

Denton County  
Juli Luke  
County Clerk

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Instrument Number: 6377

ERecordings-RP

AMENDMENT

Recorded On: January 16, 2020 10:36 AM

Number of Pages: 16

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" Examined and Charged as Follows: "

Total Recording: \$86.00

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\*\*\*\*\* 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: 6377  
Receipt Number: 20200116000170  
Recorded Date/Time: January 16, 2020 10:36 AM  
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.  
1700 Pacific Avenue  
Suite 2700  
Dallas, Texas 75201**

STATE OF TEXAS           §  
  §  
COUNTY OF DENTON       §

**THIRD AMENDMENT TO DECLARATION  
OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR  
THE SHOPS AT PRESTONWOOD**

**INTRODUCTORY PROVISIONS**

**WHEREAS**, the Declaration of Covenants, Conditions and Restrictions for The Shops at Prestonwood was recorded on December 3, 2007, under Instrument No. 2007-139512 in the Official Public Records of Denton County, Texas (the "*Declaration*") by The Shops at Prestonwood, LP, a Texas limited partnership; and

**WHEREAS**, Villas of Prestonwood, LLC, a Texas limited liability company, by virtue of that certain Assignment of Declarant Rights, recorded on February 21, 2017, as Instrument No. 2017-20492 in the Official Public Records of Denton County, Texas, fully acquired all of the rights and responsibilities of the "*Declarant*" from The Shops at Prestonwood, LP, a Texas limited partnership, under the Declaration; and

**WHEREAS**, the Declaration was amended by virtue of the Amendment to the Declaration of Covenants, Conditions and Restrictions for The Shops at Prestonwood, filed on

July 3, 2012, as Instrument No. 2012-71691 in the Official Public Records of Denton County, Texas (the “*First Amendment*”); and

**WHEREAS**, the Declaration was amended by virtue of the Second Amendment to the Declaration of Covenants, Conditions and Restrictions for The Shops at Prestonwood, filed on April 10, 2018, as Instrument No. 2018-40249 in the Official Public Records of Denton County, Texas (the “*Second Amendment*”); and

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

**WHEREAS**, under Article VII, Section 7.15 of the Declaration, until the Termination Date, the terms and conditions contained in the Declaration may be amended by Declarant without joinder of the Board of Directors, The Shops at Prestonwood Homeowners’ Association, Inc. (the “*Association*”), or the other Members, provided the amendment is consistent with and in furtherance of the general plan and scheme of development; and

**WHEREAS**, the following amendment to the Declaration has been approved by the Declarant.

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

(a) Article III of the Declaration is hereby amended to add Section 3.11 to read, in its entirety, as follows:

***Section 3.11 Insurance Fee Assessment. This Section 3.11 does not apply to current or existing Owners of a Residence. Each Owner of a Lot who purchases a Residence from a Builder must pay a one-time Insurance Fee Assessment in an amount equal to One Thousand Two Hundred and No/100 Dollars (\$1,200.00) for Urban***

***Townhomes, and One Thousand Five Hundred and No/100 Dollars (\$1,500.00) for Luxury Townhomes, which amount shall be due immediately upon the transfer of title to the Lot. This Insurance Fee Assessment is not refundable, shall be in addition to, and not lieu of, the Assessment levied on the Lot and shall not be considered an advance payment thereof.***

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 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 Declarant has approved this Third Amendment to the Declaration, in accordance with Article VII of the Declaration, for recording in the Official Public Records of Denton County, Texas.

Signed to be effective this 16 day of January, 2020.

**DECLARANT**

**VILLAS OF PRESTONWOOD, LLC,**  
a Texas limited liability company

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

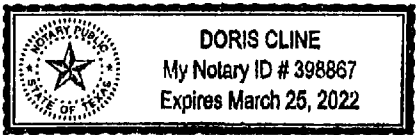
  
J. Brady Giddens

Its: President

STATE OF TEXAS       §  
                                  §  
COUNTY OF DALLAS   §

BEFORE ME, the undersigned Notary Public, on this 16 day of January 2020, personally appeared, J. Brady Giddens, President of Villas of Prestonwood, LLC, a Texas limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and the capacity therein expressed.

