

THE STATE OF TEXAS §
 §
COUNTY OF ROCKWALL §

**BUILD-OUT AMENDMENT
TO AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
CHISHOLM RANCH ESTATES**

OPENING RECITALS

A. **PROPERTY.** Chisholm Ranch Estates, also referred to herein as the "**Property**," is a planned 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.

B. **DECLARATION.** The Property 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, having been initially recorded on July 22, 2005, as Document No. 2005-00333273, in Volume 04119, Page 00027, as further amended from time to time, such as (without limitation) the instruments recorded (1) on March 28, 2008, as Document No. 2008-00395740, in Volume 5410, Page 55; (2) on July 10, 2008, as Document No. 2008-00401700, in Volume 5519, Page 23; (3) on March 13, 2012, as Document No. 2012-00464020, in Volume 6725, Page 205; (4) on August 29, 2013, as Document No. 2013-495579, in Volume 7370, Page 150; and (5) on August 30, 2013, as Document No. 2013-495671, in Volume 7372, Page 222 (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. **AUTHORITY.** In its capacity as Declarant of Chisholm Ranch Estates and Owner of more than one Lot in Chisholm Ranch Estates, D. R. Horton-Texas, Ltd., is authorized by Section 6.2(a) of the Declaration to unilaterally amend the Declaration without joinder of any person or other Owner.

BACKGROUND RECITALS

A. **PURPOSE.** At the time the Declaration was drafted and recorded by the previous declarant, its provisions were based on certain assumptions, facts, and laws, some of which were subsequently changed or determined to be false. Declarant desires to update, change, or correct certain of those provisions of the Declaration by publicly recording this instrument to be effective as if it had been part of the Declaration when the Amended and Restated Declaration was recorded on October 28, 2005.

B. **CHANGED CONDITIONS.** Two consequential conditions have changed since the Declaration was initially written and recorded. First, a severe and prolonged economic recession and housing depression significantly altered the original projected timetable for completing the development and selling all the homes. It is in the best interests of current and future Owners of Chisholm Ranch Estates, as well as the community at large, for the Property to be fully built-out and populated. Towards that end, Declarant desires to reinforce its reserved rights under the Declaration to oversee the complete and orderly build-out and sell-out of Chisholm Ranch Estates, and to shepherd the property owners association for the maximum length of time permitted by Texas law.

The second changed condition occurred in 2011, when Texas enacted laws that require a declarant to include certain provisions in a declaration in order to retain certain declarant and development rights. Because the new laws apply to developments like Chisholm Ranch Estates that were created before the new laws were adopted, the Declaration must be amended for Declarant to preserve the rights it created for itself under prior law.

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: 
David L. Booth, Assistant Vice President

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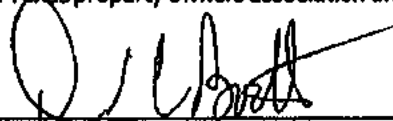
This instrument was acknowledged before me on this 15th day of May 2015 by David L. Booth, Assistant Vice President of D. R. Horton, Inc., a Delaware corporation, on behalf of said corporation in its capacity as authorized agent for D. R. Horton - Texas, Ltd., a Texas limited partnership, on behalf of the limited partnership.




Notary Public, The State of Texas

CERTIFYING AS TO DECLARANT'S 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

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This instrument was acknowledged before me on this 15th day of May 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

PAGE FOR USE BY ROCKWALL COUNTY CLERK

**Electronically Filed and Recorded
Official Public Records
Shelli Miller, County Clerk
Rockwall County, Texas
05/04/2015 08:18:41 AM
Fee: \$38.00
2015000006045**



A handwritten signature in cursive script, appearing to read "Shelli Miller".