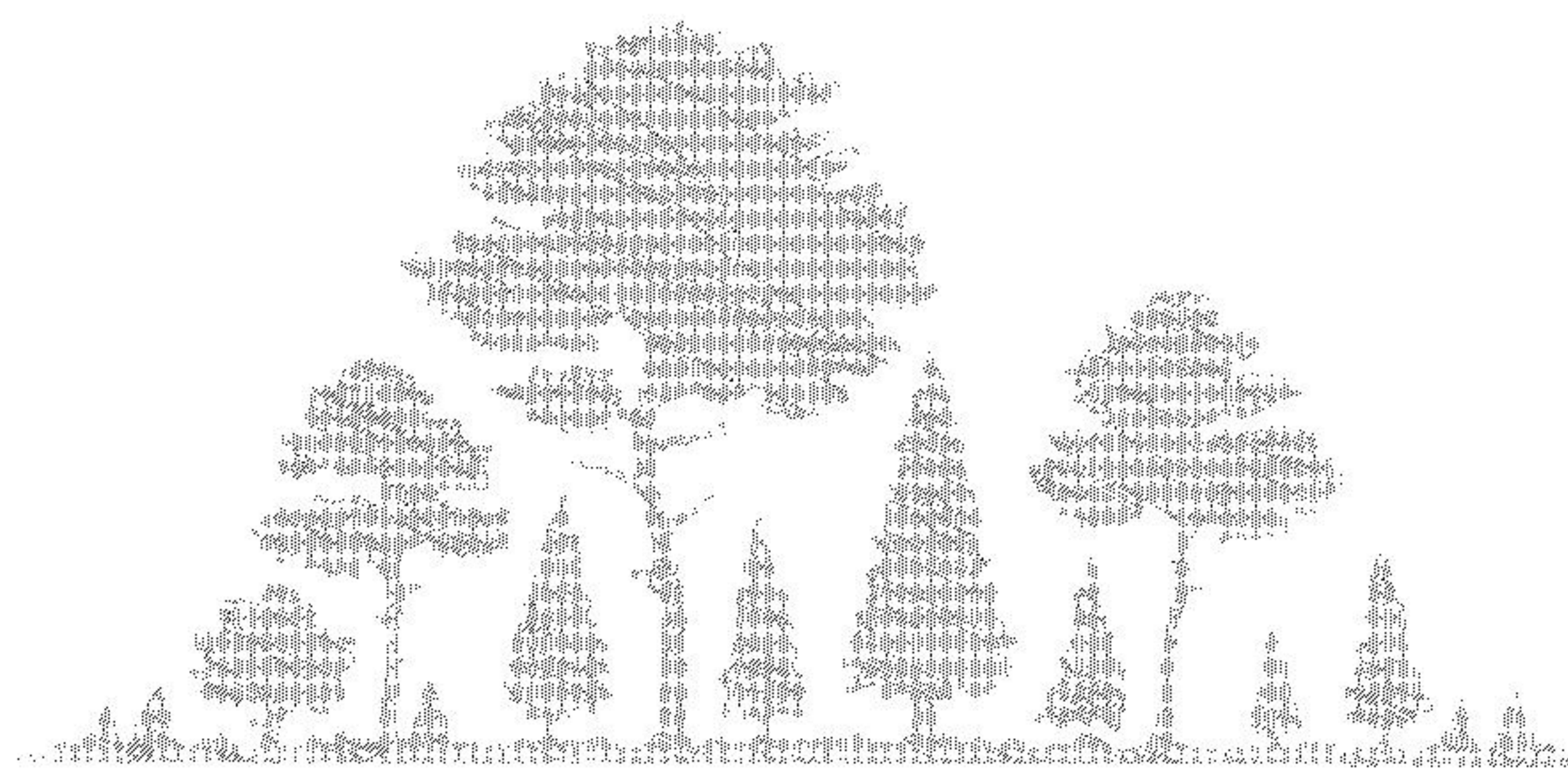


After Recording Return To:

Robert D. Burton, Esq.  
Winstead PC  
401 Congress Ave., Suite 2100  
Austin, Texas 78701  
Email: rburton@winstead.com



# HARRINGTON TRAILS

## SECOND AMENDMENT TO DEVELOPMENT AREA DECLARATION [RESIDENTIAL]

*Montgomery County, Texas*

**DECLARANT: FORESTAR (USA) REAL ESTATE GROUP INC., a Delaware corporation**

Cross reference to (i) that certain Harrington Trails Amended and Restated Master Covenant [Residential], recorded as Document No. 2022061485 in the Official Public Records of Montgomery County, Texas, as amended from time to time; and (ii) that certain Harrington Trails Development Area Declaration [Residential], recorded as Document No. 2020029821 in the Official Public Records of Montgomery County, Texas, as amended from time to time.



HARRINGTON  
TRAILS

**SECOND AMENDMENT TO  
DEVELOPMENT AREA DECLARATION  
[RESIDENTIAL]**

This Second Amendment to Development Area Declaration for Harrington Trails [Residential] (this "Amendment"), is made by FORESTAR (USA) REAL ESTATE GROUP INC., a Delaware corporation (the "Declarant"), and is as follows:

RECITALS:

A. Declarant previously Recorded that certain Harrington Trails Development Area Declaration [Residential], recorded as Document No. 2020029821 in the Official Public Records of Montgomery County, Texas, as amended by that certain Harrington Trails First Amendment to Development Area Declaration [Residential], recorded as Document No. 2021000663 in the Official Public Records of Montgomery County, Texas (collectively, the "Development Area Declaration"), pursuant to the terms and conditions of that certain Harrington Trails Amended and Restated Master Covenant [Residential], recorded as Document No. 2022061485 in the Official Public Records of Montgomery County, Texas, as amended from time to time (the "Covenant").