Doris Cline  
\_\_\_\_\_  
Notary Public, State of Texas



## **EXHIBIT A**

Those tracts and parcels of real property located in the City of Carrollton, Denton County, Texas and more particularly described as follows:

- (a) All real property subject to the **Declaration of Covenants, Conditions and Restrictions for THE SHOPS AT PRESTONWOOD**, executed by **The Shops at Prestonwood, L.P.**, as Declarant, recorded on **December 3, 2007**, as **Document No. 2007-139512**, in the **Official Public Records of Denton County, Texas**; and
  
- (b) All lots and tracts of land situated in **THE SHOPS AT PRESTONWOOD, PHASE 1**, an addition to the **City of Carrollton, Denton County, Texas**, according to **Map or Plat recorded in Cabinet Y, Page 56-58** and filed as **Document No. 132034, Plat Records, Denton County, Texas**; and
  
- (c) **The recording data for the subdivision includes that tract of land located in the City of Carrollton, City of Plano and Town of Hebron, Denton County, Abstract No. 882, being all that 3.261 acre tract of land conveyed to Fred D. Holt, III and Karen A. Holt as recorded in Volume 1409, Page 133, Denton County Deed Records, being all of Lot 3, Block A, Plano/544 Business Park Addition, and addition to the City of Plano as recorded in Cabinet N, Page 207, Denton County Plat Records, being part of that 26.620 acre tract of land conveyed to the Grady Irrevocable Trust as recorded in Document No. 94-R088516, Denton County Deed Records, being all that 1.916 acre tract of land conveyed to John Oliver Grady and Kathleen Lois Grady as recorded in volume 1024, Page 158, Denton county Deed Records, being all that 0.992 acre tract of land conveyed to W.A. Grady as recorded in Volume 290, Page 405 and Mary L. Grady as recorded in Volume 4 78, Page 210, in the Plat/Map Records, Denton County, Texas.**

BEING all that tract of land located in the City of Carrollton, City of Plano and the Town of Hebron, Denton County, Texas, a part of the John Myers Survey, Abstract No. 882, a part of the John Smith Survey, Abstract No. 1226, and being all of Lot 3, Block A, Plano/544 Business Park Addition, an addition to the City of Plano as recorded in Cabinet N, Page 207, Collin County Plat Records, and being all of that called 5.159 acre tract of land conveyed to The Shops at Prestonwood, LP. as recorded in Document Number 20070000052, Denton County Deed Records, and being a part of that called 28.203 acre tract of land conveyed to The Shops at Prestonwood, LP. as recorded in Document Number 20070000053, Denton County Deed Records, and being a part of that called 7.045 acre tract of land conveyed to The Shops at Prestonwood, LP. as recorded in Document Number 20070000056, Denton County Deed Records and being further described as follows:

BEGINNING at a one-half inch iron rod set at the northeast corner of said 5.159 acre tract, said point being the northeast corner of said Lot 3, said point being the southeast corner of Lot 2, said Block A, said point also being in the west line of Marsh Lane (a variable width right-of-way);

THENCE along the east line of said 5.159 acre tract and along the east line of said Lot 3 and along the west line of Marsh Lane as follows:

Southwesterly, 260.95 feet along a curve to the left having a central of 09 degrees 08 minutes 00 seconds, a radius of 1637.02 feet, a tangent of 130.75 feet, and whose chord bears South 04 degrees 19 minutes 41 seconds West, 260.67 feet to a one-half inch iron rod set for corner;

South 00 degrees 14 minutes 18 seconds East, 182.05 feet to a one-half inch iron rod set at the southeast corner of said 5.159 acre tract and the southeast corner of said Lot 3, said point being in the north line of said 28.203 acre tract;

THENCE South 89 degrees 52 minutes 38 seconds East, 4.74 feet along the north line of said 28.203 tract to a one-half inch iron rod found for corner in the west line of Marsh Lane;

