After recording return to:					
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# THIRD AMENDMENT TO AMENDED AND RESTATED DECLARATION OF CONDOMINIUM REGIME FOR OLD MILL CROSSING TOWNHOMES

A Residential Condominium Regime in Comal County, Texas

CREATING UNITS 9A, 9B, 10A, 10B, 11A, and 11B [Located in Buildings 9, 10, and 11]

Effective Date of Third Amendment:

Declarant:

Woodland Hills Development, Inc., a Texas corporation

4411 South IH-35 #100 Georgetown, Texas 78626

After recording return to:					
	_				

# THIRD AMENDMENT TO AMENDED AND RESTATED DECLARATION OF CONDOMINIUM REGIME FOR OLD MILL CROSSING TOWNHOMES

A Residential Condominium Regime in Comal County, Texas

<u>CREATING UNITS 9A, 9B, 10A, 10B, 11A, and 11B</u> [Located in Buildings 9, 10, and 11]

Effective Date of Third Amendment:

October 19, 2017

Declarant: Woodland Hills Development, Inc., a Texas corporation

4411 South IH-35 #100 Georgetown, Texas 78626

#### THIRD AMENDMENT TO

# AMENDED AND RESTATED DECLARATION OF CONDOMINIUM REGIME FOR OLD MILL CROSSING TOWNHOMES

A Residential Condominium Regime in Comal County, Texas

Reference is made herein to that certain Amended and Restated Declaration of Condominium Regime for Old Mill Crossing Townhomes, a Residential Condominium Regime in Comal County, Texas, (as amended, the "Declaration") executed to be effective on April 18, 2017, by Woodland Hills Development, Inc., a Texas corporation (the "Declarant"), and recorded as Document No. 201706021420 in the Official Public Records of Comal County, Texas; which Declaration was amended by the following:

- That First Amendment to Amended and Restated Declaration of Condominium Regime for Old Mill Crossing Townhomes, a Residential Condominium Regime in Comal County, Texas, executed to be effective on June 2, 2017, by Declarant and recorded as Document No. 201706027272 in the Official Public Records of Comal County, Texas; and
- That Second Amendment to Amended and Restated Declaration of Condominium Regime for Old Mill Crossing Townhomes, a Residential Condominium Regime in Comal County, Texas, executed to be effective on September 6, 2017, by Declarant and recorded as Document No. 201706042488 in the Official Public Records of Comal County, Texas.

The Declaration affects the real property described as Lot 1, Block 1, Old Mill Crossing, a subdivision located in Comal County, Texas, according to the map or plat thereof recorded in Document No. 201606018979, Map and Plat Records of Comal County, Texas, and the Annexed Land, as such term is defined in the Declaration (together, the "Property").

THIS THIRD AMENDMENT TO AMENDED AND RESTATED DECLARATION OF CONDOMINIUM REGIME FOR OLD MILL CROSSING TOWNHOMES, a Residential Condominium Regime in Comal County, Texas, (this "Amendment") is made and entered into to be effective as of the date set forth on the cover page. Capitalized terms in this Amendment have the same meanings given to such terms in the Declaration except where this Amendment adopts a new definition.

#### WITNESSETH:

WHEREAS, the Development Period in the Declaration has not expired;

WHEREAS, pursuant to Section 20.4 of the Declaration and Section 1-3(C), (D), (I), and (K) of Annex 1 to the Declaration, Declarant has the right to execute and record this Amendment;

WHEREAS, Declarant desires to amend the Declaration for the purpose of creating 6 additional Units within the Regime;

WHEREAS, Declarant desires to correct an ambiguity in Section 21.11 of the Declaration

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant amends the Declaration as follows:

#### 1. Creation of New Units.

- a. In accordance with the Declarant Rights reserved in Annex 1 to the Declaration, Declarant hereby creates 6 Units, which Units are designated as <u>Units 9A, 9B, 10A, 10B, 11A, and 11B</u> and are located in Buildings 9, 10, and 11 (collectively, the "New Units"). The New Units are classified as Units that MUST BE BUILT.
- b. After the filing of this Amendment, there are 30 Units in the Regime. Declarant reserves the right to create up to fifty (50) total Units during the Development Period.
- c. Exhibit A to the Declaration is hereby deleted in its entirety and replaced by the by the new Plat and Plans attached as Exhibit A to this Amendment (the "New Plat and Plans"). The New Plat and Plans assign an identifying number to all of the Units (including the New Units), describe the Limited Common Elements reserved for the exclusive use of one or more Units (including the New Units), and include the information required by Section 82.059 of the Act.
- d. Exhibit C to the Declaration is hereby deleted in its entirety and replaced by the by the new Exhibit C to this Amendment.
- 2. In Section 21.11, subparagraph (e) is amended to read as follows:
  - e. This Article 21 may only be amended with the prior written approval of the Declarant, the Association (acting through a Majority of the Board), and Owners holding at least sixty-seven percent (67%) of the votes in the Association.
- 3. <u>Ratification</u>. The Declaration is hereby ratified and confirmed in all respects except as amended in this Amendment.

