

Denton County  
Cynthia Mitchell  
County Clerk  
Denton, Tx 76202



70 2012 00044150

Instrument Number: 2012-44150

Recorded On: April 30, 2012

As  
Declaration

Parties: HCB INDIAN CREEK TEXAS

Billable Pages: 20

To

Number of Pages: 20

**Comment:**

( Parties listed above are for Clerks reference only )

**\*\* Examined and Charged as Follows: \*\***

Declaration	92.00
<b>Total Recording:</b>	<b>92.00</b>

\*\*\*\*\* DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 2012-44150

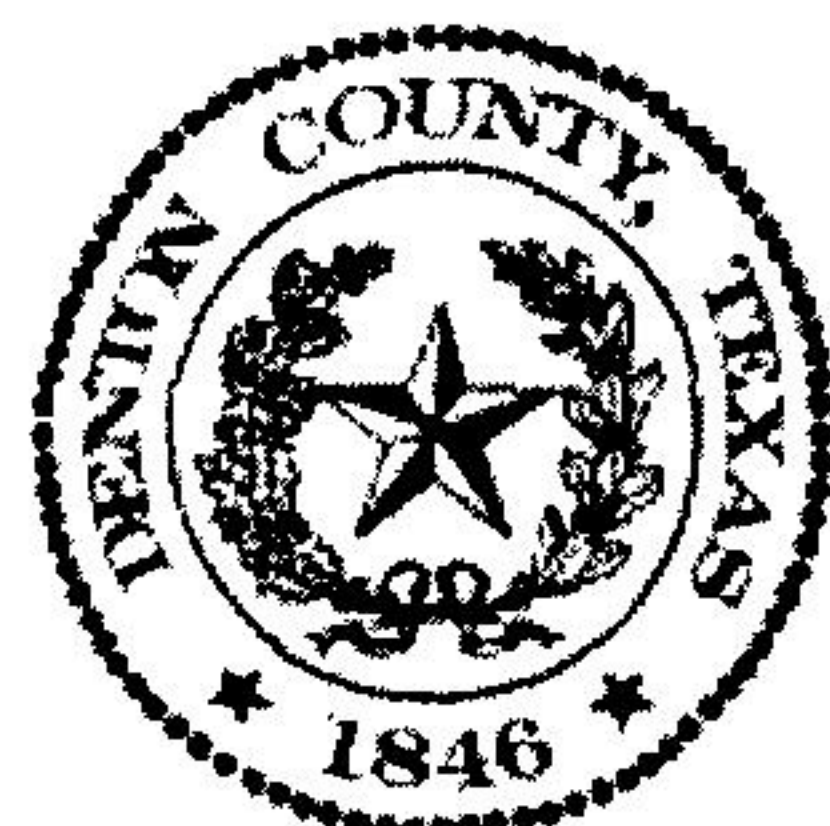
Receipt Number: 899061

Recorded Date/Time: April 30, 2012 09:30:40A

User / Station: J Morris - Cash Station 1

**Record and Return To:**

BARTON EAST AND CALDWELL  
ATTN KACY CIGARROA  
700 N ST MARYS ST STE 1825  
SAN ANTONIO TX 78205



THE STATE OF TEXAS }  
COUNTY OF DENTON }

I hereby certify that this instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

*C. Mitchell*

County Clerk  
Denton County, Texas

**FIRST AMENDMENT TO DECLARATION  
OF COVENANTS, CONDITIONS AND RESTRICTIONS**

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (the "First Amendment") is dated as of October 31, 2011.

