

Denton County  
Juli Luke  
County Clerk

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**Instrument Number:** 42669

ERecordings-RP  
AFFIDAVIT

Recorded On: April 13, 2017 08:14 AM

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 \*\*\*\*\*

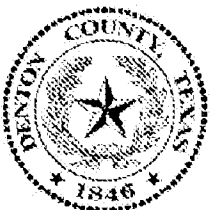
Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 42669  
Receipt Number: 20170413000029  
Recorded Date/Time: April 13, 2017 08:14 AM  
User: Connor B  
Station: Station 10

**Record and Return To:**

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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

**AFFIDAVIT OF CORRECTION OF TYPOGRAPHICAL OR OTHER MINOR ERROR**  
[Texas Property Code, Section 5.028]

Prepared by: Essex Association Management, L.P.

Each undersigned Affiant, jointly and severally, being first duly sworn, hereby swears or affirms that the First Amendment to Declaration of Covenants, Conditions and Restrictions recorded on 10/26/2015 as Document Number 2015-124053, Denton County Clerks, by Valencia on the Lake Homeowners Association, Inc. contained the following *typographical or other minor error*:

The first paragraph under the heading "WITNESSETH" on page one of the First Amendment contained a typographical error shown in the underlined portion below:

"WHEREAS, the Declaration of Covenants, Conditions and Restrictions for The Bridges at Preston Crossings were filed under Clerk's Document 2015-34127 in the Official Public Records of Denton County, Texas (herein referred to as the "Declaration")"

Note: the name of The Bridges at Preston Crossings is the error and Affiant makes this Affidavit for the purpose of correcting the above-described instruments as follows:

"WHEREAS, the Declaration of Covenants, Conditions and Restrictions for Valencia on the Lake were filed under Clerk's Document 2015-34127 in the Official Public Records of Denton County, Texas (herein referred to as the "Declaration")" ; and

Affiant is knowledgeable of the agreement and the intention of the parties in this regard. Affiant is the (check one)

- Drafter of original instrument being corrected
- Closing attorney for transaction involving instrument being corrected
- Attorney for grantor/mortgagor named above in instrument being corrected
- Owner of the property described in instrument being corrected
- Other (Explain: Declarant / Developer of the Association named herein).

A copy of the original instrument (in **part** or in whole) (X) is / ( ) is not attached.

Mehrdad Moayed  
Signature of Affiant

Print or Type Name: Mehrdad Moayed, Declarant and Manager  
Valencia on the Lake, L.P. a Texas limited partnership

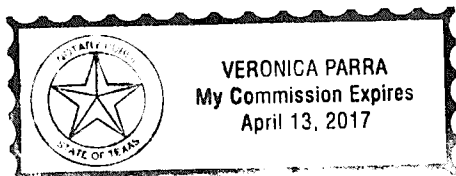
State of Texas County of Dallas

Signed and sworn to (or affirmed) before me, this the 11<sup>th</sup> day of April, 2017.

My Commission Expires:

April 13, 2017 Veronica Parra  
Notary Public

|| (Affix Official/Notarial Seal) ||



**FIRST AMENDMENT TO DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR  
VALENCIA ON THE LAKE HOMEOWNERS ASSOCIATION, INC.**

**STATE OF TEXAS**

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§

**KNOW ALL MEN BY THESE PRESENTS:**

**COUNTY OF DENTON**

This First Amendment to Declaration of Covenants, Conditions and Restrictions for Valencia on the Lake (this "*First Amendment Declaration*") is made this 13<sup>th</sup> day of October, 2015, by Valencia on the Lake, LP, (the "*Declarant*").

**WITNESSETH:**

**WHEREAS**, the Declaration of Covenants, Conditions and Restrictions for The Bridges at Preston Crossings were filed under Clerk's Document 2015-34127 in the Official Public Records of Denton County, Texas (herein referred to as the "*Declaration*"); and

**WHEREAS**, the Valencia on the Lake Declarant is the successor-in-interest to the rights of "*Declarant*" under that certain Declaration of Covenants, Conditions and Restrictions for Valencia on the Lake recorded April 6, 2015, as Document 2015-34127 in the Official Public Records of Denton County, Texas (the "*Declaration*"); and