[remainder of this page blank]

IN WITNESS WHEREOF, the Declarant has caused this Amendment to be executed effective as of the date set forth on the cover page to this Amendment.

**DECLARANT**:

WOODLAND HILLS DEVELOPMENT, INC.

A Texas corporation

By:

James H. Jacobs.

President

STATE OF TEXAS

Ş

**COUNTY OF WILLIAMSON** 

On this odd day of otto odd, 2017, before me, a Notary Public, the undersigned officer, personally appeared James H. Jacobs, President of Woodland Hills Development, Inc., a Texas corporation, executed the foregoing instrument for the purposes therein contained on behalf of such entity.

IN WITNESS WHEREOF, I hereunto set my hand and official) seal.

MATTI SMITH
Notary Public, State of Texas
Comm. Expires 06-22-2020
Notary ID 129030822

Notary Public, State of Texas

## **EXHIBIT A**

## NEW PLAT AND PLANS

The attached Plat and Plans include eight (8) sheets and the Unit Address Chart.

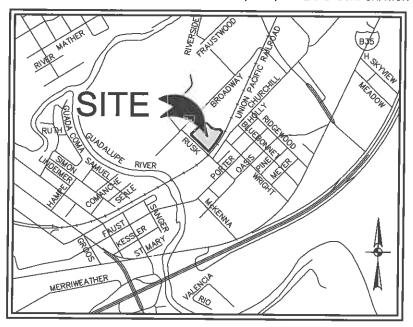
[see attached]

#### CONDOMINIUM PLAT ESTABLISHING

# OLD MILL CROSSING TOWNHOMES

A CONDOMINIUM REGIME IN COMAL COUNTY, TEXAS, ESTABLISHED UPON LOT 1, BLOCK 1, OLD MILL CROSSING, A SUBDIVISION OF RECORD ACCORDING TO THE MAP OR PLAT THEREOF RECORDED AS DOCUMENT NO. 201606018979, MAP AND PLAT RECORDS, COMAL COUNTY, TEXAS, AND ALL OF A CALLED 0.130 ACRE TRACT OF LAND DESCRIBED IN DOCUMENT NO. 201706003139, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS.

DECLARANT: WOODLAND HILLS DEVELOPMENT, INC., A TEXAS CORPORATION



LOCATION MAP

NOT TO SCALE

#### SHEET INDEX:

- 1. COVER SHEET
- 2. CONDO LAYOUT
- ANNEXED LAND
- 4. GENERAL NOTES
- 5. CONDO DETAIL "1"
- 6. CONDO DETAIL "2"
- 7. UNIT DETAILS
- 8. CURVE & LINE TABLES

