

AFTER RECORDING RETURN TO:

**Town of Flower Mound
2121 Cross Timbers Road
Flower Mound, Texas 75028**

**FIRST AMENDMENT TO THE DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR
STONE CREEK ADDITION PHASE III**

STATE OF TEXAS §
 §
COUNTY OF DENTON §

KNOW ALL MEN BY THESE PRESENTS:

THIS FIRST AMENDMENT TO THE DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS FOR STONE CREEK ADDITION PHASE III (this "First Amendment") is made as of the date set forth below by the Stone Creek (Flower Mound) Homeowners' Association, Inc. (the "Association") and approved by the Town of Flower Mound.

INTRODUCTORY PROVISIONS

WHEREAS, the Declaration of Covenants, Conditions and Restrictions for Stone Creek Addition Phase III, was filed on April 26, 1996 and is recorded as Instrument No. 96-R028170 in the Real Property Records of Denton County, Texas (the "Stone Creek Declaration"); and

WHEREAS, the Stone Creek Declaration affects certain tracts or parcels of real property in Denton County, Texas, more particularly described on Exhibit A attached hereto and incorporated herein by reference for all purposes (the "Property"); and

WHEREAS, under Article VII, Section 7.5 (a) of the Stone Creek Declaration, the terms and conditions of the Stone Creek Declaration may be amended or modified upon the express written consent of a least sixty-six and two-thirds percent (66 2/3 %) of the outstanding votes held by Members at a meeting at which a quorum is present; and

WHEREAS, under Article VII, Section 7.5 (a) of the Stone Creek Declaration, the prior written consent of the Town of Flower Mound must be obtained for any amendment to the Declaration pertaining to the use, operation, or maintenance and/or supervision of any facilities, structures, improvements, systems, areas, grounds that are the Association's responsibility; and

WHEREAS, the amendments to the Stone Creek Declaration were approved upon the express written consent of a least sixty-six and two-thirds percent (66 2/3 %) of the outstanding votes held by Members at a meeting conducted on February 25, 2008 at which a quorum was present, and has been approved by the Town of Flower Mound as evidenced by the signature of its authorized representative below.

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

(a) Section 6.11 of Article VI of the Stone Creek Declaration is amended to read, in its entirety, as follows:

6.11 Fences and Walls.

*All fences and walls shall be constructed of masonry, brick, wood or other material approved by the Committee and erected in accordance with Land Development Code § 5.06 (as amended). No fence or wall on any Lot shall extend nearer to any street than the front of the Residence thereon. Except as otherwise specifically approved by the Committee, all streetside side yard fencing on corner Lots shall be set no closer to the abutting side street than the side yard setback line as shown on the subdivision Plats. No portion of any fence shall exceed six (6) feet in height without the approval of the Committee. Any fence or portion thereof that faces a public street shall be constructed so that all structural members and, unless the **Committee** determines otherwise, support*

*posts will be on the side of the fence away from the street and are not visible from any public right-of-way. The Declarant **previously constructed** a perimeter screening and fencing adjacent and parallel to the right of way of Forest Vista Drive in accordance with the Plat and the requirements of the Town. In accordance with the Plat and the requirements of the Town, parallel privacy fences of wood or other construction shall not be allowed between said perimeter fencing and parallel foundation building lines on lots adjacent and contiguous to the right of way of Forest Vista Drive. **The Declarant previously installed an eight (8) foot fence along the eastern boundary of the Development (the "Fence"), such Fence having been erected along the rear lot lines of Lots 2 through 11, inclusive, of Block H, and Lots 24 through 30, inclusive, of Block H. The Association shall maintain and repair the Fence until the Fence has been replaced in its entirety by the Association, which is anticipated to occur during the year 2008, at which time the obligation to maintain, repair and replace the Fence shall be exclusively that of the Owner of the Lot upon which any portion of the Fence is located. Wood fences shall not be allowed adjacent to the required wrought iron/tubular steel fences in the Development.***

The terms and provisions of the Stone Creek Declaration, except as modified herein, are hereby declared to be in full force and effect with respect to the Property. The Property shall continue to be held, occupied, sold and conveyed subject to the terms and conditions of the Stone Creek Declaration and this First Amendment, which shall run with title to the Property, and are binding on all parties having any right, title or interest in and to the property 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, this First Amendment to the Declaration of Covenants, Conditions and Restrictions for Stone Creek Addition Phase III is made by the Members of the Stone Creek (Flower Mound) Homeowners' Association, Inc. to be effective as of the 25th day of February, 2008.

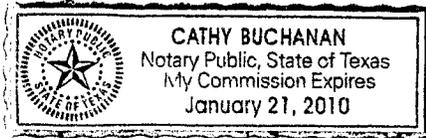
STONE CREEK (FLOWER MOUND)
HOMEOWNERS' ASSOCIATION, INC.

By: Kenneth L. Groh
President

STATE OF TEXAS §
 §
COUNTY OF DENTON §

This instrument was acknowledged before me on this 25th day of February, 2008 by Ken Groh, President of the Stone Creek (Flower Mound) Homeowners' Association, Inc., a Texas non-profit corporation, on behalf of such non-profit corporation.

Cathy Buchanan
Notary Public, State of Texas



APPROVED:

Town of Flower Mound

By: Douglas T. Powell
Its: Executive Director

EXHIBIT A

Those lots, blocks, tracts and parcels of real property located in the Town of Flower Mound, Denton County, Texas more particularly described as follows:

- (i) All property subject to the Declaration of Covenants, Conditions and Restrictions for Stone Creek Addition Phase III, recorded in the Real Property Records of Denton County, Texas under Denton County Clerk's Instrument Number 028170 , including any supplements thereto; and
- (ii) **Stone Creek Addition Phase III, an Addition to the Town of Flower Mound, Denton County, Texas, according to the Plat recorded in Cabinet M, Page 100, Plat Records, Denton County, Texas.**

Denton County
Cynthia Mitchell
County Clerk
Denton, Tx 76202



70 2008 00104762

Instrument Number: 2008-104762

Recorded On: September 24, 2008

As
Amendment

Parties: STONE CREEK FLOWER MOUND

To

Billable Pages: 9

Number of Pages: 9

Comment:

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

Amendment	43.00
Total Recording:	43.00

***** DO NOT REMOVE. THIS PAGE IT 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: 2008-104762
Receipt Number: 523944
Recorded Date/Time: September 24, 2008 10:51:40A

Record and Return To:

TOWN OF FLOWER MOUND
2121 CROSS TIMBERS RD
FLOWER MOUND TX 75028

User / Station: J Morris - Cash Station 1



THE 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.

C Mitchell

County Clerk
Denton County, Texas