

**THIRD AMENDMENT TO THE  
CONDOMINIUM DECLARATION FOR  
EASTRIDGE TERRACE  
[Removal of swimming pool and right of first refusal]**

STATE OF TEXAS

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§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DALLAS

THIS THIRD AMENDMENT TO THE CONDOMINIUM DECLARATION FOR EASTRIDGE TERRACE (this "Third Amendment") is made this 28<sup>th</sup> day of January, 2020 by Eastridge Terrace Homeowner's Association (the "Association").

**WITNESSETH:**

WHEREAS, Texas three Ltd., a California limited partnership ("Declarant"), recorded an instrument entitled "Condominium Declaration for Eastridge Terrace" at Volume 75217, Page 1846 *et seq.* of the Condominium Records of Dallas County, Texas (the "Declaration"); and

WHEREAS, the Association recorded a "First Amendment to the Condominium Declaration for Eastridge Terrace Condominium [*sic*] Association" at Volume 81001, Page 1009 *et seq.*, and corrected and re-recorded at Volume 83143, Page 0331 *et seq.* of the Condominium Records of Dallas County, Texas (the "First Amendment"); and

WHEREAS, the Association recorded a "Second Amendment to the Condominium Declaration for Eastridge Terrace Condominium [*sic*] Association" at Volume 83094, Page 1596 *et seq.*, and corrected and re-recorded at Volume 83143, Page 0335 *et seq.* of the Condominium Records of Dallas County, Texas (the "Second Amendment"); and

WHEREAS, Section 81.111 of the Texas Condominium Act provides that the Declaration may be amended at any time with the consent of at least sixty-seven percent (67%) of the ownership interests in the condominium; and

WHEREAS, at a duly noticed and convened meeting of Owners held on January 28, 2020 Owners representing an aggregate ownership interest of sixty-seven percent (67%) or more of the ownership interests in the condominium voted in favor of and have consented and agreed to the following amendments to the Declaration.

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. Paragraph 20 of the Declaration is deleted in its entirety and replaced with the following:

20. Additions, Alterations and Improvements of General and Limited Common Elements. There shall be no additions, alterations or improvements of or to the general and limited common elements requiring an expenditure by the

Association in excess of EIGHT THOUSAND, FIVE HUNDRED and 00/100 DOLLARS (\$8,500.00) in any one (1) calendar year without prior approval of a majority of the owners. Such limitation shall not be applicable to the replacement, repair, maintenance or restoration of any common element.

Notwithstanding any other provision of this Declaration, the By-Laws, the Articles of Incorporation, or any other rules, regulation, policy, or the like, the Board of Directors is expressly authorized to unilaterally remove and/or terminate the use of the general common element swimming pool, pool equipment, and pool decking and to convert that area to another use and for another purpose to be determined by the Board of Directors at its sole and absolute discretion. The removal and/or termination of use of the swimming pool does not constitute a change to owners' undivided interests in the common elements and the area where the pool existed will remain a general common element for use by all owners.

2. All references to a swimming pool in the Declaration, the By-Laws, the Articles of Incorporation, or any other rules, regulation, policy, or the like, including the depiction of the swimming pool on the condominium map attached as Exhibit "2" to the Declaration are hereby deleted.

3. The Association is repealing and rescinding its right of first refusal. Accordingly, Paragraphs 26, 27, 28 and 29 of the Declaration, regarding the right of first refusal, are deleted in their entirety.

4. Any other references to a right of first refusal in the Declaration, the By-Laws, the Articles of Incorporation, or any other rules, regulation, policy, or the like, are hereby deleted.

5. Except as modified by the First Amendment, Second Amendment and this Third Amendment, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the Association has caused this Third Amendment to be executed by its duly authorized agent as of the date first above written.