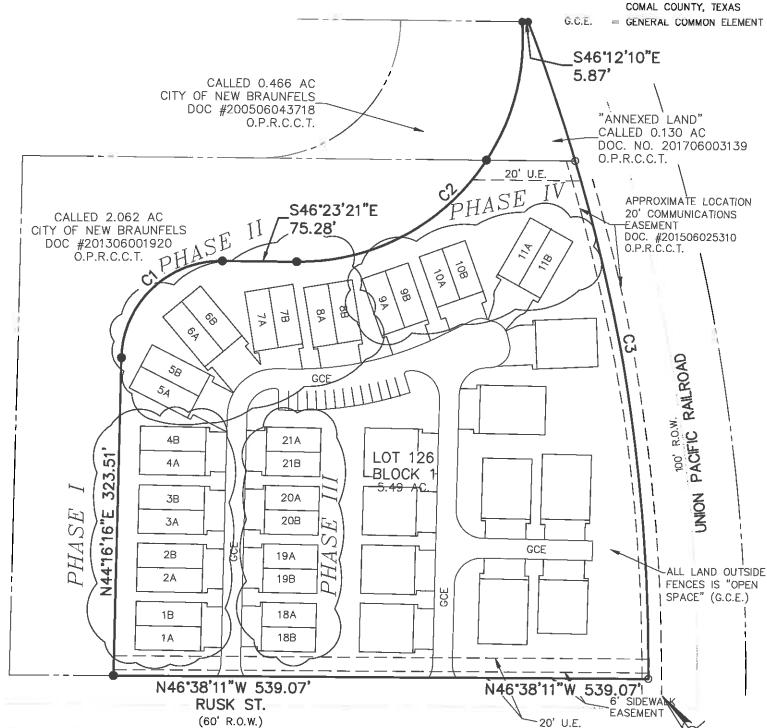


#### OLD MILL CROSSING TOWNHOMES

A CONDOMINIUM REGIME IN COMAL COUNTY, TEXAS, ESTABLISHED UPON LOT 1, BLOCK 1, OLD MILL CROSSING, A SUBDIVISION OF RECORD ACCORDING TO THE MAP OR PLAT THEREOF RECORDED AS DOCUMENT NO. 201606018979, MAP AND PLAT RECORDS, COMAL COUNTY, TEXAS, AND ALL OF A CALLED 0.130 ACRE TRACT OF LAND DESCRIBED IN DOCUMENT NO. 201706003139, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS.

#### LEGEND:

- FND 1/2" IRON PIN
- O = SET 1/2" IRON PIN W/ PLASTIC CAP STAMPED "HMT"
- U.E. = UTILITY EASEMENT
- R.O.W. = RIGHT-OF-WAY
- O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS
  - OF COMAL COUNTY, TEXAS
  - D.R.C.C.T. = DEED RECORDS OF



**DEVELOPMENT NOTES:** 

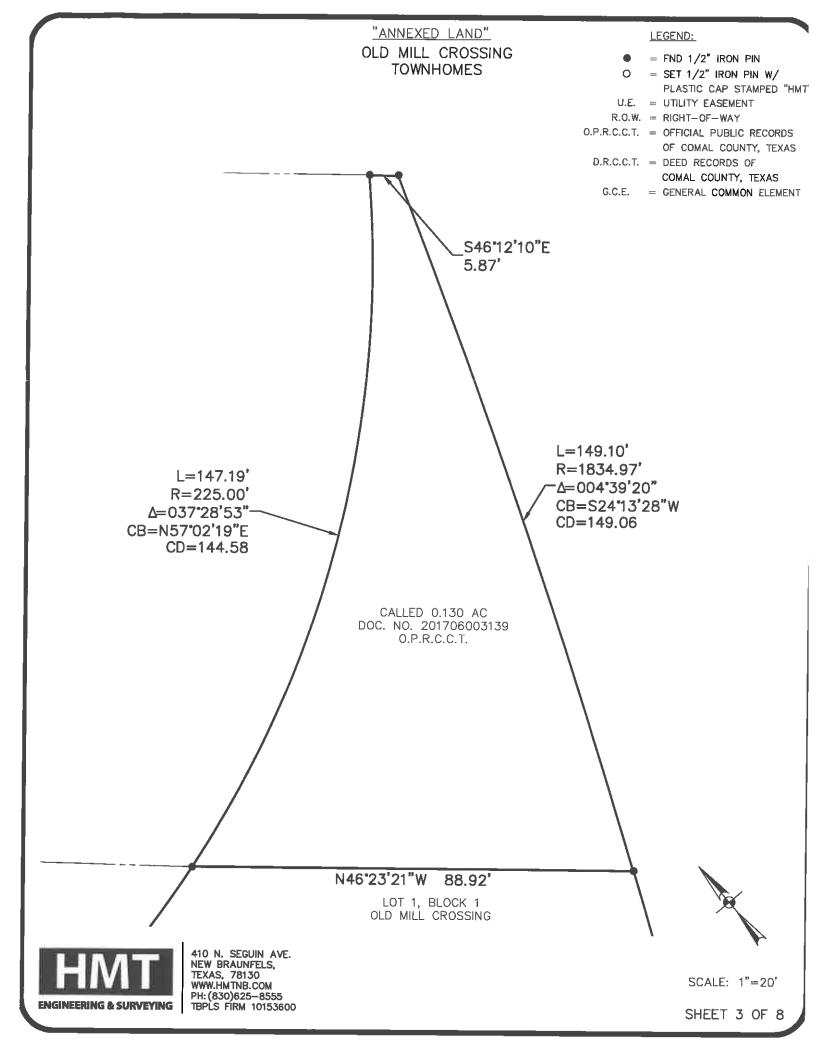
1. ALL UNITS INCLUDED IN PHASE I, II, AND III ABOVE ARE CLASSIFIED AS UNITS THAT MUST BE BUILT.



