


AFTER RECORDING RETURN TO:

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

**SECOND AMENDMENT TO THE DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR WATERFORD PARK ESTATES PHASES I & II**

**STATE OF TEXAS §
 §
COUNTY OF DENTON §**

KNOW ALL MEN BY THESE PRESENTS:

INTRODUCTORY PROVISIONS

WHEREAS, the Declaration of Covenants, Conditions and Restrictions for Waterford Park Estates Phases I & II, executed by Waterford, Ltd. was filed of record on February 27, 1996 and is recorded as Instrument No. 96-R0012863 in the Real Property Records of Denton County, Texas (the "Waterford Park Declaration"); and

WHEREAS, the Waterford Park Declaration was amended by that certain First Amendment to the Declaration of Covenants, Conditions and Restrictions for Waterford Park Estates Phases I & II, filed of record on February 28, 2003, and recorded in Volume 5280, Page 07791, *et seq.* the Real Property Records of Denton County, Texas (the "First Amendment"); and

WHEREAS, the Waterford Park Declaration and the First Amendment affect 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, Article XII, Section 7.5 of the Waterford Park Declaration provides for amendment to that instrument by the express written consent of at 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 the written consent of the Town of Flower Mound; and

WHEREAS, the following amendment to the Waterford Park Declaration received the express written consent of at least sixty-six and two-thirds percent (66 2/3%) of the outstanding votes held by Members at a meeting at which a quorum was present held on October 7, 2003, and the consent of the Town of Flower Mound as evidenced by its duly authorized representative's signature herein below.

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

(a) Paragraph (a) of Section 2.1 of Article II of the Waterford Park Declaration is amended to read, in its entirety, as follows:

- (a) *the right to dedicate, transfer or convey all or any part of the Open Space to any non-profit corporation, public agency or authority subject to conditions as may be approved by a majority of those Members present, in person or by proxy, at any duly convened meeting of the Members of the Association called for that purpose. No such dedication, transfer or conveyance shall be effective unless (i) a majority of those Members present, in person or by proxy, at such duly convened meeting called for that purpose, have provided written consent to such dedication, transfer or conveyance, and (ii) prior written notice of the proposed action under this*

***Section is sent to every Owner not fewer than thirty (30) days
in advance of said action;***

The terms and provisions of the Waterford Park Declaration and the First Amendment, 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 Waterford Park Declaration, the First Amendment and this Second Amendment, which shall run with title to the Property and 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, the Members of the Waterford Park Estates Phases I & II Homeowners' Association, Inc. have caused this Second Amendment to be executed by their duly authorized agents as of this 26 day of MARCH, 200⁴.

**ASSOCIATION: WATERFORD PARK ESTATES PHASES I & II
HOMEOWNERS' ASSOCIATION, INC.**

By: 
Todd O. WINKLER, President

STATE OF TEXAS §
 §
COUNTY OF DENTON §

4 This instrument was acknowledged before me on the 26th day of March, 2007, by THAO O. WHISLER, President of Waterford Park Estates Phases I & II Homeowners' Association, Inc., on behalf of said corporation.

GIVEN UNDER MY HAND AND AFFIRMED SEAL OF OFFICE on this 26th day of March, 2007.



Kelli Robertson
Notary Public, State of Texas

CERTIFICATE OF AMENDMENT

As Secretary of Waterford Park Estates Phases I & II Homeowners' Association, Inc., I hereby certify that the foregoing amendments to the Waterford Park Declaration received the express written consent of no less than sixty-six and two-thirds percent (66 2/3%) of the outstanding votes of the Members present at a meeting at which a quorum was present and held on October 7, 2003.

PATRICK A. OLIPHANT
PATRICK A. OLIPHANT, Secretary

APPROVED AS TO FORM [REDACTED]:

Jason [Signature]
Attorney, Town of Flower Mound

SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WATERFORD PARK ESTATES PHASES I & II