

AFTER RECORDING RETURN TO:

Judd A. Austin, Jr., Esq.
Henry Oddo Austin & Fletcher, P.C.
1700 Pacific Avenue
Suite 2700
Dallas, Texas 75201

**SECOND AMENDMENT TO THE DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR ASBURY CIRCLE TOWNHOMES**

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

INTRODUCTORY PROVISIONS

WHEREAS, the Declaration of Covenants, Conditions for Asbury Circle Townhomes, was filed on March 27, 2008, and is recorded as Document No. 20080098924 in the Official Public Records of Dallas County, Texas (the "Asbury Circle Declaration"); and

WHEREAS, the Asbury Circle Declaration was amended by virtue of that certain First Amendment to the Declaration of Covenants, Conditions for Asbury Circle Townhomes, filed on June 27, 2014, and recorded as Document No. 201400161131 in the Official Public Records of Dallas County, Texas (the "First Amendment"); and

WHEREAS, the Asbury Circle Declaration, as hereby amended, currently affects certain tracts or parcels of real property in the Town of Addison, Dallas County, Texas, more particularly described on Exhibit A attached hereto and incorporated herein by reference for all purposes (collectively, the "Property"); and

WHEREAS, under Article XIII, Section 13.3 of the Asbury Circle Declaration, the covenants and restrictions contained in the Asbury Circle Declaration may be amended or changed upon the approval by Owners owning, in the aggregate, seventy-five percent (75%) of the votes of all Members; and

WHEREAS, Section 209.0041(b) of the Texas Property Code, which supersedes any contrary requirement contained in the Asbury Circle Declaration, allows the Asbury Circle Declaration to be amended by a vote of the Owners owning sixty-seven percent (67%) of the Lots in the Property; and

WHEREAS, Owners of at least at least sixty-seven percent (67%) of the Lots in the Property have approved and voted in favor of the following amendment to the Asbury Circle Declaration.

NOW, THEREFORE, the Asbury Circle Declaration is amended as follows:

(a) Section 1.22 of Article I of the Asbury Circle Declaration is hereby amended to read, in its entirety, as follows:

Section 1.22 "Property," "Premises," "Subdivision" or "Development" shall mean and refer that certain real property described on the Replat of Asbury Circle, an Addition to the Town of Addison, Dallas County, Texas, according to the Map or Plat thereof recorded in Doc. No. 200900017267 of the Map/Plat Records of Dallas County, Texas; SAVE AND EXCEPT Lot 16 of Block B and Lot 1 of Block E therein.

The terms and provisions of the Asbury Circle Declaration, except as modified herein, are hereby declared to be in full force and effect with respect to the Property with the understanding that Lot 16 of Block B and Lot 1 of Block E of the Replat of Asbury Circle, an Addition to the Town of Addison, Dallas County, Texas, according to the Map or Plat thereof recorded in Doc. No. 200900017267 of the Map/Plat Records of Dallas County, Texas, are hereby released in their entirety from the Asbury Circle Declaration, as amended or as it may be

amended in the future. The Property, as defined above, shall continue to be held, occupied, sold and conveyed subject to the terms and conditions of the Asbury Circle Declaration, the First Amendment and this Second Amendment to the Asbury Circle Declaration, which shall run with 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.

IN WITNESS WHEREOF, the Members of the Asbury Circle Townhomes Association, Inc., by and through its Board of Directors, have caused this Second Amendment to the Asbury Circle Declaration to be filed with the office of the Dallas County Clerk.

