

AFTER RECORDING RETURN TO:

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**FOURTH AMENDMENT TO THE
AMENDED AND RESTATED DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR THE DOWNS OF HILLCREST**

STATE OF TEXAS §
 § **KNOW ALL PERSONS BY THESE PRESENTS:**
COUNTY OF DALLAS §

THIS FOURTH AMENDMENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE DOWNS OF HILLCREST (this "Fourth Amendment") is made by the members of THE DOWNS OF HILLCREST HOMEOWNERS ASSOCIATION, INC. (hereinafter referred to as "Association").

INTRODUCTORY PROVISIONS

WHEREAS, the Amended and Restated Declaration of Covenants, Conditions and Restrictions for The Downs of Hillcrest was filed with the Dallas County Clerk's office on August 22, 2000 as Instrument No. 1105270 and is recorded in Volume 2000163, Page 00069, *et seq.* of the Official Public Records of Dallas County, Texas (the "Declaration"); and

WHEREAS, the Declaration was amended by virtue of that certain First Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restriction for The Downs of Hillcrest, filed on October 6, 2003 with the Dallas County Clerk's office as Instrument No. 2580198

and recorded in Volume 2003197, Page 13087, *et seq.* of the Official Public Records of Dallas County, Texas (the "*First Amendment*"); and

WHEREAS, the Declaration was amended by virtue of that certain Second Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restriction for The Downs of Hillcrest, filed on September 1, 2004 with the Dallas County Clerk's office as Instrument No. 3041349 and recorded in Volume 2004169, Page 9069, *et seq.* of the Official Public Records of Dallas County, Texas (the "*Second Amendment*"); and

WHEREAS, the Declaration was amended by virtue of that certain Third Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restriction for The Downs of Hillcrest, filed on April 19, 2010 with the Dallas County Clerk's office and recorded as Instrument No. 201000096484 in the Official Public Records of Dallas County, Texas, and re-recorded as Instrument No. 20100012477 in the Official Public Records of Dallas County, Texas (collectively, the "*Third Amendment*"); and

WHEREAS, the Downs of Hillcrest Declaration, the First Amendment, the Second Amendment, and the Third Amendment (collectively, the "*Downs of Hillcrest Declaration*") affect certain tracts or parcels of real property in Dallas County, Texas, more particularly described on *Exhibit A* attached hereto and incorporated herein by reference for all purposes (the "*Properties*"); and

WHEREAS, under Article XII, Section 12.02 of the Downs of Hillcrest Declaration, the terms of the Downs of Hillcrest Declaration may be amended and/or changed by the affirmative vote or written consent, or any combination thereof, of the Owners representing a majority of the total votes of all the Members entitled to vote in the Association.

NOW, THEREFORE, the Downs of Hillcrest Declaration is hereby amended as follows:

(a) Section 9.01A is added to Article IX of the Downs of Hillcrest Declaration, and shall read, in its entirety, as follows:

Section 9.01A Leasing. For purposes of this Declaration, the terms "lease" or "leasing" shall refer to the regular, exclusive occupancy of a Lot, including the dwelling thereon, by any natural person other than the Owner, for which the Owner receives any type of consideration or benefit. Lots, including the dwellings thereon, shall only be leased in their entirety - separate rooms, floors or other areas within a Lot or dwelling may not be separately leased. Any leasing arrangement, agreement or contract must be for a term of at least one (1) year. The leasing of a Lot for a term of less than twelve (12) months or one (1) year is specifically and expressly prohibited.

The Board of Directors is hereby authorized to promulgate, enforce and amend, from time to time, rules which govern the leasing of Lots. Such rules shall cover all aspects of leasing and may include, without limitation, reporting requirements by Owner to the Association with respect to the leasing of a Lot and the tenants occupying a Lot, mandatory terms that must appear in a lease agreement, Owner's obligation to fully inform tenants of obligations under this Declaration and any other governing documents or dedicatory instruments of the Association, and sanctions for violating such rules. Sanctions include the imposition of significant violation fines intended to dissuade Owners from leasing Lots in violation of this Section. The rules promulgated by the Board of Directors shall serve to supplement this Declaration when filed with the Office of the Dallas County Clerk.

