems located on Phase I: Block A, Lots 2, 18, 31, 41, 50, 63, 76, and 85, and Phase II: Block A, Lot 91, more particularly described on Exhibits A-1 through A-9 attached and incorporated herein by reference;
- d) Any and all cluster mailboxes, landscaping, walls, planters, pillars, entry ways, walkways, berms, ledges, sprinkler systems, tree wells, retaining walls (if any), signs, wood structures, markers, lights, lighting systems, poles, flags, water features, fountains and any other improvements installed by Declarant or the Association on any Common Properties, and all equipment, accessories, utilities and

machinery used in the operation or maintenance of any of the Common Properties; and

- e) Any other fixtures, structures or improvements installed by Declarant or the Association on any Lots within the Property and which are not expressly made the responsibility of the Lot Owner pursuant to the provisions of this Declaration.
- B. Article I, Section 1.28 of the Declaration is hereby deleted and amended and, shall hereinafter read, in its entirety, as follows:
 - 1.28 "Property" shall mean the real property situated in the City of Weston, located in Collin County, Texas, more particularly known as Van Buren Estates, and according to the plat recorded in Volume 2018, Page 370, as Instrument No. 20171129010005580 (Phase I) and recorded in Volume 2018, Page 662, as Instrument No. 20180827010003980 (Phase II), in the office of the County Clerk of Collin County, Texas, and such additional real property as may be included in the Property by Declarant in the future. See Exhibit A, attached and incorporated herein by reference.
- C. Article VIII, Section 8.02 of the Declaration is hereby deleted and amended and, shall hereinafter read, in its entirety, as follows:
 - 8.02 <u>Common Properties</u>. Full rights of ingress and egress shall be had by the Association as set forth in this Declaration for the purpose of maintaining and using the Common Properties, if any, as set forth herein, including but not limited to maintaining, repairing, and/or replacing the cluster mailboxes, monument signs, lighting, and/or irrigation systems located on Phase I: Block A, Lots 2, 18, 31, 41, 50, 63, 76, and 85, and Phase II: Block A, Lot 91.

- D. Article VIII, Section 8.04 of the Declaration is hereby deleted and amended and, shall hereinafter read, in its entirety, as follows:
 - 8.04 Association Easement. Each Owner, by accepting an interest in or title to a Lot, whether or not it is so expressed in the instrument of conveyance, grants to the Association an easement of access and entry over, across, under, and through the Property, including without limitation all Common Areas and the Owner's Lot and all improvements thereon for the below-described purposes. If the exercise of this easement requires entry onto an Owner's Lot, the entry will be during reasonable hours and after notice to the Owner, unless entry is response to a situation that at the time of entry is deemed to be an emergency that may result in imminent damage to or loss of life or property. In exercising this easement on an Owner's Lot, the Association is not liable to the Owner for civil or criminal trespass. The Association may exercise this easement of access and entry for the following express purposes:
 - (a) To inspect the Lot for compliance with maintenance and architectural standards.
 - (b) To perform maintenance that is permitted or required of the Owner by this Declaration, if the Owner fails or refuses to perform such maintenance.
 - (c) To enforce use restrictions and architectural standards.
 - (d) To exercise any self-help remedy permitted by this Declaration or by applicable law.
 - (e) To enforce any other provision of this Declaration.
 - (f) To respond to emergencies.

(g) To assist utility providers as may be necessary to install, maintain, and inspect utilities serving any portion of the Property.

(h) To perform any and all functions or duties of the Association as permitted or required by this Declaration.

(i) Maintenance of Common Properties, including but not limited to maintaining, repairing, and/or replacing the cluster mailboxes, monument signs, lighting, and/or irrigation systems.