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SCALE: 1"=100"

SHEET 2 OF 8



#### **GENERAL NOTES** OLD MILL CROSSING **TOWNHOMES**

#### GENERAL NOTES:

- 1. THIS CONDOMINIUM PLAT WAS PREPARED BY MARK F. CONLAN, RPLS NO. 6342, OF HMT ENGINEERING & SURVEYING. BY EXECUTING THIS CONDOMINIUM PLAT BELOW, THE SURVEYOR CERTIFIES THAT THIS CONDOMINIUM PLAT CONTAINS ALL OF THE INFORMATION REQUIRED BY SECTIONS 82.052 AND 82.059 OF THE TEXAS UNIFORM CONDOMINIUM ACT, TEXAS PROPERTY CODE, CH. 82 (THE "ACT"), AS APPLICABLE.
- 2.CAPITALIZED TERMS USED IN THESE GENERAL NOTES HAVE THE SAME MEANINGS ASSIGNED TO THEM IN THE DECLARATION OF CONDOMINIUM REGIME FOR OLD MILL CROSSING TO WHICH THIS CONDOMINIUM PLAT IS ATTACHED.
- 3.ALL IMPROVEMENTS AND LAND REFLECTED ON THE CONDOMINIUM PLAT ARE DESIGNATED AS GENERAL COMMON ELEMENTS (OR "GCE"), SAVE AND EXCEPT THE UNITS AND THE PORTIONS OF THE REGIME DESIGNATED AS LIMITED COMMON ELEMENTS (OR "LCE") EITHER IN THE DECLARATION OR ON THE CONDOMINIUM PLAT, OR
- 4.OWNERSHIP AND USE OF THE UNITS IS SUBJECT TO THE DECLARATION AND ALL OF THE RIGHTS AND RESTRICTIONS CONTAINED THEREIN.
- 5.CERTAIN EASEMENTS OVER THE REGIME, INCLUDING EASEMENTS OVER THE UNITS, GENERAL COMMON ELEMENTS, AND LIMITED COMMON ELEMENTS, ARE RESERVED IN THE DECLARATION FOR THE BENEFIT OF THE OWNERS, THE ASSOCIATION, AND DECLARANT.
- 6.THE UNITS ARE SUBJECT TO ASSESSMENTS AS SET FORTH IN THE DECLARATION, AND THE ASSESSMENTS ARE SECURED BY A LIEN ON EACH OWNER'S UNIT.
- 7.EACH OWNER HAS CERTAIN MAINTENANCE AND REPAIR OBLIGATIONS WITH RESPECT TO HIS, HER, OR ITS UNIT AS SET FORTH IN THE DECLARATION.
- 8.EACH UNIT AND EVERY OTHER ASPECT OF THE REGIME (INCLUDING GENERAL COMMON ELEMENTS AND LIMITED COMMON ELEMENTS) ARE SUBJECT TO CERTAIN DEVELOPMENT RIGHTS AND THE DEFINED SPECIAL DECLARANT RIGHTS RESERVED TO DECLARANT, ALL OF WHICH ARE DESCRIBED IN ANNEX A TO THE DECLARATION. THE RESERVED RIGHTS INCLUDE (BUT ARE NOT LIMITED TO) THE FOLLOWING:

  a. THE RIGHT TO CONSTRUCT ALL OF THE IMPROVEMENTS IN THE REGIME.
  b. THE RIGHT TO CREATE ADDITIONAL UNITS IN THE REGIME.
  c. THE RIGHT TO EXERCISE THE DEVELOPMENT RIGHTS DESCRIBED IN THE ACT, INCLUDING ADDING ADDITIONAL REAL PROPERTY TO THE REGIME AND WITHDRAWING REAL PROPERTY FROM THE REGIME.
  d. THE RIGHT TO MAKE THE REGIME PART OF A LARGER CONDOMINIUM REGIME.
  e. THE RIGHT TO USE UNITS OWNED BY THE DECLARANT AS MODELS, STORAGE AREAS, AND OFFICES FOR THE MARKETING, MANAGEMENT, MAINTENANCE, CUSTOMER SERVICE, CONSTRUCTION, AND LEASING OF THE REGIME.

