

THE STATE OF TEXAS §  
  §  
COUNTY OF ROCKWALL §

**AMENDMENT**  
**RE: DRAINAGE EASEMENT MAINTENANCE**  
**IN THE**  
**AMENDED AND RESTATED DECLARATION OF**  
**COVENANTS, CONDITIONS AND RESTRICTIONS, CHISHOLM RANCH ESTATES**

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**OPENING RECITALS**

A. **PROPERTY.** Chisholm Ranch Estates is a planned residential development located in the City of McLendon-Chisholm, Texas, according to the plat thereof recorded on July 11, 2005, as Document No. 2005-00332344, in Cabinet F, Pages 247-250, Plat Records, Rockwall County, Texas, as partially replatted from time to time, and as modified by the instrument recorded on August 30, 2013, as Document No. 2013-495672, in Volume 7372, Page 227, Real Property Records, Rockwall County, Texas (the "**Subdivision Plat**").

B. **DECLARATION.** Chisholm Ranch Estates is subject to the Amended and Restated Declaration of Covenants, Conditions and Restrictions, Chisholm Ranch Estates, recorded on October 28, 2005, as Document No. 2005-00340281, in Volume 04269, Page 00023, Real Property Records, Rockwall County, Texas, as amended from time to time, such as (without limitation) the instruments recorded on March 28, 2008, as Document No. 2008-00395740, in Volume 5410, Page 55; on July 10, 2008, as Document No. 2008-00401700, in Volume 5519, Page 23; on March 13, 2012, as Document No. 2012-00464020, in Volume 6725, Page 205; on August 29, 2013, as Document No. 2013-495579, in Volume 7370, Page 150; on August 30, 2013, as Document No. 2013-495671, in Volume 7372, Page 222; and on May 4, 2015, as Document No. 20150000006045 (collectively, the "**Declaration**").

C. **DECLARANT.** D. R. Horton - Texas, Ltd., a Texas limited partnership, is the "**Declarant**" of Chisholm Ranch Estates, having succeeded the original Declarant pursuant to the assignment recorded on March 13, 2012, as Document No. 2012-00464020, in Volume 6725, Page 205, Real Property Records, Rockwall County, Texas.

D. **BACKGROUND.** Chisholm Ranch Estates was originally platted in 2005 with drainage and equestrian trail easements that are largely coterminous. Note #3 on Sheet 2 of the Subdivision Plat states that existing creeks and drainage channels will be maintained by the individual owners of the lots that are crossed by, or adjacent to, the creeks and channels. When initially recorded in 2005, the Declaration assigned to the Association the maintenance of drainage easements on individually owned lots, many of which relied on the equestrian trail easements for access. In 2013, the equestrian trail easements were abandoned and the Association's duty for maintenance of the equestrian trails was terminated by the instruments recorded on August 30, 2013, as Document Nos. 2013-495671 and 2013-495672, in Volume 7372, Pages 222 and 227, respectively, Real Property Records, Rockwall County, Texas. As a result of the termination, the owner of each lot gained sole custody and control over any portion of the lot that had been previously burdened with an equestrian trail easement. Accordingly, access to many drainage easements for purposes of maintenance became a practical impossibility for the Association.

E. **PURPOSE.** Declarant desires to amend the Declaration to restore the duty for maintenance of drainage easements to the owner of the property on which the easement is located, consistent with Note #3 on Sheet 2 of the Subdivision Plat.

F. **AUTHORITY.** Pursuant to its authority under Section 6.2(a) of the Declaration, Declarant hereby unilaterally amends the Declaration for the above purpose. The rest of the Declaration is unchanged by this Amendment and remains in full force and effect.

**AMENDMENTS**

1. The Declaration is hereby amended to eliminate every obligation created by the Declaration for the Association to maintain drainage easements on individually owned lots, including (without limitation, and only by way of example) the Association's obligation under Section 4.8 and Subsection (m) of Section 4.4 of the Declaration.
2. The Declaration is hereby amended by the addition of the following rule of construction: This Declaration must be construed and applied as if Note #3 on Sheet 2 of the Subdivision Plat controls over anything to the contrary in this Declaration.

**CLOSING RECITALS**

- A. This Amendment does not affect the Association's maintenance of drainage easements on common property.
- B. This Amendment pertains to every drainage easement on any lot in Chisholm Ranch Estates, including a drainage easement that is not coterminous with a platted equestrian trail easement, such as the drainage easement on Lots 11 and 12 of Block "E" of Chisholm Ranch Estates.
- C. The elimination of maintenance by the Association established by this Amendment may not be construed to affect or alter in any way the drainage function of a drainage easement.
- D. By signing below, D. R. Horton-Texas, Ltd., certifies that (1) it is the Declarant of Chisholm Ranch Estates, (2) it owns more than one lot in Chisholm Ranch Estates (also described as owning Lots "in the Association"), and (3) it has sufficient authority to make this Amendment.
- E. The President and Secretary of Chisholm Ranch Estates Homeowners Association, Inc., execute this instrument, as required by Section 6.2(a) of the Declaration, for the sole purpose of certifying that Declarant owns at least one lot in Chisholm Ranch Estates on the date hereof.

**SIGNED** on the date stated in the acknowledgment below.

**D. R. HORTON - TEXAS, LTD.**, a Texas limited partnership

By: D. R. HORTON, INC., a Delaware corporation, its authorized agent

By:   
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 David L. Booth, Assistant Vice President

THE STATE OF TEXAS §  
 §  
 COUNTY OF DALLAS §

This instrument was acknowledged before me on this 2nd day of December 2015 by David L. Booth, Assistant Vice President of D. R. Horton, Inc., a Delaware corporation, on behalf of said corporation in its capacity as authorized agent for D. R. Horton - Texas, Ltd., a Texas limited partnership, on behalf of the limited partnership.



  
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 Notary Public, The State of Texas

**CERTIFYING AS TO LOT OWNERSHIP**

**CHISHOLM RANCH ESTATES HOMEOWNERS ASSOCIATION, INC.**, a Texas property owners association and nonprofit corporation

By:   
David L. Booth, President

By:   
Kellie M. Smith, Secretary

THE STATE OF TEXAS §  
  §  
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This instrument was acknowledged before me on this 2 day of December 2015 by David L. Booth and Kellie M. Smith, President and Secretary, respectively, of Chisholm Ranch Estates Homeowners Association, Inc., a Texas property owners association and nonprofit corporation, on behalf of the association.

  
Notary Public, The State of Texas



===== SPACE BELOW FOR ROCKWALL COUNTY CLERK =====

Electronically Filed and Recorded  
Official Public Records  
Shelli Miller, County Clerk  
Rockwall County, Texas  
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