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

to the Properties and are binding on all parties having any right, title or interest in and to the Properties or any part thereof, including their heirs, representatives, successors, transferees and assigns, and shall inure to the benefit of each Owner thereof.

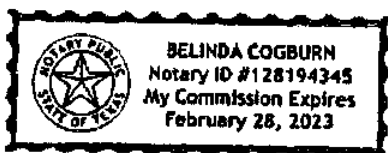
IN WITNESS WHEREOF, The Downs of Hillcrest Residential Association, Inc., has caused this Fourth Amendment to be filed with the records of the Dallas County Clerk.

**THE DOWNS OF HILLCREST
RESIDENTIAL ASSOCIATION, INC.**

By: Sheila P. Lau
Its: President

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 10th day of December, 2019, by Sheila Lau, the President of The Downs of Hillcrest Residential Association, Inc. on behalf of said corporation.



Belinda Cogburn
Notary Public, State of Texas

CERTIFICATION OF AMENDMENT

As President of The Downs of Hillcrest Residential Association, Inc., I have read the Fourth Amendment to the Amended and Restated Declaration for The Downs of Hillcrest and do hereby certify that it is true and correct, that it was adopted by the affirmative vote or written consent, or any combination thereof, of the Owners representing a majority of the total votes of all the Members entitled to vote in the Association at a meeting of the Members of the Association, duly convened and held on 12 - 9, 2019, and do hereby approve same for recording in the Official Public Records of Dallas County, Texas.

Sheila L. Lau
_____, President

**TRACT ONE
46.665 ACRES**

BEING a tract of land out of the THOMAS DYKES SURVEY, Abstract No. 405 and being part of the City of Dallas Blocks B-1/7457, E/7457 and H/7457 and all of City of Dallas Blocks A-1/7457, C-1/7457, D-1/7457, F/7457 and G/7457 Dallas County, Texas and being part of the REPLAT OF PART OF THE DOWNS ON HILLCREST, an addition to the City of Dallas according to the plat thereof recorded in Volume 88075, Pages 3948, Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point for the most southerly, southeast corner of said REPLAT OF PART OF THE DOWNS ON HILLCREST and for the intersection of the original north right-of-way line of Churchill Way (60.0 feet original width) with a corner cut-off line between said north line of Churchill Way and the west right-of-way line of Hillcrest Road (100.0 feet wide):

THENCE, leaving the said west right-of-way line of Hillcrest Road and with the said north right-of-way line of Churchill Way, South $87^{\circ} 55' 58''$ West, a distance of 1350.67 feet to a point for corner;

THENCE, leaving the said north right-of-way line and with the east line of Lot 1, Block D/7457, THE DOWNS ON HILLCREST ADDITION, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 7, Page 478A, Map Records of Dallas County, Texas, North $02^{\circ} 04' 02''$ West, a distance of 95.00 feet to the beginning of a tangent curve to the left, having a central angle of $03^{\circ} 40' 23''$, a radius of 2815.10 feet and a chord bearing and distance of North $03^{\circ} 54' 14''$ West, 180.44 feet;

THENCE with the said curve, an arc distance of 180.47 feet to a point for the northeast corner of said Lot 1, Block D/7457;

THENCE South $88^{\circ} 48' 58''$ West, a distance of 244.24 feet to a point for the northwest corner of said Lot 1, Block D/7457;

THENCE North $01^{\circ} 00' 10''$ West, a distance of 180.77 feet to a point for the southwest corner of Lot 3, Block D/7457, THE DOWNS ON HILLCREST ADDITION;

THENCE North $78^{\circ} 27' 25''$ East, a distance of 241.23 feet to a point for the southeast corner of said Lot 3 Block D/7457;

THENCE North $00^{\circ} 55' 58''$ East, a distance of 38.83 feet to a point for the beginning of a tangent curve to the right, having a central angle of $19^{\circ} 30' 02''$, a radius of 443.80 feet and a chord bearing and distance of North $10^{\circ} 40' 57''$ East, 150.32 feet;

