

Denton County  
Juli Luke  
County Clerk

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Instrument Number: 35243

ERecordings-RP  
AMENDMENT

Recorded On: April 10, 2023 03:58 PM

Number of Pages: 5

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" Examined and Charged as Follows: "

Total Recording: \$42.00

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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: 35243  
Receipt Number: 20230410000495  
Recorded Date/Time: April 10, 2023 03:58 PM  
User: Joy R  
Station: Station 19

**Record and Return To:**

Corporation Service Company



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 RETURN TO:**

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

**FIRST AMENDMENT  
TO THE  
DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR  
THE EAGLE RIDGE SUBDIVISION**

STATE OF TEXAS           §  
  §       **KNOW ALL PERSONS BY THESE PRESENTS:**  
COUNTY OF DENTON     §

**INTRODUCTORY PROVISIONS**

**WHEREAS**, the Declaration of Covenants, Conditions and Restrictions for the Eagle Ridge Subdivision was filed on November 30, 2022, and is recorded as Instrument No. 2022-163543 in the Official Public Records of Denton County, Texas (the “*Eagle Ridge Declaration*”); and

**WHEREAS**, the Eagle Ridge Declaration affects certain real property in the City of Bartonville, Denton County, Texas, more particularly described in Exhibit A attached to the Eagle Ridge Declaration, including amendments and supplements (the “*Property*”); and

**WHEREAS**, Bartonville South 1031, LLC, dba Red Rock Communities, a Texas limited liability company (the “*Declarant*”) may, pursuant to Article VI, Section 6.2 of the Eagle Ridge Declaration, unilaterally amend the Eagle Ridge Declaration prior to the expiration of the Development Period, as hereinafter set forth; and

**WHEREAS**, the Development Period has not expired; and

**WHEREAS**, the following amendments to the Eagle Ridge Declaration were approved by Declarant as evidenced by the signature of its duly authorized representatives below.

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

(a) Article III, Section 3.18 of the Eagle Ridge Declaration is hereby deleted and amended and shall read, in its entirety, as follows:

**Section 3.18. Fences.** *No fence, wall or hedge shall be erected, placed or altered on any Lot without the prior written approval of the Architectural Control Committee, and the design of and materials used in the construction of fences shall be subject to the prior written approval of the Architectural Control Committee. Design of fences and materials used in the construction of fences shall be in compliance with the Town's zoning ordinance. Fences must be black wrought iron (to match fence along perimeter of property along FM 407). See, Exhibit A below. Fencing for Lots that allow horses must be three-rail black steel fence. See, Exhibit B below. Each corner of the fence must be made of a stone column that matches the home or the other stone in the development (grey lueder stone to match monument sign and developer screening wall along FM 407). All fencing requires prior written approval by the Architectural Control Committee.*



*Exhibit A: Wrought Iron Fence, Pattern and Color required for all Fencing in Eagle Ridge.*



*Exhibit B: Three Rail Black Steel Fence required for Lots that allow horses.*

(b) Article III, Section 3.30 of the Eagle Ridge Declaration is hereby deleted and amended and shall read, in its entirety, as follows:

***Section 3.30. Offensive Activities. No noxious or offensive activity shall be conducted on any Lot, nor shall anything be done thereon which is or may become an annoyance or nuisance to the other Owners. Eagle Ridge subdivision allows horses only on a few select Lots. Please reach out to the HOA for information on which Lots allow horses. Dogs, cats, and other domesticated pets will be allowed. As used in this Section, the term "domesticated pets" shall not mean or include non-traditional pets such pot-bellied pigs, goats, chickens, fowl, exotic snakes or lizards, monkeys, or other exotic animals. The Association reserves the right to prohibit certain animals, livestock, or poultry as it deems necessary.***

The terms and provisions of the Eagle Ridge Declaration, except as modified herein, are hereby declared to be in full force and effect with respect to the Property. Unless otherwise defined herein, all capitalized terms used herein shall have the meanings set forth in the Eagle Ridge Declaration. The Property shall continue to be held, occupied, sold, and conveyed subject to the terms and conditions of the Eagle Ridge Declaration and now 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, the Declarant has caused this First Amendment to the Eagle Ridge Declaration to be effective when filed with the Office of the Denton County Clerk.

**BARTONVILLE SOUTH 1031, LLC,  
dba RED ROCK COMMUNITIES,  
a Texas limited liability company**

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

Omar Oweis

Its: \_\_\_\_\_

Member and Manager

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

Basem Nimri

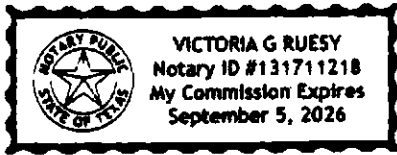
Its: \_\_\_\_\_

Member and Manager

STATE OF TEXAS           §  
  §  
COUNTY OF DENTON       §

BEFORE ME, the undersigned Notary Public, on this 6<sup>th</sup> day of April, 2023, personally appeared, Omar Oweis and Basem Nimri, Members and Managers, respectively, of Bartonville South 1031, LLC, dba Red Rock Communities, a Texas limited liability company, known to me to the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and the capacities therein expressed.

[SEAL]



Victoria G Ruesy  
Notary Public, State of Texas