

Denton County
Juli Luke
County Clerk

Instrument Number: 1806

ERecordings-RP

NOTICE

Recorded On: January 06, 2023 10:28 AM

Number of Pages: 7

" Examined and Charged as Follows: "

Total Recording: \$50.00

***** 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: 1806
Receipt Number: 20230106000196
Recorded Date/Time: January 06, 2023 10:28 AM
User: Calinda B
Station: Station 20

Record and Return To:

Simplifile



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

**NOTICE OF FILING OF DEDICATORY INSTRUMENT FOR
MONTALCINO RESIDENTIAL COMMUNITY, INC.**

STATE OF TEXAS

COUNTY OF DENTON

This Notice of Filing of Dedicatory Instruments for Montalcino Residential Community, Inc., (“Notice”) is made by and on behalf of Montalcino Residential Community, Inc. (the “Association”).

RECITALS:

WHEREAS, the Association is a property owners association as defined in Section 202.001(2) of the Texas Property Code; and

WHEREAS, The Association is governed by a dedicatory instrument, which covers the property described therein entitled Declaration of Covenants, Conditions and Restrictions for Montalcino Residential Community, Inc., filed or to be filed in the Real Property Records of Denton County, Texas (the “Declaration”), as Montalcino Residential Community, Inc., such may be amended, supplemented and/or corrected from time to time; and

WHEREAS, Section 202.006 of the Texas Property Code requires a property owners association to file the dedicatory instrument in the Real Property Records of each county in which the property to which the dedicatory instrument relates is located; and

WHEREAS, the Association desires to file a Notice by adding the instruments attached hereto herein adopted by the Association.

NOW THEREFORE, the Association files true and correct copies of the following instruments of the Association which are attached hereto:

1. Amendment to Design Guidelines

IN WITNESS WHEREOF, the undersigned agent of Montalcino Residential Community, Inc., certifies that, to the best of his/her knowledge, as of the effective date of this Notice of Filing of Dedicatory Instrument that the foregoing instruments are a true and correct copy of the current instruments of the Association.

[Signature follows on next page]

By: _____

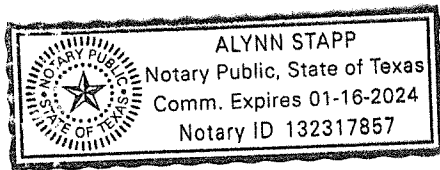
**Ronald J. Corcoran, President,
Essex Association Management L.P., Its
Managing Agent.**

STATE OF TEXAS

COUNTY OF DENTON

Before me, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared Ronald J. Corcoran, President, Essex Association Management L.P., on behalf of Montalcino Residential Community, Inc., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 22 DAY OF November, 2022.



Alynn Stapp

Notary Public in and for the State of Texas

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

**AMENDMENT TO DESIGN GUIDELINES
FOR MONTALCINO ESTATES**
(Security Measures)

THIS AMENDMENT TO DESIGN GUIDELINES FOR MONTALCINO ESTATES (this "Amendment") is made and entered by Brock Babb, an individual, Ronald Corcoran, an individual, and Dustin Warren an individual, being all the members of the Architectural Control Committee (the "ACC"), and with joinder of CTMGT MONTALCINO, LLC, a Texas limited liability company, as "Declarant" under the Declaration ("Declarant"), as of the 1st day of November, 2022.

WHEREAS, on June 15, 2012, CTMGT Land Holdings, L.P. a Texas limited partnership, executed that certain Declaration of Covenants, Conditions, and Restrictions for Montalcino Estates recorded on September 27, 2012, as Document No. 2012-109492, in the Official Public Records of Denton County, Texas, (said declaration referred to as the "Original Declaration"), as supplemented by that certain Supplemental Declaration of Covenants, Conditions, and Restrictions for Montalcino Estates dated February 8, 2013 and recorded on February 8, 2013 as Document No. 2013-15895, in the Official Public Records of Denton County, Texas (the "Supplement"), as amended by that certain First Amendment to Declaration of Covenants, Conditions, and Restrictions for Montalcino Estates dated July 10, 2017 recorded on July 18, 2017 as Document No. 86345 in the Official Public Records of Denton County, Texas (the "First Amendment") as further amended by that certain Second Amendment to Declaration of Covenants, Conditions, and Restrictions for Montalcino Estate and Notice of Addition of Land (Montalcino Estates, Phase 2) dated September 24, 2018, and recorded on September 26, 2018 as Instrument 114562, in the Official Public Records of Denton County, Texas (the "Second Amendment"), as further amended by that certain Third Amendment to Declaration of Covenants, Conditions, and Restrictions for Montalcino Estates, recorded on September 15, 2020 as Instrument 143907 in the Official Public Records of Denton County, Texas (the "Third Amendment") (the Original Declaration as modified, amended, and supplemented by the Supplement, First Amendment, Second Amendment, and Third Amendment is herein referred to as the "Declaration")