**ASBURY CIRCLE
TOWNHOMES ASSOCIATION, INC.**

By: Mel Jensen Hardi
HOA Board, President

**CERTIFICATION OF APPROVAL OF THE
SECOND AMENDMENT TO THE DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR ASBURY CIRCLE TOWNHOMES**

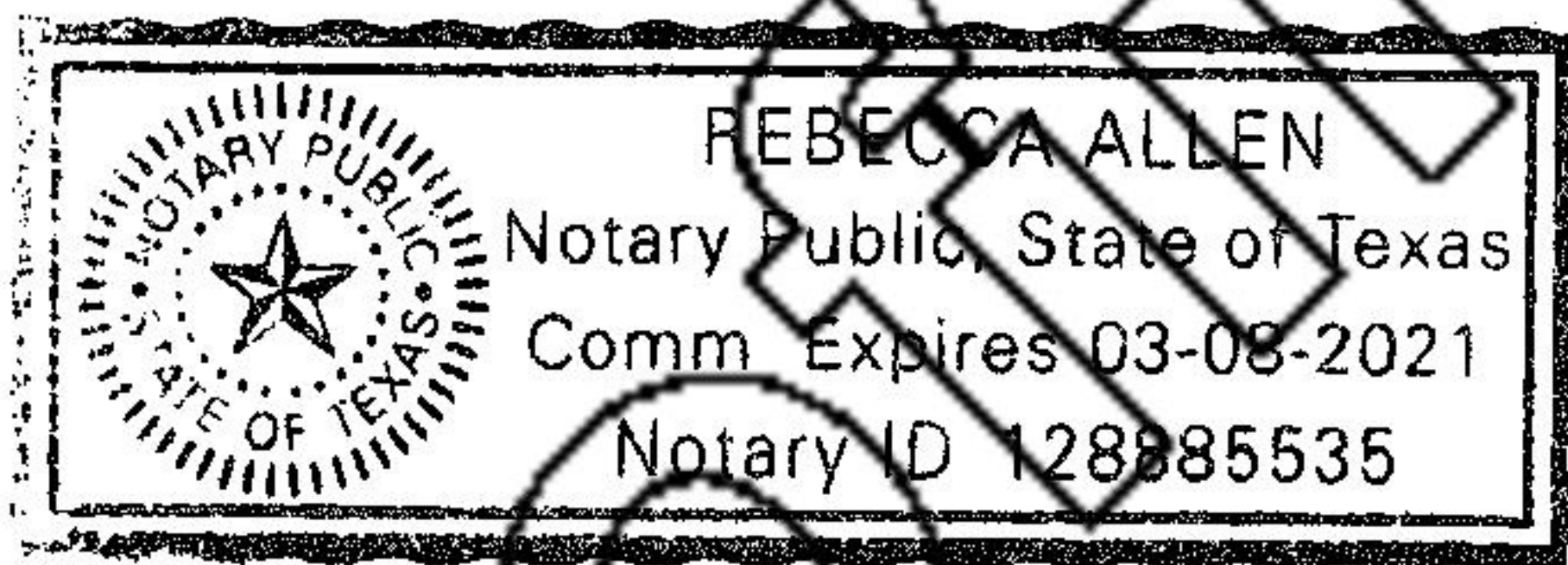
I, Meg Jensen Hardin, the duly-elected President of Asbury Circle Townhomes Association, Inc. hereby certify:

That the Second Amendment to the Declaration of Covenants, Conditions and Restrictions for Asbury Circle Townhomes was approved by the affirmative vote of at least sixty-seven percent (67%) of the Lots in the Property and that the same does now constitute an official amendment to the Declaration of Asbury Circle Townhomes Association, Inc. and shall be filed of record with the office of the Dallas County Clerk.

By: Meg Jensen Hardin
HOA Board, President

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 7th day of February, 2019, by Meg Jensen Hardin President of Asbury Circle Townhomes Association, Inc., on behalf of said Texas non-profit corporation and for the purposes therein expressed and in the capacity therein stated.



Rebecca Allen
Notary Public, State of Texas

EXHIBIT "A"

All lots, tracts or parcels of real property described in that certain Replat of Asbury Circle, an Addition to the Town of Addison, Dallas County, Texas, according to the Map or Plat thereof recorded in Doc. No. 200900017267 of the Map/Plat Records of Dallas County, Texas, SAVE AND EXCEPT Lot 16 of Block B and Lot 1 of Block E therein.

UNOFFICIAL COPY

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
02/11/2019 04:16:40 PM
\$42.00
201900035470