- REGIME.
- f. THE RIGHT TO APPOINT AND REMOVE CERTAIN OFFICERS OF THE ASSOCIATION AND CERTAIN MEMBERS OF THE ASSOCIATION'S BOARD IN THE MANNER AND FOR THE PERIODS PERMITTED BY THE ACT AND THE DECLARATION.
- g.AN EASEMENT AND RIGHT TO PLACE OR INSTALL SIGNS, BANNERS, FLAGS, DISPLAY LIGHTING, POTTED PLANTS, EXTERIOR DECORATIVE ITEMS, SEASONAL DECORATIONS, TEMPORARY WINDOW TREATMENTS, AND SEASONAL LANDSCAPING ON THE REGIME, INCLUDING ITEMS AND LOCATIONS THAT ARE PROHIBITED TO OTHER OWNERS, AND A RIGHT TO HOST AND SPONSOR MARKETING EVENTS TO PROMOTE THE SALE OF UNITS
- h.AN EASEMENT AND RIGHT OF INGRESS AND EGRESS IN AND THROUGH THE COMMON ELEMENTS AND UNITS OWNED OR LEASED BY DECLARANT FOR PURPOSES OF CONSTRUCTING, MAINTAINING, MANAGING, AND MARKETING THE PROPERTY, AND FOR DISCHARGING DECLARANT'S OBLIGATIONS UNDER THE ACT.
- 9. THE REGIME MAY BE CONSTRUCTED IN PHASES IN ACCORDANCE WITH SECTION 3.1 OF THE DECLARATION. THE DECLARANT MAY ADD UNITS TO THE REGIME DURING THE DEVELOPMENT PERIOD BY FILING AN AMENDMENT TO THE DECLARATION EXPRESSLY FOR THE PURPOSE OF CREATING ADDITIONAL UNITS. EACH SUCH AMENDMENT WILL INCLUDE AN AMENDED CONDOMINUM PLAT.

- 9.1. PHASE 1 OF THE REGIME CONSISTS OF BUILDINGS 1-4.
  9.2. PHASE 2 OF THE REGIME CONSISTS OF BUILDINGS 5-8.
  9.3. PHASE 3 OF THE REGIME CONSISTS OF BUILDINGS 18-21.
  9.4. PHASE 4 OF THE REGIME CONSISTS OF BUILDINGS 9-11.

STATE OF TEXAS COUNTY OF COMAL

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS SURVEY IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION

THIS 4TH DAY OF APRIL 2017

REVISED THIS 17TH DAY OF APRIL 2017 (ADDRESSED COMMENTS)

REVISED THIS 17TH DAY OF MAY 2017 (ADDED PHASE 2)

REVISED THIS 31ST DAY OF MAY 2017 (ADDED PHASE 2 BUILDINGS)

REVISED THIS 29TH DAY OF AUGUST 2017 (ADDED PHASE 3)

REVISED THIS 5TH DAY OF SEPTEMBER 2017 (ADDRESS PHASE 3 COMMENTS) REVISED THIS 18TH DAY OF OCTOBER 2017 (ADDED PHASE 4)

ENGINEERING & SURVEYING

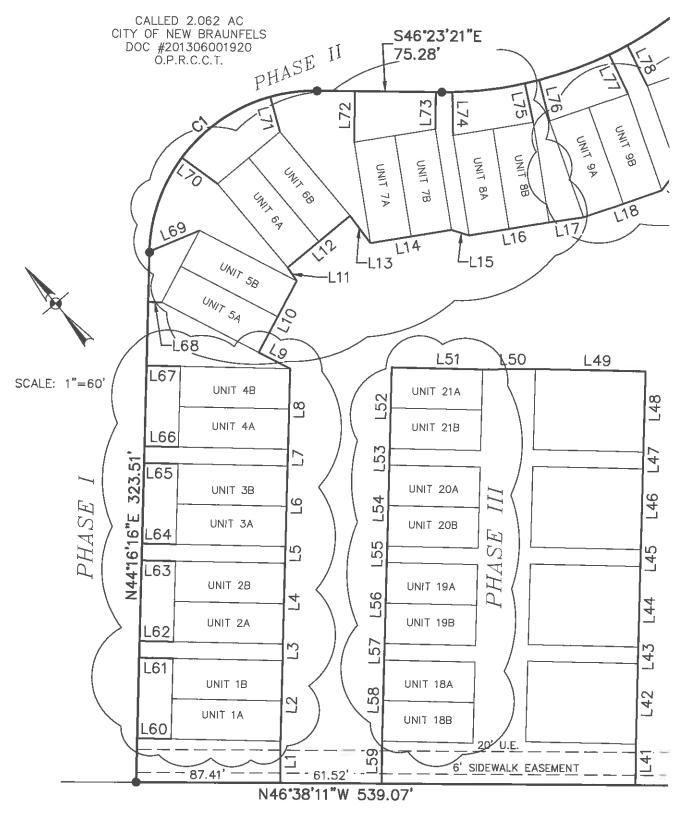
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MARK F. CONLAN REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6342