B. Pursuant to *Section 5.2* of the Development Area Declaration, the Development Area Declaration may be amended by Declarant, acting alone.

C. Declarant desires to amend the Development Area Declaration as set forth hereinbelow.

NOW, THEREFORE, Declarant hereby amends, supplements and modifies the Development Area Declaration as follows:

1. **Basketball Goals; Permanent and Portable.** *Section 2.24* of the Development Area Declaration is hereby deleted in its entirety and replaced with the following:

**2.24. Basketball Goals; Permanent and Portable.** Basketball goals must be maintained in good condition and repair, and must comply with the following requirements:

- A net shall be maintained on the rim at all times. The net shall be replaced in the event that it becomes frayed or torn. Chain nets are allowed.
- An orange/red or black steel or metal rim shall be affixed to the backboard at all times. The rim shall be repaired or, if necessary, replaced in the event that it becomes broken or bent.
- The backboard must be clear acrylic, fiberglass painted an approved color or weatherproofed wood painted an approved color, with the exception of an orange or black/blue/red square outline above the rim. The backboard shall be repainted, repaired or replaced in the event that the surface of the backboard becomes chipped or cracked or the backboard becomes warped or unaligned.
- All mounting supports must be steel or aluminum and painted black and/or similar dark tone. The pole and all mounting supports must be maintained in an attractive condition.
- With the exception of maintenance and repair, a basketball goal shall not be modified in any respect nor shall its location be changed from that approved by the Harrington Trails Reviewer.
- Garage mounted basketball goals may be accepted on detached garages only and will be subject to the same provisions aforementioned.
- Eight-foot (8') pole-mounted basketball goals may be behind the building set back line of the lot or not closer to the street than half the distance from the front of the garage to the street. In the case of an attached garage, the pole-mounted basketball goal must not be closer to the street than half the distance from the front of the garage to the street; this also applies to detached garages on corner lots. No portable basketball goals shall be left in the street or cul-de-sac of any street in the subdivision.
- Portable basketball goals must also conform to the foregoing for maintenance, appearance and placement. Portable basketball goals must not be closer to the street than half the distance from the front of the garage to the street.

2. **Playscapes, Sports Equipment and Sports Courts.** Article 2 of the Development Area Declaration is hereby supplemented with a new *Section 2.26* as follows:

**2.26. Playscapes, Sports Equipment and Sports Courts.** Playscapes, sports equipment and sport courts are permissible at the sole discretion of the Harrington Trails Reviewer. Metal swing sets are prohibited. Swing sets shall have a maximum height of eight (8) feet, playscapes, playhouses or forts shall have a green canvas or wood roof with a maximum roof peak height of twelve (12) feet. If allowed, these facilities must be properly sited and screened in rear of dwelling so as to minimize the visual and audio impact of the facility on adjacent properties. Sport Courts may not be lighted or enclosed with netting. Tennis courts are not permitted.

3. **Miscellaneous.** Any capitalized terms used and not otherwise defined herein shall have the meanings set forth in the Development Area Declaration or the Covenant, as applicable. Unless expressly amended by this Amendment, all other terms and provisions of the Development Area Declaration remain in full force and effect as written, and are hereby ratified and confirmed.

*[SIGNATURE PAGE FOLLOWS]*

EXECUTED to be effective the date this instrument is Recorded.

**DECLARANT:**

**FORESTAR (USA) REAL ESTATE GROUP INC.,**  
a Delaware corporation

By: Justin Kunk  
Name: Justin Kunk  
Title: Vice President

THE STATE OF TEXAS §

COUNTY OF Harris §

This instrument was acknowledged before me on March 28, 2023  
by Justin Kunk, Vice President of FORESTAR (USA) REAL  
ESTATE GROUP INC., a Delaware corporation, on behalf of said corporation.

(SEAL)

Sarah E. Barnes  
Notary Public Signature



**E-FILED FOR RECORD**

03/29/2023 04:36PM



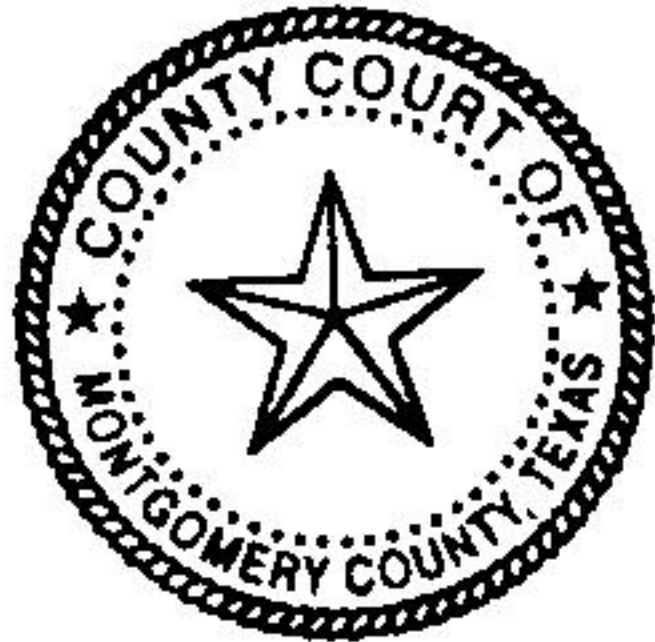
*L. Brandon Steinmann*

County Clerk,  
Montgomery County, Texas

STATE OF TEXAS,  
COUNTY OF MONTGOMERY

I hereby certify that this instrument was e-filed in the file number sequence on the date and time stamped herein by me and was duly e-RECORDED in the Official Public Records of Montgomery County, Texas.

**03/29/2023**



*L. Brandon Steinmann*

County Clerk,  
Montgomery County, Texas