WHEREAS, the Declaration affects all of the real property and improvements located within land described on that certain subdivision plat entitled "Montalcino Estates," which plat was recorded as Document No. 2012-220, in the map or plat records of Denton County, Texas, that certain subdivision plat entitled "Montalcino Estates, Phase 2," which plat was recorded as Document No. 2018-355 in the map or plat records of Denton County, Texas, and any map or plat of the real property to be included as part of the subdivision known as "Montalcino Estates" or which is party of the "Property" described in the Declaration ("Property");

WHEREAS, pursuant to Section 202.023 of the Property Code, Montalcino Residential Community, Inc. (the “Association”) may prohibit the installation of security cameras by an Owner of a Lot in a place other than that Owner’s Lot or private property, and may regulate the type of fencing that an Owner may install on its Lot;

WHEREAS, pursuant to Section 6.02(c) of the Declaration, the ACC has the power from time to time, to adopt, amend, modify, or supplement the Design Guidelines (as defined in the First Amendment of the Declaration);

WHEREAS, pursuant to its rights under the Declaration, including, without limitation the ACC’s rights under Article 6 of the Declaration, the ACC desires to amend and modify certain requirements and restrictions set forth in Section 1.2 of the Design Guidelines applicable to Property and Lots located therein, as more specifically provided in this Amendment, to include additional design guidelines and requirements for security measures, including fencing and cameras, installed or constructed on Lots within the Property subject to the Declaration; and

WHEREAS, Declarant has joined in this Amendment to confirm and evidence its approval of the Amendment of the Design Guidelines as set forth herein.

NOW, THEREFORE, the ACC does hereby amend and modify the Design Guidelines as follows:

1. Defined Terms. Unless otherwise defined in the Design Guidelines or the context otherwise requires, each term used in the Design Guidelines with its initial letter capitalized which has been specifically defined in the Declaration shall have the same meaning herein as given to such term in the Declaration.

2. Amendment. The ACC desires to and does hereby modify and amend the Design Guidelines applicable to all Lots within the Property to add the following as a new paragraph Section 1.2.5 thereunder:

“1.2.5. Security Measures. Any security fencing installed on an Owner’s Lot as a security measure under Section 202.023 of the Texas Property Code, as amended (a) shall be no higher than six (6) feet from grade, (b) to the extent located within the front yard area of an Owner’s Lot, must be open and constructed of ornamental metal or wrought iron materials that allow the front façade of the residence on such Owner’s Lot to remain visible from the street through such fencing and be of a design approved by the Architectural Control Committee, (c) to the extent located within the front yard area of an Owner’s Lot, shall not include or be constructed or installed with screening material, landscape screening, chain link, razor wire, electrification, or barbed wire, and (d) such fencing shall otherwise be constructed, installed and maintained in compliance with any and all governmental requirements, including permit requirements. No Owner shall place security cameras in any place other than the Owner’s own Lot. The “front yard area” with respect to a Lot shall mean the area between

the front façade of the residence on such Lot and the public street or right-of-way in front of such Lot.”

3. Declarant Approval. By execution hereof, the Declarant confirms and approves of this Amendment of the Design Guidelines.

4. No Other Effect. Except as expressly modified, amended and supplemented by this Amendment, the terms and provisions of the Design Guidelines are not amended, modified or supplemented, and the Design Guidelines, as modified, amended and supplemented hereby, are hereby amended as provided herein.

5. Severability. Invalidity of any one provision of this Amendment by judgment or court order shall in no way affect any other provision of this Amendment or the remainder of this Amendment which shall remain in full force and effect. Furthermore, in lieu of each such illegal, invalid, or unenforceable provision, there shall be added automatically as a part of this Amendment a provision as similar in terms to such illegal, invalid, or unenforceable provision as may be possible and be legal, valid, and enforceable.

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

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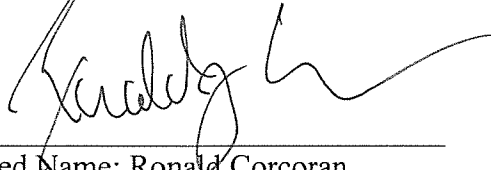
EXECUTED to be effective as of the date written above.

**MEMBERS OF THE ARCHITECTURAL CONTROL
COMMITTEE:**



Printed Name: Brock Babb

Title: Member



Printed Name: Ronald Corcoran

Title: Member



Printed Name: Dustin Warren

Title: Member

BEING ALL OF THE MEMBERS OF THE
ARCHITECTURAL CONTROL COMMITTEE OF THE
MONTALCINO RESIDENTIAL COMMUNITY, INC.