THENCE with the said curve, an arc distance of 151.05 to a point for the northeast corner of said Lot 3, Block D/7457;

THENCE North $78^{\circ} 48' 24''$ West, a distance of 275.19 feet to a point for the northwest corner of said Lot 3, Block D/7457;

THENCE North $01^{\circ} 00' 10''$ West, a distance of 228.88 feet to a point for a corner;

THENCE South $89^{\circ} 48' 00''$ West, a distance of 40.00 feet to a point for corner;

THENCE North $01^{\circ} 00' 10''$ West, a distance of 295.54 feet to a point for corner;

THENCE South $88^{\circ} 47' 17''$ West, a distance of 17.51 feet to a point for a corner;

THENCE North $01^{\circ} 58' 42''$ East, a distance of 52.04 feet to a point for a corner;

THENCE North $01^{\circ} 42' 48''$ West, a distance of 514.06 feet to a point for a corner;

THENCE North $86^{\circ} 42' 14''$ East, a distance of 856.85 feet to a point for the northwest corner of Lot 28, Block B-1/7457 of the beforementioned REPLAT OF PART OF THE DOWNS ON HILLCREST;

THENCE South $28^{\circ} 19' 37''$ East, a distance of 158.40 feet to an angle point for a corner;



THENCE South $51^{\circ} 53' 04''$ East, a distance of 58.11 feet to the beginning of a non-tangent curve to the right, having a central angle of $84^{\circ} 34' 27''$, a radius of 53.50 feet and a chord bearing and distance of North $44^{\circ} 42' 48''$ East, 71.89 feet;

THENCE Northeasterly, with said curve, an arc distance of 78.97 feet to a point for the point of tangency of said curve;

THENCE North $87^{\circ} 00' 00''$ East, a distance of 13.00 feet to a point for the beginning of a tangent curve to the right, having a central angle of $147^{\circ} 17' 06''$, a radius of 53.50 feet and a chord bearing and distance of South $19^{\circ} 20' 55''$ East, 102.87 feet;

THENCE Southeasterly, with said curve, an arc distance of 137.54 feet to a point for the beginning of a reverse curve to the left, having a central angle of $57^{\circ} 18' 00''$, a radius of 22.62 feet and a chord bearing and distance of South $25^{\circ} 39' 01''$ West, 21.70 feet;

THENCE Southerly, with the said curve, an arc distance of 22.62 feet to a point for the point of tangency of said curve;

THENCE South $03^{\circ} 00' 00''$ East, a distance of 17.64 feet to a point for the beginning of a non-tangent curve to the right, having a central angle of $08^{\circ} 59' 23''$, a radius of 175.00 feet and a chord bearing and distance of South $89^{\circ} 46' 24''$ East, 27.43 feet;

THENCE Easterly, with the said curve, an arc distance of 27.46 feet to a point for corner;

THENCE South $01^{\circ} 17' 02''$ East, a distance of 50.38 feet to a point for the beginning of a non-tangent curve to the left, having a central angle of $37^{\circ} 48' 20''$, a radius of 125.00 feet and a chord bearing and distance of South $78^{\circ} 15' 08''$ West, 80.92 feet;

THENCE Westerly, with the said curve, an arc distance of 82.41 feet to a point for the point of tangency of said curve;

THENCE South $59^{\circ} 21' 58''$ West, a distance of 84.27 feet to a point for the beginning of a non-tangent curve to the right, having a central angle of $24^{\circ} 22' 27''$, a radius of 175.00 feet and a chord bearing and distance of South $10^{\circ} 14' 01''$ East, 73.89 feet;

THENCE Southerly, with the said curve, an arc distance of 74.45 feet to a point for the beginning of a reverse curve to the left, having a central angle of $11^{\circ} 21' 44''$, a radius of 175.00 feet and a chord bearing and distance of South $03^{\circ} 43' 40''$ East, 94.04 feet;