THENCE South 02 degrees 01 minutes 14 seconds West, 1018.40 feet along the west line of Marsh Lane to a one-half inch iron rod set for corner;

THENCE North 88 degrees 12 minutes 16 seconds West, 711.48 feet to a one-half inch iron rod set for corner;

THENCE North 02 degrees 32 minutes 04 seconds East, 151.51 feet to a one-half inch iron rod set for corner;

THENCE North 47 degrees 09 minutes 54 seconds East, 7.12 feet to a one-half inch iron rod set for corner;

THENCE South 88 degrees 12 minutes 16 seconds East, 290.86 feet to a one-half inch iron rod set for corner;

THENCE North 01 degrees 47 minutes 44 seconds East, 45.00 feet to a one-half inch iron rod set for corner;

THENCE North 43 degrees 12 minutes 16 seconds West, 7.07 feet to a one-half inch iron rod set for corner;

THENCE North 01 degrees 47 minutes 44 seconds East, 449.62 feet to a one-half inch iron rod set for corner;

THENCE Northwesterly 37.82 feet along a curve to the left having a central angle of 14 degrees 50 minutes 36 seconds, a radius of 146.00 feet, a tangent of 19.02 feet and whose chord bears North 05 degrees 37 minutes 35 seconds West, 37.72 feet to a one-half inch iron rod set for corner;

THENCE North 13 degrees 02 minutes 52 seconds West, 24.38 feet to a one-half inch iron rod set for corner;

THENCE North 33 degrees 23 minutes 01 seconds East, 6.89 feet to a one-half inch iron rod set for corner;

THENCE Northeasterly 68.36 feet along a curve to the right having a central angle of 07 degrees 49 minutes 33 seconds, a radius of 500.50 feet, a tangent of 34.23 feet and whose chord bears North 84 degrees 00 minutes 51 seconds East, 68.31 feet to a one-half inch iron rod set for corner;

THENCE North 02 degrees 04 minutes 23 seconds West, 159.77 feet to a one-half inch iron rod set for corner;

THENCE North 64 degrees 26 minutes 21 seconds West, 203.90 feet to a one-half inch iron rod set for corner;

THENCE North 05 degrees 17 minutes 17 seconds West, 80.06 feet to a one-half inch iron rod set for corner;

THENCE North 00 degrees 56 minutes 36 seconds West, 69.73 feet to a one-half inch iron rod set for corner;

THENCE South 89 degrees 03 minutes 24 seconds West, 52.35 feet to a one-half inch iron rod set for corner;

THENCE Northwesterly, 59.91 feet along a curve to the right having a central of 05 degrees 40 minutes 27 seconds, a radius of 605.00 feet, a tangent of 29.98 feet, and whose chord bears North 88 degrees 06 minutes 23 seconds West, 59.89 feet to a one-half inch iron rod set for corner;

THENCE North 42 degrees 59 minutes 17 seconds West, 7.43 feet to a one-half inch iron rod set for corner;

THENCE North 00 degrees 56 minutes 36 seconds West, 176.00 feet to a one-half inch iron rod set for corner;

THENCE North 43 degrees 43 minutes 23 seconds East, 7.11 feet to a one-half inch iron rod set for corner;

THENCE North 88 degrees 23 minutes 23 seconds East, 73.01 feet to a one-half inch iron rod set for corner;



THENCE North 00 degrees 54 minutes 00 seconds West, 45.00 feet to a one-half inch iron rod set for corner;

THENCE South 88 degrees 23 minutes 23 seconds West, 5.00 feet to a one-half inch iron rod set for corner;

THENCE North 01 degrees 36 minutes 37 seconds West, 78.00 feet to a one-half inch iron rod set for corner in the north line of said 7.045 acre tract, said point being in the south line of said Lot 2;

THENCE North 88 degrees 23 minutes 23 seconds East, 105.79 feet along the south line of said Lot 2 to a one-half inch iron rod found at the northeast corner of said 7.045 acre tract, said point being the northwest corner of said 5.159 acre tract and the northwest corner of said Lot 3;

THENCE North 89 degrees 37 minutes 22 seconds East, 528.09 feet along the south line of said Lot 2 and along the north line of said 5.159 acre tract and along the north line of said Lot 3 to the POINT OF BEGINNING and containing 747,920 square feet of land.