SHEET 4 OF 8

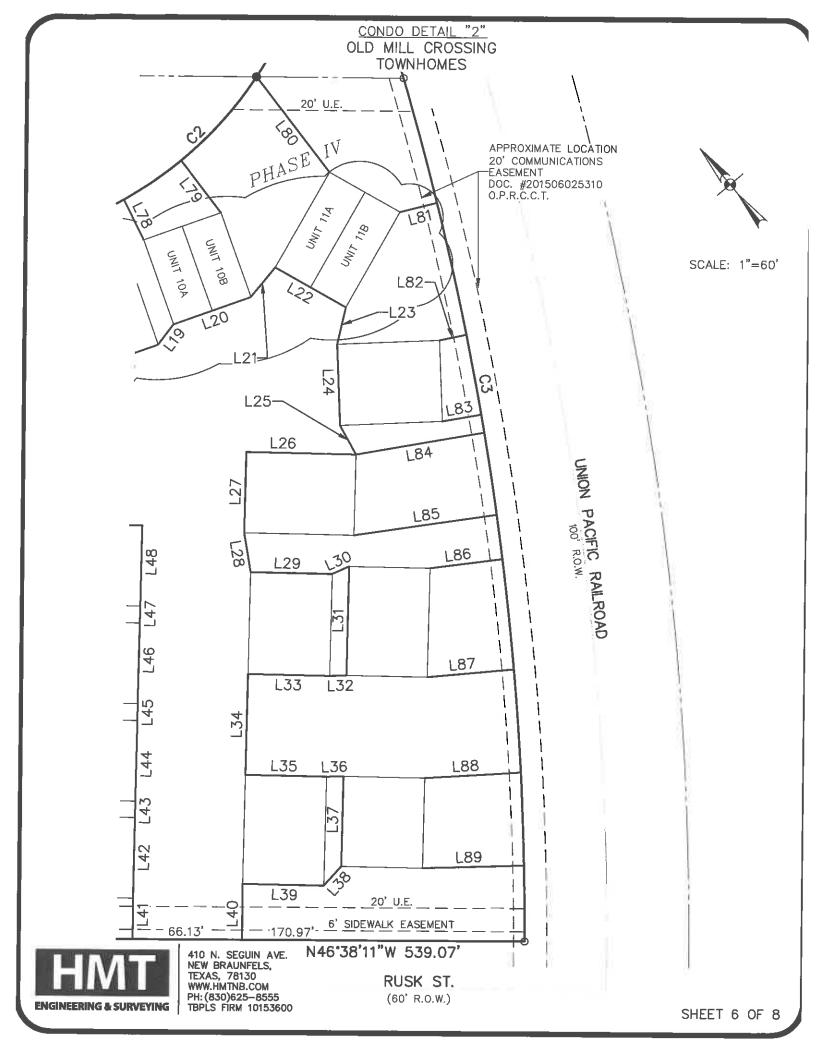
#### CONDO DETAIL "1" OLD MILL CROSSING TOWNHOMES



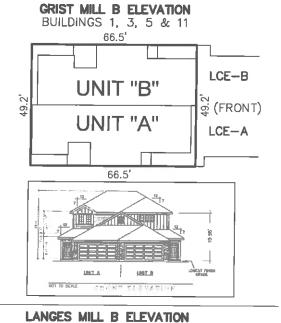
RUSK ST. (60' R.O.W.)