**EASTRIDGE TERRACE  
HOMEOWNER'S ASSOCIATION,**  
a Texas non-profit corporation

By: John Lance Hardy  
Name: John Lance Hardy  
Title: President

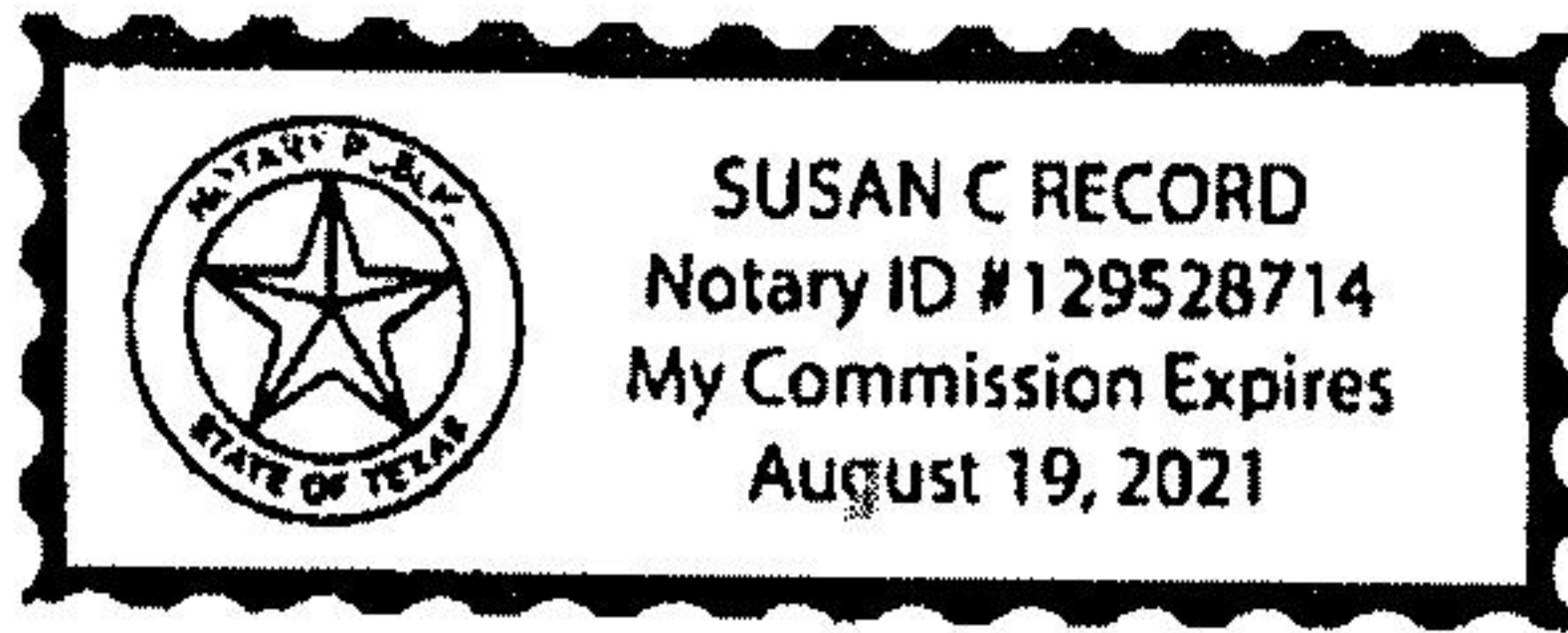
**ACKNOWLEDGMENT**

**STATE OF TEXAS       §  
                                  §  
COUNTY OF DALLAS   §**

**BEFORE ME**, the undersigned authority, on this day personally appeared John Lance Hardy, President of Eastridge Terrace Homeowner's Association, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that (s)he executed the same for the purposes and consideration therein expressed on behalf of said corporation.

**SUBSCRIBED AND SWORN TO BEFORE ME** on this 20<sup>th</sup> day of February, 2020

Susan C Record  
Notary Public, State of Texas  
08/19/2021  
My Commission Expires



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