BEING all that tract of land located in the City of Carrollton, City of Plano and Town of Hebron, Denton County, Texas, part of the John Smith Survey, Abstract No. 1226 and the John Myers Survey, Abstract No. 882, being all that 3.261 acre tract of land conveyed to Fred D. Holt, III and Karen A. Holt as recorded in Volume 1409, Page 133, Denton County Deed Records, being all that 3.784 acre tract of land conveyed to Fred D. Holt, III as recorded in Volume 957, Page 992, Denton County Deed Records, being all of Lot 3, Block A, Plano/544 Business Park Addition, an addition to the City of Plano as recorded in Cabinet N, Page 207, Denton County Plat Records, being part of that 26.620 acre tract of land conveyed to the Grady Irrevocable Trust as recorded in Document No. 94-R088516, Denton County Deed Records, being all that 1.916 acre tract of land conveyed to John Oliver Grady and Kathleen Lois Grady as recorded in Volume 1024, Page 158, Denton County Deed Records, being all that 0.992 acre tract of land conveyed to W.A. Grady as recorded in Volume 290, Page 405 and Mary L. Grady as recorded in Volume 478, Page 210, Denton County Deed Records, and being further described as follows:

BEGINNING at a one-half inch iron rod set at the northeast corner of said Lot 3, said point being the southeast corner of Lot 2, said Block A, said point also being in the west line of Marsh Lane (a variable width right-of-way);

THENCE along the west line of Marsh Lane as follows:

Southwesterly, 260.95 feet along a curve to the left which has a central angle of 09 degrees 08 minutes 00 seconds, a radius of 1637.02 feet, a tangent of 130.75 feet, and whose chord bears South 04 degrees 19 minutes 41 seconds West, 260.67 feet to a one-half inch iron rod set for corner;

South 00 degrees 14 minutes 18 seconds East, 182.05 feet to a one-half inch iron rod set at the southeast corner of said Lot 3, said point being in the north line of said 26.620 acre tract;

South 89 degrees 52 minutes 38 seconds East, 4.74 feet to a one-half inch iron rod found at the northeast corner of said 26.620 acre tract;

South 02 degrees 01 minutes 14 seconds West, 1017.90 feet to a one-half inch iron rod found for corner;

THENCE North 88 degrees 12 minutes 16 seconds West, 834.49 feet to a point for corner in the west line of said 26.620 acre tract, said point being in the east line of a tract of land conveyed to Joe Fred Everett as recorded in 97-035274, Denton County Land Records;

THENCE North 02 degrees 32 minutes 04 seconds East, 146.82 feet to a one-half inch iron rod found at the northeast corner of said Everett tract;

THENCE along the north line of said Everett tract as follows:

North 88 degrees 16 minutes 32 seconds West, 154.85 feet to a one-half inch iron rod found for corner in the east line of said 0.992 acre tract;

South 00 degrees 06 minutes 53 seconds East, 99.93 feet to a one-half inch iron rod set at the southeast corner of said 0.992 acre tract;

North 88 degrees 37 minutes 27 seconds West, 148.94 feet to a one-half inch iron rod found at the northwest corner of said Everett tract, said point being the southwest corner of said 0.992 acre tract, said point also being in the east line of Charles Road (a variable width right-of-way);

THENCE along the east line of Charles Road as follows:

North 00 degrees 51 minutes 29 seconds West, 882.20 feet to a one-half inch iron rod found at the northwest corner of said 26.620 acre tract, said point being the southwest corner of said 3.784 acre tract;

North 00 degrees 27 minutes 48 seconds West, 45.73 feet to a one-half inch iron rod set for corner in the west line of said 3.784 acre tract;

