

Denton County
Juli Luke
County Clerk

Instrument Number: 124375

ERecordings-RP

AMENDMENT

Recorded On: November 21, 2023 01:13 PM

Number of Pages: 5

" Examined and Charged as Follows: "

Total Recording: \$42.00

***** 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: 124375
Receipt Number: 20231121000353
Recorded Date/Time: November 21, 2023 01:13 PM
User: Diana P
Station: Station 37

Record and Return To:

Simplifile



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., Esq.
Henry Oddo Austin & Fletcher, P.C.
1717 Main Street
Suite 4600
Dallas, Texas 75201**

THE STATE OF TEXAS §
 §
COUNTIES OF DENTON AND WISE §

**THIRD AMENDMENT TO THE DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR SHALE HOA**

INTRODUCTORY PROVISIONS

WHEREAS, the Declaration of Covenants, Conditions and Restrictions for Shale HOA, was recorded as Instrument No. 354393 of the Official Public Records of Wise County, Texas, and recorded as Instrument No. 2004-107974 in the Official Public Records of Denton County, Texas (collectively referred hereinafter as the "*Declaration*") by Shale-114, L.P., a Texas limited partnership ("*Original Declarant*"); and

WHEREAS, the Declaration affects certain tracts or parcels of real property located in the Wise and Denton Counties, Texas, more particularly described on Exhibit A attached hereto (the "*Addition*"); and

WHEREAS, the Declaration was amended by virtue of the First Amendment to the Declaration of Covenants, Conditions and Restrictions for Shale HOA, recorded on September 20, 2010 as Instrument No. 61987 in the Official Public Records of Wise County, Texas, and as Instrument No. 2010-93045 in the Official Public Records of Denton County, Texas (the "*First Amendment*"); and

WHEREAS, the Declaration was again amended by virtue of the Second Amendment to the Declaration of Covenants, Conditions and Restrictions for Shale HOA, recorded on March 21, 2016 as Instrument No. 201602595 in the Official Public Records of Wise County, Texas, and as Instrument No. 2016-30749 in the Official Public Records of Denton County, Texas (the “*Second Amendment*”); and

WHEREAS, Original Declarant filed that certain Assignment and Assumption of Declarant’s Rights, recorded on January 4, 2021, as Instrument No. 202100140 in the Official Public Records of Wise County, Texas, and as Instrument No. 2021-653 in the Official Public Records of Denton County, Texas (“*Transfer of Declarant’s Rights*”) which assigned Declarant Rights to Lennar Homes of Texas Land and Construction, LTD, a Texas limited partnership (“*Declarant*”); and

WHEREAS, under Article 9, Section 9.4 of the Declaration, the covenants, and restrictions contained in the Declaration may be amended or changed upon the approval by Owners owning at least ninety percent (90%) of the Lots; and

WHEREAS, Texas Property Code Section 209.0041(b) expressly states that a declaration may be amended by a vote of sixty-seven percent (67%); and

WHEREAS, on the 21st day of November, 2023, based on the tabulation of votes cast by Owners of Shale HOA, Inc. (“*Association*”), the following amendment to the Declaration was approved with the affirmative vote of Owners holding at least sixty-seven percent (67%) of the votes; and

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

(a) Article 5, Section 5.2(b) of the Declaration is hereby deleted and shall hereinafter read in its entirety as follows:


(b) Class B. The Class B Member shall be the Declarant who shall be entitled to fifteen (15) votes for each Lot owned by

Declarant. Subject to the conditions set forth in the remainder of this paragraph, Class B membership shall be converted to Class A membership upon the later of (i) January 1, 2034, (ii) the conveyance of the final Declarant owned Lot, or (iii) the recording in the Records of Denton and Wise Counties, Texas of a notice signed by Declarant terminating the Class B membership. In determining the number of Lots owned by Declarant for the purpose of Class B membership status hereunder, the total number of Lots covered by this Declaration, including all Lots annexed thereto in accordance with Section 8.1 herein, shall be considered. In the event the Class B membership has previously lapsed as provided in (i) above, but annexation of additional property restores the ratio of Lots owned by Declarant to the number required for Class B membership status, such Class B membership shall be reinstated until it expires pursuant to the terms hereof.

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, the First Amendment, the Second Amendment, and now this Third 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, the Board of Directors of Shale HOA, Inc. has caused this Third Amendment to the Declaration to be effective when filed with the offices of the Wise and Denton County Clerks.

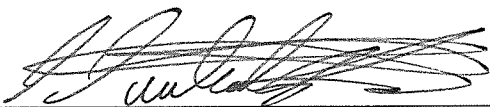
SHALE HOA, INC.

By: 
Hunter Tatham
Its: **Board President**, Director

**CERTIFICATION OF APPROVAL OF THE
THIRD AMENDMENT TO THE DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR SHALE HOA**

I, Hunter Tatham, the duly-elected President of Shale HOA, Inc. hereby certify:

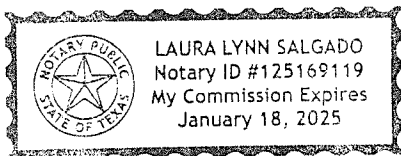
That the Third Amendment to the Declaration of Covenants, Conditions and Restrictions for Shale HOA was approved by the affirmative vote of 67% of the Owners of Shale HOA, Inc., as evidenced and recorded in the records of Shale HOA, Inc., and that the same does now constitute an official amendment to the Declaration and shall be filed of record with the office of the Wise and Denton County Clerks.



By: Hunter Tatham, President

STATE OF TEXAS §
 §
COUNTY OF Dallas §

Hunter Tatham BEFORE ME, the undersigned Notary Public, on this day personally appeared Hunter Tatham, the duly-elected President of Shale HOA, Inc., a Texas nonprofit corporation, known to me to be the person whose name is subscribed on the foregoing instrument and acknowledged to me that he/she 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 the 28th day of November, 2023.




Notary Public, State of Texas