The terms and provisions of the Declaration, except as modified herein, are hereby declared to be in full force and effect with respect to the Addition. The Addition shall continue to be held, occupied, sold and conveyed subject to the terms and conditions of the Declaration and this First Amendment which shall run with title to the Addition and are binding on all parties having any right, title or interest in and to the Addition or any part thereof, including their heirs, representatives, successors, transferees and assigns, and shall inure to the benefit of each Owner thereof.

IN WITNESS WHEREOF, Declarant has caused this First Amendment to the Declaration to be filed with the office of the Collin County Clerk and is made to be effective as of the 20th day of November, 2018.

EXECUTED as of the 23rd day of January, 2019.

DECLARANT:

VAN BUREN ESTATES, LLC, a Texas limited liability company

By:

n Anderson

Its: Managing Member

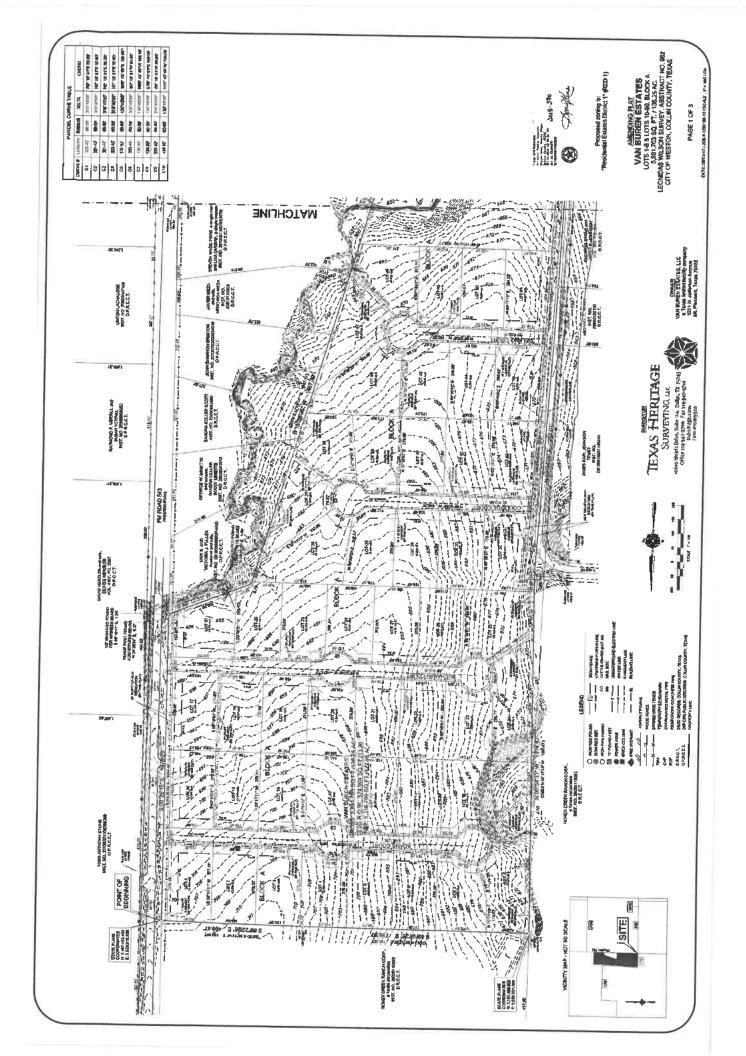
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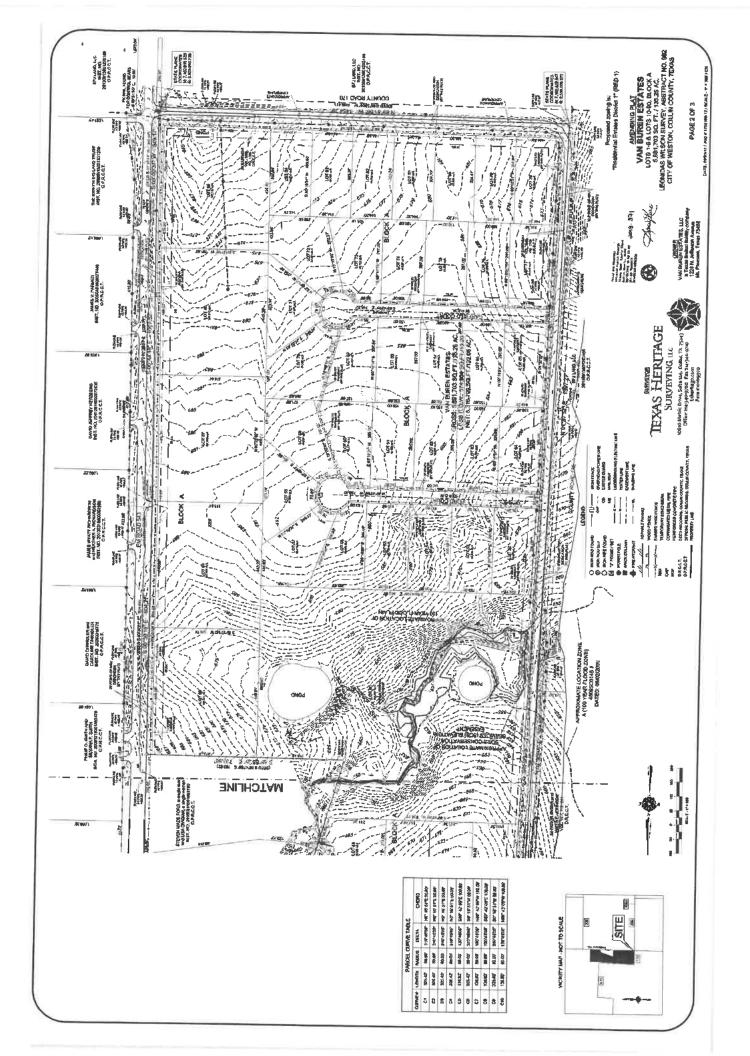
COUNTY OF COLLIN