North 00 degrees 56 minutes 36 seconds West, 427.94 feet to a one-half inch iron rod set at the northwest corner of said 3.261 acre tract;

THENCE North 88 degrees 23 minutes 23 seconds East, at 10.00 feet passing a railroad spike found at the southwest corner of said Lot 2, in all a total distance of 673.95 feet to a one-half inch iron rod found at the northeast corner of said 3.784 acre tract, said point being the northwest corner of said Lot 3;

THENCE North 89 degrees 37 minutes 22 seconds East, 528.09 feet along the north line of said Lot 3 and along the south line of said Lot 2 to the POINT OF BEGINNING and containing 1,639,357 square feet or 37.634 acres of land.

BEING all that tract of land located in the City of Carrollton, City of Plano and the Town of Hebron, Denton County, Texas, a part of the John Myers Survey, Abstract No. 882, a part of the John Smith Survey, Abstract No. 1226, and being all of Lot 3, Block A, Plano/544 Business Park Addition, an addition to the City of Plano as recorded in Cabinet N, Page 207, Collin County Plat Records, and being all of that called 5.159 acre tract of land conveyed to The Shops at Prestonwood, LP. as recorded in Document Number 20070000052, Denton County Deed Records, and being a part of that called 28.203 acre tract of land conveyed to The Shops at Prestonwood, LP. as recorded in Document Number 20070000053, Denton County Deed Records, and being a part of that called 7.045 acre tract of land conveyed to The Shops at Prestonwood, LP. as recorded in Document Number 20070000056, Denton County Deed Records and being further described as follows:

BEGINNING at a one-half inch iron rod set at the northeast corner of said 5.159 acre tract, said point being the northeast corner of said Lot 3, said point being the southeast corner of Lot 2, said Block A, said point also being in the west line of Marsh Lane (a variable width right-of-way);

THENCE along the east line of said 5.159 acre tract and along the east line of said Lot 3 and along the west line of Marsh Lane as follows:

Southwesterly, 260.95 feet along a curve to the left having a central of 09 degrees 08 minutes 00 seconds, a radius of 1637.02 feet, a tangent of 130.75 feet, and whose chord bears South 04 degrees 19 minutes 41 seconds West, 260.67 feet to a one-half inch iron rod set for corner;

South 00 degrees 14 minutes 18 seconds East, 182.05 feet to a one-half inch iron rod set at the southeast corner of said 5.159 acre tract and the southeast corner of said Lot 3, said point being in the north line of said 28.203 acre tract;

THENCE South 89 degrees 52 minutes 38 seconds East, 4.74 feet along the north line of said 28.203 tract to a one-half inch iron rod found for corner in the west line of Marsh Lane;

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THENCE North 33 degrees 23 minutes 01 seconds East, 6.89 feet to a one-half inch iron rod set for corner;

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THENCE North 02 degrees 04 minutes 23 seconds West, 159.77 feet to a one-half inch iron rod set for corner;

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THENCE North 00 degrees 56 minutes 36 seconds West, 176.00 feet to a one-half inch iron rod set for corner;

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THENCE North 00 degrees 54 minutes 00 seconds West, 45.00 feet to a one-half inch iron rod set for corner;

THENCE South 88 degrees 23 minutes 23 seconds West, 5.00 feet to a one-half inch iron rod set for corner;

THENCE North 01 degrees 36 minutes 37 seconds West, 78.00 feet to a one-half inch iron rod set for corner in the north line of said 7.045 acre tract, said point being in the south line of said Lot 2;

THENCE North 88 degrees 23 minutes 23 seconds East, 105.79 feet along the south line of said Lot 2 to a one-half inch iron rod found at the northeast corner of said 7.045 acre tract, said point being the northwest corner of said 5.159 acre tract and the northwest corner of said Lot 3;

THENCE North 89 degrees 37 minutes 22 seconds East, 528.09 feet along the south line of said Lot 2 and along the north line of said 5.159 acre tract and along the north line of said Lot 3 to the POINT OF BEGINNING and containing 747,920 square feet of land.