THENCE Southerly, with the said curve, an arc distance of 94.20 feet to the point for the beginning of a reverse curve to the right, having a central angle of $67^{\circ} 05' 18''$, a radius of 225.00 feet, and a chord bearing and distance of South $24^{\circ} 08' 07''$ West, 148.66 feet;

THENCE Southwesterly, with the said curve, an arc distance of 283.48 feet to a point for the northeast corner of Lot 8, Block E/7457, REPLAT OF PART OF THE DOWNS ON HILLCREST;

THENCE South $35^{\circ} 00' 00''$ East, a distance of 138.51 feet to a point for corner;

THENCE South $88^{\circ} 44' 19''$ West, a distance of 25.61 feet to a point for the northeast corner of Lot 10, Block E/7457, REPLAT OF PART OF THE DOWNS ON HILLCREST;

THENCE with the east line of Lot 10, South $18^{\circ} 55' 41''$ East, a distance of 92.13 feet to a point for the beginning of a non-tangent curve to the right, having a central angle of $15^{\circ} 15' 00''$, a radius of 252.89 feet and a chord bearing and distance of North $82^{\circ} 27' 35''$ East, 67.11 feet;

THENCE Easterly, with the said curve, an arc distance of 67.31 feet to a point for the beginning of a reverse curve to the left, having a central angle of $28^{\circ} 48' 29''$, a radius of 300.00 feet and a chord bearing and distance of North $75^{\circ} 40' 50''$ East, 148.28 feet;

THENCE Easterly, with the said curve, an arc distance of 150.84 feet to a point for the beginning of a reverse curve to the right, having a central angle of $13^{\circ} 18' 06''$, a radius of 325.00 feet and a chord bearing and distance of North $87^{\circ} 54' 39''$ East, 75.09 feet;

THENCE Easterly, with the said curve, an arc distance of 75.26 feet to a point for the point of tangency of said curve;

THENCE North $74^{\circ} 32' 42''$ East, a distance of 73.59 feet to a point for the beginning of a tangent curve to the right, having a central angle of $09^{\circ} 26' 35''$, a radius of 977.42 and a chord bearing and distance of North $79^{\circ} 16' 00''$ East, 180.31 feet;

THENCE Easterly, with the said curve, an arc distance of 161.09 feet to a point for corner;

THENCE South $01^{\circ} 10' 38''$ East, a distance of 50.18 feet to a point for the northwest corner of Lot 37, Block A/7457, REPLAT OF PART OF THE DOWNS ON HILLCREST;

THENCE South $01^{\circ} 17' 18''$ East, a distance of 223.05 feet to a point for the northwest corner of the HILLWOOD ESTATES ADDITION, an addition to the City of Dallas, Texas according to the plat thereof as recorded in Volume 73098, Page 470, Map Records of Dallas County, Texas;

THENCE South $00^{\circ} 01' 44''$ West, a distance of 428.98 feet to a point for the southwest corner of said HILLWOOD ESTATES ADDITION;

THENCE South $89^{\circ} 12' 02''$ East, a distance of 131.53 feet to a point for corner;

THENCE North $00^{\circ} 01' 40''$ East, a distance of 18.54 feet to a point for corner;

THENCE South $88^{\circ} 33' 58''$ East, a distance of 124.20 feet to a point for the southeast corner of said HILLWOOD ESTATES ADDITION and being in the west right-of-way line of Hillcrest Road;

THENCE with the said west right-of-way line, South $00^{\circ} 01' 44''$ West, a distance of 250.34 feet to a point for corner;

THENCE South $43^{\circ} 58' 51''$ West, a distance of 14.40 feet to the POINT OF BEGINNING and containing 46,666 acres of land.

TRACT TWO 14.374 ACRES.