This instrument was acknowledged before me on the 23rd day of January, 2019, by Jon Anderson, Managing Member, of Van Buren Estates, LLC, a Texas limited liability company, known to me to the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purpose and the capacity therein expressed.

MEAGAN LYNN EVANS
Notary Public, State of Texas
Comm. Expires 02-03-2021
Notary ID 130992648

Exhibit A





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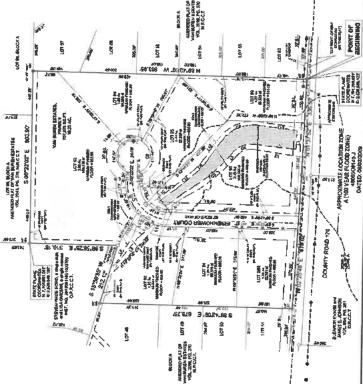
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EXHIBIT "A-1" LOCATION OF HOA IMPROVEMENTS

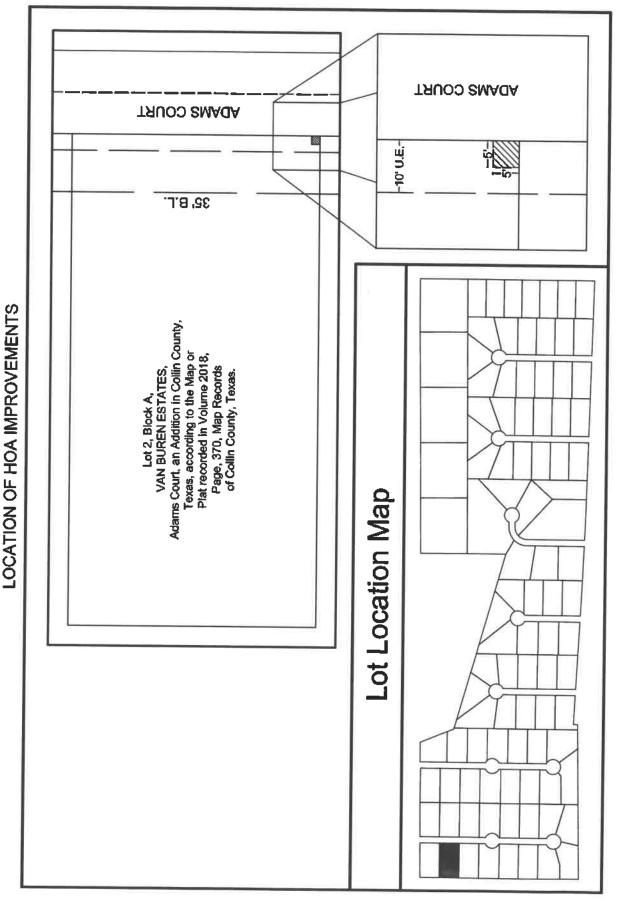


EXHIBIT "A-2" LOCATION OF HOA IMPROVEMENTS

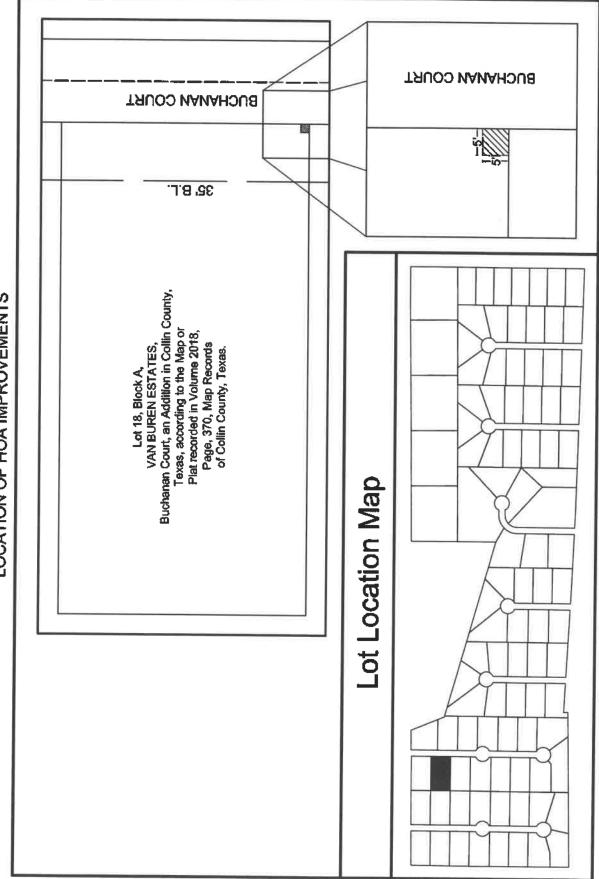


EXHIBIT "A-3" LOCATION OF HOA IMPROVEMENTS

EW 243 Buchanan Court, an Addition in Collin County,
Texas, according to the Map or
Plat recorded in Volume 2018,
Page, 370, Map Records
of Collin County, Texas. 32, B'F' Lot 31, Block A, VAN BURËN ESTATES, 35' B.L. **BUCHANAN COURT** 10° U.E. **BUCHANAN COURT** Lot Location Map