BEING all that tract of land located in the City of Carrollton, City of Plano and Town of Hebron, Denton County, Texas, part of the John Smith Survey, Abstract No. 1226 and the John Myers Survey, Abstract No. 882, being all that 3.261 acre tract of land conveyed to Fred D. Holt, III and Karen A. Holt as recorded in Volume 1409, Page 133, Denton County Deed Records, being all that 3.784 acre tract of land conveyed to Fred D. Holt, III as recorded in Volume 957, Page 992, Denton County Deed Records, being all of Lot 3, Block A, Plano/544 Business Park Addition, an addition to the City of Plano as recorded in Cabinet N, Page 207, Denton County Plat Records, being part of that 26.620 acre tract of land conveyed to the Grady Irrevocable Trust as recorded in Document No. 94-R088516, Denton County Deed Records, being all that 1.916 acre tract of land conveyed to John Oliver Grady and Kathleen Lois Grady as recorded in Volume 1024, Page 158, Denton County Deed Records, being all that 0.992 acre tract of land conveyed to W.A. Grady as recorded in Volume 290, Page 405 and Mary L. Grady as recorded in Volume 478, Page 210, Denton County Deed Records, and being further described as follows:

BEGINNING at a one-half inch iron rod set at the northeast corner of said Lot 3, said point being the southeast corner of Lot 2, said Block A, said point also being in the west line of Marsh Lane (a variable width right-of-way);

THENCE along the west line of Marsh Lane as follows:

Southwesterly, 260.95 feet along a curve to the left which has a central angle of 09 degrees 08 minutes 00 seconds, a radius of 1637.02 feet, a tangent of 130.75 feet, and whose chord bears South 04 degrees 19 minutes 41 seconds West, 260.67 feet to a one-half inch iron rod set for corner;

South 00 degrees 14 minutes 18 seconds East, 182.05 feet to a one-half inch iron rod set at the southeast corner of said Lot 3, said point being in the north line of said 26.620 acre tract;

South 89 degrees 52 minutes 38 seconds East, 4.74 feet to a one-half inch iron rod found at the northeast corner of said 26.620 acre tract;

South 02 degrees 01 minutes 14 seconds West, 1017.90 feet to a one-half inch iron rod found for corner;

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THENCE along the north line of said Everett tract as follows:

North 88 degrees 16 minutes 32 seconds West, 154.85 feet to a one-half inch iron rod found for corner in the east line of said 0.992 acre tract;

South 00 degrees 06 minutes 53 seconds East, 99.93 feet to a one-half inch iron rod set at the southeast corner of said 0.992 acre tract;

North 88 degrees 37 minutes 27 seconds West, 148.94 feet to a one-half inch iron found at the northwest corner of said Everett tract, said point being the southwest corner of said 0.992 acre tract, said point also being in the east line of Charles Road (a variable width right-of-way);

THENCE along the east line of Charles Road as follows:

North 00 degrees 51 minutes 29 seconds West, 882.20 feet to a one-half inch iron rod found at the northwest corner of said 26.620 acre tract, said point being the southwest corner of said 3.784 acre tract;

North 00 degrees 27 minutes 48 seconds West, 45.73 feet to a one-half inch iron rod set for corner in the west line of said 3.784 acre tract;

North 00 degrees 56 minutes 36 seconds West, 427.94 feet to a one-half inch iron rod set at the northwest corner of said 3.261 acre tract;

THENCE North 88 degrees 23 minutes 23 seconds East, at 10.00 feet passing a railroad spike found at the southwest corner of said Lot 2, in all a total distance of 673.95 feet to a one-half inch iron rod found at the northeast corner of said 3.784 acre tract, said point being the northwest corner of said Lot 3;

THENCE North 89 degrees 37 minutes 22 seconds East, 528.09 feet along the north line of said Lot 3 and along the south line of said Lot 2 to the POINT OF BEGINNING and containing 1,639,357 square feet or 37.634 acres of land.