BEING a tract of land situated in the THOMAS DYKES SURVEY, Abstract No. 405 and being part of the City of Dallas Blocks A/7457, B-1/7457, D/7457, E/7457, and H/7457 and all of City of Dallas Block U/7457 and also being part of THE DOWNS ON HILLCREST, an addition to the City of Dallas as recorded in Volume 7, Page 478A, Map Records of Dallas County, Texas and also being a part of the REPLAT OF PART OF THE DOWNS ON HILLCREST, an addition to the City of Dallas as recorded in Volume 88075, Page 3848, Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point in the west line of Hillcrest Road (100' ROW), for the southeast corner of Lot 36, Block H/7457 of the beforementioned REPLAT OF PART OF THE DOWNS ON HILLCREST and the northeast corner of Lot 5, Block A of the beforementioned THE DOWNS ON HILLCREST;

THENCE along the north line of Lot 5, North $89^{\circ} 58' 49''$ West, a distance of 259.48 feet to a point for the northwest corner of Lot 5;

THENCE North $01^{\circ} 17' 16''$ West, a distance of 57.45 feet to a point for corner;

THENCE North $01^{\circ} 10' 58''$ West, a distance of 50.19 feet to a point for corner for the beginning of a non-tangent curve to the left, having a central angle of $09^{\circ} 26' 35''$, a radius of 977.42 feet and a chord bearing and distance of South $79^{\circ} 16' 00''$ West, 160.81 feet;

THENCE westerly, with the said curve, an arc distance of 181.09 feet to the point of tangency of said curve;

THENCE South $74^{\circ} 32' 42''$ West, a distance of 73.59 feet to a point for the beginning of a tangent curve to the left, having a central angle of $13^{\circ} 18' 06''$, a radius of 325.00 feet and a chord bearing and distance of South $67^{\circ} 54' 38''$ West, 75.08 feet;

THENCE westerly, with the said curve, an arc distance of 76.26 feet to a point for the beginning of a tangent curve to the right, having a central angle of $28^{\circ} 48' 29''$, a radius of 300.00 feet and a chord bearing and distance of South $75^{\circ} 40' 50''$ West, 149.28 feet;

THENCE westerly, with the said curve, an arc distance of 150.84 feet to a point for the beginning of a tangent curve to the left, having a central angle of $15^{\circ} 13' 00''$, a radius of 252.89 feet and a chord bearing and distance of South $82^{\circ} 27' 35''$ West, 67.11 feet;

THENCE westerly, with the said curve, an arc distance of 67.31 feet to a point for corner;

THENCE North $18^{\circ} 55' 41''$ West, a distance of 92.13 feet to a point for corner;

THENCE North $88^{\circ} 44' 19''$ East, a distance of 25.61 feet to a point for corner;

THENCE North 35° 00' 00" West, a distance of 138.51 feet to a point for the beginning of a non-tangent curve to the left, having a central angle of 67° 05' 18", a radius of 225.00 feet and a chord bearing and distance of North 24° 08' 07" East, 248.66 feet;

THENCE northerly, with the said curve, an arc distance of 283.46 feet to a point the beginning of a tangent curve to the right, having a central angle of 11° 21' 44", a radius of 475.00 feet and a chord bearing and distance of North 03° 43' 40" West, a distance of 84.04 feet;

THENCE northerly, with the said curve, an arc distance of 94.20 feet to a point for the beginning of a tangent curve to the left, having a central angle of 24° 22' 27", a radius of 175.00 feet and a chord bearing and distance of North 10° 14' 01" West, 73.89 feet;

THENCE northerly, with the said curve, an arc distance of 74.45 feet to a point for corner;

THENCE North 58° 21' 58" East, a distance of 94.27 feet to a point for corner at the beginning of a tangent curve to the right, having a central angle of 37° 48' 20", a radius of 125.00 feet and a chord bearing and distance of North 78° 15' 08" East, 80.92 feet;

THENCE easterly, with the said curve, an arc distance of 82.41 feet to a point for corner;

THENCE North 01° 17' 02" West, a distance of 50.39 feet to a point for the beginning of a non-tangent curve to the left, having a central angle of 08° 59' 23", a radius of 175.00 feet and a chord bearing and distance of North 89° 46' 24" West, 27.43 feet;

THENCE westerly, with the said curve, a distance of 27.48 feet to a point for corner;

THENCE North 03° 00' 00" West, a distance of 17.64 feet to a point for the beginning of a tangent curve to the right, having a central angle of 57° 18' 03", a radius of 22.82 feet and a chord bearing and distance of North 25° 39' 01" East, 21.70;