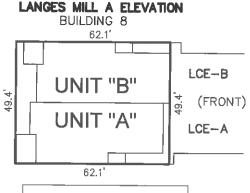


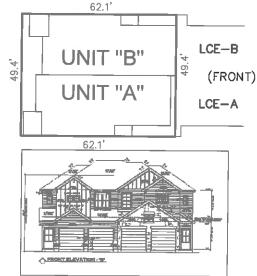
410 N. SEGUIN AVE. NEW BRAUNFELS. TEXAS, 78130 WWW.HMTNB.COM PH: (830)625-8555



# GRIST MILL A ELEVATION BUILDINGS 2, 4 & 6 UNIT "B" UNIT "B" UNIT "A" LCE-B (FRONT) LCE-A

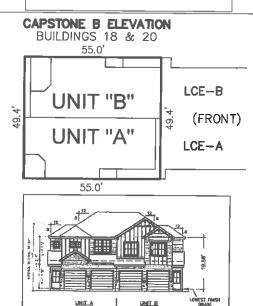






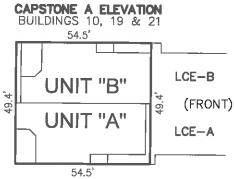
BUILDINGS 7 & 9





PRONT ELEVATION

HOT TO SCALE







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# CURVE & LINE TABLES OLD MILL CROSSING TOWNHOMES

		CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD LENGTH	CHORD BEARING
C1	155.93	100.00'	089'20'23"	98.85'	140.60'	N88'56'28"E
C2	374.29	225.00	09518'47"	246.90'	332.60'	N85°57'16"E
C3	682.35	1834.97	021"18"21"	345.16'	678.42'	S32'32'59"W

LINE TABLE  LINE # DIRECTION  L1 N43'21'49"E  L2 N44"16'16"E  L3 N44"16'16"E  L4 N44"16'16"E  L5 N44"16'16"E  L6 N44"16'16"E	LENGTH 25.39' 49.17' 10.21' 49.17'
L1 N43'21'49"E L2 N44"16'16"E L3 N44"16'16"E L4 N44"16'16"E L5 N44"16'16"E	25.39' 49.17' 10.21'
L2 N44"16'16"E  L3 N44"16'16"E  L4 N44"16'16"E  L5 N44"16'16"E	49.17 <sup>1</sup>
L3 N44'16'16"E L4 N44'16'16"E L5 N44'16'16"E	10.21
L4 N44"16'16"E L5 N44"16'16"E	
L5 N44"16'16"E	49.17
16 N44"15"15"E	10.21
LO   N44 16 16 E	49.17'
L7 N44"16'16"E	10.21
L8 N44'16'16"E	49.17'
L9 N19*42*01*W	21.28
L10 N70"32'50"E	49.17'
L11 N09'04'54"E	9.83'
L12 S86'55'36"E	49.17'
L13 S06"19'24"W	20.67°
L14 S56*18'32"E	49.45
L15 S29"21'22"E	11.23'
L16 S56*18'32"E	49.32'
L17 S55°27'47"E	20.76
L18 S66"16'31"E	49.441
L19 N80°03'13"E	15.47
L20 S66'37'42"E	49.34
L21 N82*03'34"E	23.13'
L22 S17*32'19"E	<b>4</b> 9.17'
L23 S55'54'01"W	23.05
L24 S40'47'20"W	49.44*
L25 S14'08'14"W	20.28'
L26 N45'43'44"W	66.46'
L27 S44"16'16"W	49.17'
L28 S33'37'43"W	24.37'
L29 S45°43'37"E	49.44
L30 S71"16'44"E	11.22'

	LINE TABLE		
LINE #	DIRECTION	LENGTH	
L31	S44"16'16"W	66.46	
L32	N48'33'34"W	10.14	
L33	N45'43'37"W	49.44'	
L34	S4418'14"W	61.50'	
L35	S45'43'44"E	49.17	
L36	S48'30'33"E	10.31	
L37	S44"16'16"W	54.96	
L38	S84'53'46"W	15.81	
L39	N45'43'44"W	49.17	
L40	S43°21'49"W	34.16'	
L41	S43°22'24"W	25.03'	
L42	N44"16'16"E	49.17'	
L43	N44"16'16"E	10.05	
L44	N44"16'16"E	49.17	
L45	N44'16'16"E	10.32	
L46	N4416'16"E	49.17	
L47	N44"16'16"E	10.32'	
L48	N44"16'16"E	49.17	
L49	N45°43'44"W	65.99'	
L50	N47'30'57"W	32.11'	
L51	N45'43'44"W	54.96	
L52	S44"16'16"W	49.44'	
L53	S44°16'16"W	10.05'	
L54	S44'16'16"W	49.44'	
L55	S44"16'16"W	10.05	
L56	S44'16'16"W	49.44'	
L57	S44"16'16"W	10.05	
L58	S44"16'16"W	49.44	
L59	S43°21'49"W	25.92	
L60	N45'43'44"W	20.54	