**WHEREAS**, pursuant to the terms of Section 7.1 of the Declaration of Covenants, Conditions and Restrictions, the Declarant reserves the right at any time and from time to time, prior to the termination of the Class "B" Control Period, without the joinder or consent of any Owner or other party, to amend or supplement the Declaration by an instrument in writing duly signed, acknowledged and filed of record; and

**WHEREAS**, the termination of the Class "B" Control Period has not occurred and Declarant has determined that it is desirable to execute and file this First Amendment to the Declaration (herein referred to as the "*First Amendment*") for the purpose of modifying the Declaration and / or placing additional conditions, covenants and restrictions upon and against the Properties for the benefit of current and future Owners;

**NOW, THEREFORE**, pursuant to the powers retained by The Valencia on the Lake Declarant under the Valencia on the Lake Declaration, the Declarant hereby modifies, amends and supplements the Valencia on the Lake Declaration with respect to Article 2, Section 2.6 Minimum Floor Area and Exhibit D, Design Guidelines, Part Two: Dwelling Units, Sections 2.1.2 and 2.1.3.

**ARTICLE II**  
**Construction of Improvements and Use of Lots**

In addition to the guidelines set forth in Article 2 of the Declaration, Section 2.6 of the Declaration is hereby deleted in its entirety and the following is inserted in lieu thereof:

**2.6 Minimum Floor Area.**

The total air-conditioned living area of the main residential structure constructed on each Lot, as measured to the outside of exterior walls but exclusive of open porches, garages, patios and detached accessory buildings shall be as follows: For Lot type 1, the minimum square footage shall be not less than 2,500 square feet; for Lot type 2, the minimum square footage shall not be less 2,000 square feet; for Lot type 3, the minimum square footage shall not be less than 1,600 square feet; for Lot type 4, the minimum square footage shall not be less than 1,200 square feet; and for Lot type 5, the minimum square footage shall not be less than 1,000 square feet.

**EXHIBIT D**  
**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**  
**FOR VALENCIA ON THE LAKE HOMEOWNERS ASSOCIATION, INC.**  
**DESIGN GUIDELINES**

In addition to the guidelines set forth in Exhibit D of the Declaration, Section 2.1.2 of the Design Guidelines is hereby modified and amended to read as follows:

2.1.2 Roofing Materials: Roofing materials for Lot types 1, 2, 3, 4, and 5 shall be asphalt shingles with a 30-year rated or better shingle having a minimum weight of 220 pounds per square (100 square feet) and have a weathered brown or gray color. Other roofing materials shall not be used without written approval from the Architectural Control Committee. No wooden shingles are allowed. And:

Section 2.1.3 of the Design Guidelines is hereby deleted in its entirety.

1. The terms and provisions of the Declaration, except as modified herein, are hereby declared to be in full force and effect with respect of the Property. The Property shall continue to be held, occupied, sold and conveyed subject to the terms and conditions of the Declaration, and this First Amendment, which shall run with the 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.

2. Headings. Any headings contained in this Amendment are for reference purposes only and shall not in any way affect the meaning or interpretation of this Amendment.

IN WITNESS WHEREOF, this First Amendment to Declaration has been executed as of the day and year first above written.

**VALENCIA ON THE LAKE DECLARANT:**

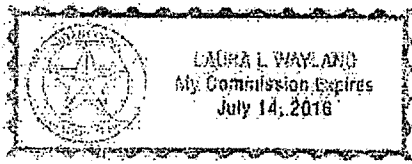
**VALENCIA ON THE LAKE, LP,**  
a Texas limited partnership

By: **VALENCIA ON THE LAKE GP, LLC,**  
a Texas limited liability company,  
its general partner

By: *Mehrdad Moayed*  
Name: Mehrdad Moayed,  
Its: Manager

STATE OF TEXAS       §  
                                  §  
COUNTY OF DALLAS   §

This instrument was acknowledged before me this 22 day of Oct, 2015, by Mehrdad Moayed, Manager of VALENCIA ON THE LAKE, LP, a Texas limited partnership, in its capacity as general partner of VALENCIA ON THE LAKE GP, LLC, a Texas limited liability company, on behalf of said limited liability company, and in the capacity herein stated.



*Laura L. Wayland*  
Notary Public in and for the State of Texas  
My Commission Expires: July 14, 2016