THENCE northerly, with the said curve, an arc distance of 22.83 feet to a point for the beginning of a tangent curve to the left, having a central angle of 147° 17' 06", a radius of 53.50 feet and a chord bearing and distance of North 19° 20' 55" West, 102.67 feet;

THENCE northwesterly, with the said curve, an arc distance of 137.54 feet to the point of tangency of said curve;

THENCE South 87° 00' 00" West, a distance of 13.00 feet to a point for the beginning of a tangent curve to the left, having a central angle of 84° 34' 27", a radius of 53.50 feet and a chord bearing and distance of South 44° 42' 46" West, 71.99 feet;

THENCE southwestery, with the said curve, an arc distance of 78.97 feet to a point for corner;

THENCE North 51° 53' 04" West, a distance of 58.11 feet to a point for corner;

THENCE North 28° 19' 37" West, a distance of 158.40 feet to a point for the northwest corner of Lot 29, Block B-1/7457, REPLAT OF PART OF THE DOWNS ON HILLCREST;

THENCE North 86° 42' 14" East, a distance of 608.26 feet to a point for the northwest corner of Lot 11, Block D/7457, THE DOWNS ON HILLCREST ADDITION;

THENCE South 01° 17' 13" East, a distance of 363.48 feet to a point for corner;

THENCE South 42° 45' 22" East, a distance of 38.54 feet to a point for the beginning of a non-tangent curve to the left, having a central angle of 05° 37' 17", a radius of 870.00 feet and a chord bearing and distance of South 89° 31' 37" East, 95.13 feet;

THENCE easterly, with the said curve, an arc distance of 85.17 feet to the point of tangency of said curve;

THENCE North 87° 39' 44" East, a distance of 57.92 feet to a point for corner;

THENCE South 46° 09' 16" East, a distance of 34.62 feet to a point for corner;

THENCE North 87° 39' 44" East, a distance of 35.00 feet to a point in the west right-of-way line of Hillcrest Road (100' ROW);

THENCE with the said west right-of-way line, South 00° 01' 44" West, a distance of 583.83 feet to the POINT OF BEGINNING and containing 14.374 acres of land.



(continued)

Those tracts and parcels of real property located in the City of Dallas, Dallas County, Texas and more particularly described as follows:

- (a) All lots, tracts or parcels of real property subject to that certain Declaration of Covenants, Conditions and Restrictions for the Downs of Hillcrest, recorded in Volume 92221, Page 4152 of the Deed Records of Dallas County, Texas;
- (b) All lots, tracts or parcels of real property subject to that certain Supplementary Declaration of Covenants, Conditions and Restrictions for the Downs of Hillcrest, recorded in Volume 93025, Page 0937 of the Deed Records of Dallas County, Texas;
- (c) All lots, tracts or parcels of real property subject to that certain Amended and Restated Declaration of Covenants, Conditions and Restrictions for The Downs of Hillcrest, recorded in Volume 2000163, Page 00069 of the Deed Records of Dallas County, Texas;
- (d) Lot 1 and Lot 1-A, Block D/7457 of THE DOWNS OF HILLCREST, an addition to the City of Dallas, Dallas County, Texas, according to the Plat thereof recorded in Volume 7, Page 478-A of the Map Records of Dallas County, Texas;
- (e) Lot 3 and a part of Lot 2 in Block D/7457 of THE DOWNS OF HILLCREST, an addition to the City of Dallas, Dallas County, Texas, according to the Plat thereof recorded in Volume 7, Page 478-A of the Map Records of Dallas County, Texas; and
- (f) Lot 70-A, Block G-1/7457, of THE DOWNS OF HILLCREST, PHASE 2A, an addition to the City of Dallas, Dallas County, Texas, according to the Plat thereof recorded in Volume 98247, Page 35 of the Map Records of Dallas County, Texas.

**Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
12/11/2019 11:06:18 AM
\$62.00
201900332083**

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A handwritten signature in black ink, appearing to be "JFW".