		LINE TABLE	
	LINE #	DIRECTION	LENGTH
ĺ	L61	N45'43'44"W	20.54
	L62	N45'43'44"W	20.54
	L63	N45°43'44"W	20.54
	L64	N45'43'44"W	20.54
	L65	N45'43'44"W	20.54
	L66	N45"43'44"W	20.54
	L67	N45°43'44"W	20.54
	L68	N45'43'44"W	8.29'
	L69	N69'47'05"W	32.91'
	L70	N10'37'11"W	26.91
	L71	N27"14'28"E	22.16
	L72	N43'36'39"E	31.08
	L73	N43°36'39"E	22.56
	L74	N41°56'24"E	26.41
	L75	N30°36'43"E	24.16
	L76	N28'22'01"E	25.68'
	L77	N17'04'11"E	26.55
	L78	N16°36'42"E	27.39'
	L79	N05°59'10"E	39.78
	L80	N05'30'17"E	73.19
L	L81	S61"11'03"E	23.07*
	L82	S58*37'56"E	16.56
	L83	S57°05'25"E	23.82'
	L84	S56*44'31"E	78.75'
	L85	S55'09'37"E	87.29
	L86	S54'18'44"E	43.98'
	L87	S52"12'01"E	52.44'
	L88	S50'13'46"E	57.96'
	L89	S48'27'35"E	61.21



# OLD MILL CROSSING TOWNHOMES UNIT ADDRESS CHART

UNIT#	STREET ADDRESS	UNIT#	STREET ADDRESS
Unit 1A	711 Gristmill Dr.	Unit 19B	720 Gristmill Dr.
Unit 1B	715 Gristmill Dr.	Unit 20A	732 Gristmill Dr.
Unit 2A	719 Gristmill Dr.	Unit 20B	728 Gristmill Dr.
Unit 2B	723 Gristmill Dr.	Unit 21A	740 Gristmill Dr.
Unit 3A	727 Gristmill Dr.	Unit 21B	736 Gristmill Dr.
Unit 3B	731 Gristmill Dr.		-
Unit 4A	735 Gristmill Dr.		
Unit 4B	739 Gristmill Dr.		
Unit 5A	743 Gristmill Dr.		
Unit 5B	747 Gristmill Dr.		
Unit 6A	951 Langesmill Br.		
Unit 6B	947 Langesmill Br.		
Unit 7A	943 Langesmill Br.		
Unit 7B	939 Langesmill Br.		
Unit 8A	935 Langesmill Br.		
Unit 8B	931 Langesmill Br.		
Unit 9A	927 Langesmill Br.		
Unit 9B	923 Langesmill Br.		
Unit 10A	919 Langesmill Br.		
Unit 10B	915 Langesmill Br.		
Unit 11A	911 Langesmill Br.		
Unit 11B	917 Langesmill Br.		
Unit 18A	716 Gristmill Dr.		
Unit 18B	712 Gristmill Dr.		
Unit 19A	724 Gristmill Dr.		

#### **EXHIBIT C**

## NEW SCHEDULE OF COMMON INTEREST PERCENTAGES

The Common Interest Percentage assigned to each of the Units is Three and One-Third Percent (3 1/3%).

<u>TOTAL: 100.0%</u>

(30 Units)

THE COMMON INTEREST PERCENTAGE ASSIGNED TO EACH UNIT WILL DECREASE AS ADDITIONAL UNITS ARE CREATED UNDER THE DECLARATION.

#### **EXHIBIT C**

#### NEW SCHEDULE OF COMMON INTEREST PERCENTAGES

The Common Interest Percentage assigned to each of the Units is Three and One-Third Percent (3 1/3%).

TOTAL: 100.0%

(30 Units)

THE COMMON INTEREST PERCENTAGE ASSIGNED TO EACH UNIT WILL DECREASE AS ADDITIONAL UNITS ARE CREATED UNDER THE DECLARATION.

Filed and Recorded
Official Public Records
Bobbie Koepp, County Clerk
Comal County, Texas
10/20/2017 03:19:44 PM
TERRI 15 Pages(s)
201706047079