EXHIBIT "A-4" LOCATION OF HOA IMPROVEMENTS

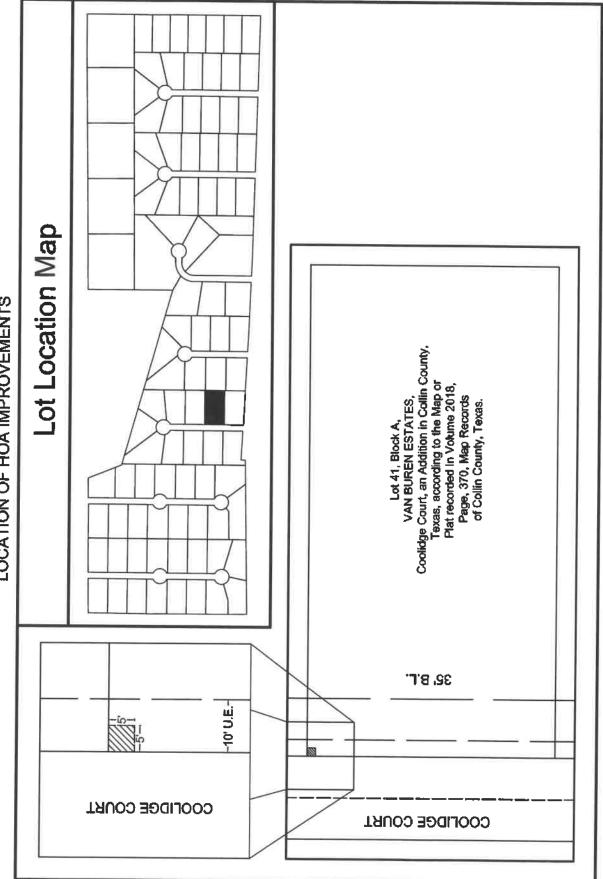


EXHIBIT "A-5" LOCATION OF HOA IMPROVEMENTS

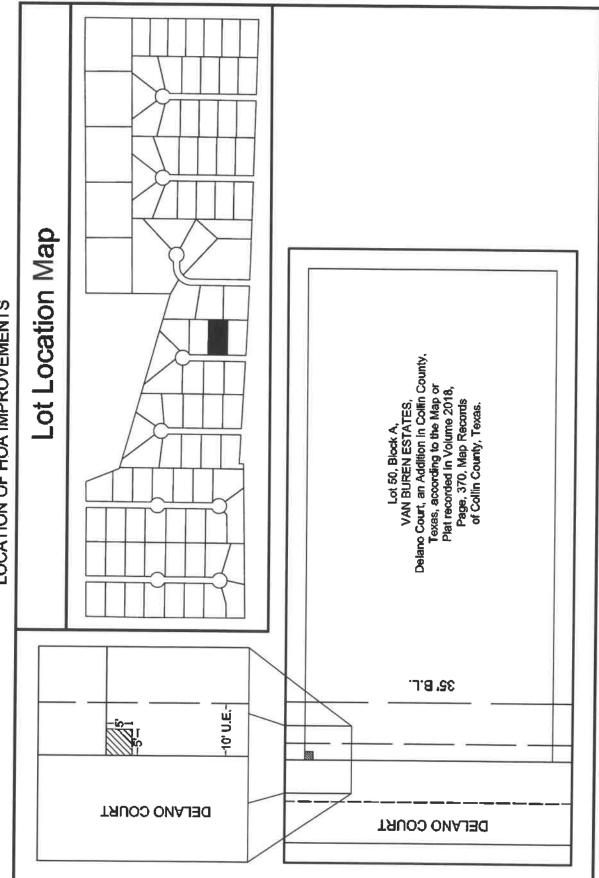


EXHIBIT "A-6"
LOCATION OF HOA IMPROVEMENTS

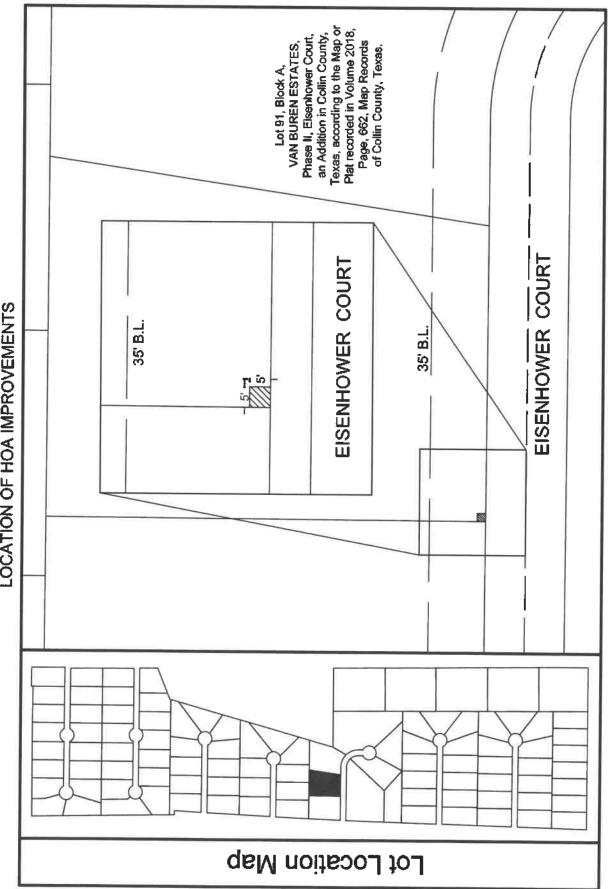
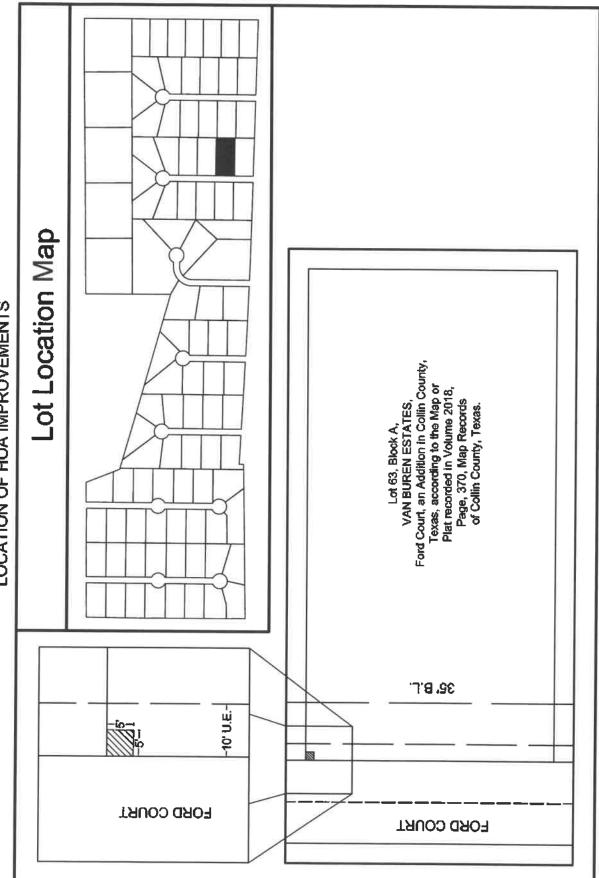


EXHIBIT "A-7" LOCATION OF HOA IMPROVEMENTS



Lot Location Map EXHIBIT "A-8"
LOCATION OF HOA IMPROVEMENTS Lot 76, Block A, VAN BUREN ESTATES, Garfield Court, an Addition in Collin County, Texas, according to the Map or Plat recorded in Volume 2018, Page, 370, Map Records of Collin County, Texas. 32, 8.1. -10' U.E.-GARFIELD COURT GARFIELD COURT

EW 243 32, B'F' Lot 85, Block A, VAN BUREN ESTATES, FM 543 and CR 170, an Addition in Collin County, 10' Ü.E. Texas, according to the Map or Plat recorded in Volume 2018, Page, 370, Map Records of Collin County, Texas. 35' B.L. EXHIBIT "A-9"
LOCATION OF HOA IMPROVEMENTS 35' B.L. Lot Location Map

Filed and Recorded Official Public Records Stacey Kemp, County Clerk Collin County, TEXAS 01/24/2019 12:50:19 PM \$106.00 SCAPELA 20190124000072280



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