**RECITALS:**

WHEREAS, RCC/Chief GenPar, Inc., as predecessor-in-interest to RCC INDIAN CREEK, LTD., a Texas limited partnership ("RCC"), and Embrey Partners, Ltd., a Texas limited partnership ("Embrey"), entered into that certain Agreement of Sale and Purchase dated effective as of August 27, 2007 (as amended, the "Contract"), which relates to the property consisting of approximately 14.046 acres of land located in the City of Carrollton, Denton County, Texas, and described on **Exhibit A** attached to the Declaration (the "Apartment Tract"); and

WHEREAS, RCC has previously sold and conveyed the Apartment Tract to Residences at The Collection, Ltd., a Texas limited partnership (the "Residences"), the successor-in-interest to Embrey's rights and obligations under the Contract; and

WHEREAS, RCC has previously caused the Property to be subjected to that certain Declaration of Covenants, Condition and Restrictions dated January 27, 2011 (the "Declaration") was recorded in the real property records of Denton County, Texas on January 27, 2011 at Document No. 2011-8905; and

WHEREAS, RCC executed that certain Promissory Note dated September 26, 2007, in the original principal amount of \$7,577,010.00 (the "Note"), payable to the order of Hillcrest Bank, a Kansas state banking association, as predecessor-in-interest to Hillcrest Bank, National Association ("Lender"), secured by that certain Deed of Trust (with Security Agreement, Assignment of Rents and Leases and Financing Statement) dated September 26, 2007 (the "Deed of Trust"), executed by RCC in favor of Brian K. Schneider, Trustee, and for the benefit of Lender, duly recorded under Document No. 2007-117187 in the Real Property Records of Denton County, Texas on October 2, 2007, covering that certain tract of land consisting of approximately 19.103 acres of land located in the City of Carrollton, Denton County, Texas, that is adjacent to the Apartment Tract and is described on **Exhibit B** attached to the Declaration (the "RCC Tract"); and

WHEREAS, Lender executed that certain Transfer of Lien and Assignment of Loan Documents, dated January 26, 2011, filed of record under Document No. 2011-9022 in the Real Property Records of Denton County, Texas on January 27, 2011, for the purpose of transferring any and all liens relating to the RCC Tract and any and all loan documents, including the Note and Deed of Trust to HCB Real Holdings, LLC, a Kansas limited liability company, as predecessor-in-interest to HCB Indian Creek Texas, LLC, a Missouri limited liability company ("HCB"); and

WHEREAS, John C. Adolph of Dallas County, Texas, as Substitute Trustee (the "Substitute Trustee"), under that certain Removal and Appointment of Substitute Trustee, dated December 2, 2010, filed of record under Document No. 2010-121428 in the Real Property Records of Denton County, Texas, sold the RCC Tract to HCB, the highest bidder at a public auction at the Denton County Courts Building located in Denton, Texas, on Tuesday, March 1, 2011; and

WHEREAS, HCB is the fee simple owner of the RCC Tract pursuant to that certain Substitute Trustee's Deed, dated March 7, 2011, duly filed of record under Document No. 2011-21406 in the Real Property Records of Denton County, Texas on March 8, 2011; and

WHEREAS, pursuant to Section 9 of the Declaration, HCB and Owner desire to amend the Declaration as set forth herein:

### AMENDMENT

**NOW, THEREFORE**, HCB and Residences hereby declare the following changes to the Declaration:

1. The initially capitalized terms used herein that are not otherwise defined herein are used as defined in the Declaration, as may be applicable.
2. Pursuant to the mutual agreement of HCB and Owner, Exhibit "D", attached hereto, has been approved as Exhibit "D" to the Declaration for purposes of satisfying the conditions set forth in the Declaration.
3. Pursuant to Section 7.05 of the Declaration, the color "High Tea SW 6159" has been approved by HCB and Owner and shall be added to the list of Approved Materials and Colors as set forth in Exhibit "G", attached hereto, which shall be substituted for the Exhibit "G" to the Declaration.
4. Except as expressly amended herein, the Declaration is hereby ratified and shall remain in full force and effect, according to its original terms.

[SIGNATURE(S) ON NEXT PAGE]


M:\5000\5200\5241 - Carrollton 14 Acres\5241.003 Carrollton - 14 Acres\CCRs\First Amendment to CCRs.20111025-EXE.BEC.doc



**Residences:**

RESIDENCES AT THE COLLECTION, LTD.,  
a Texas limited partnership

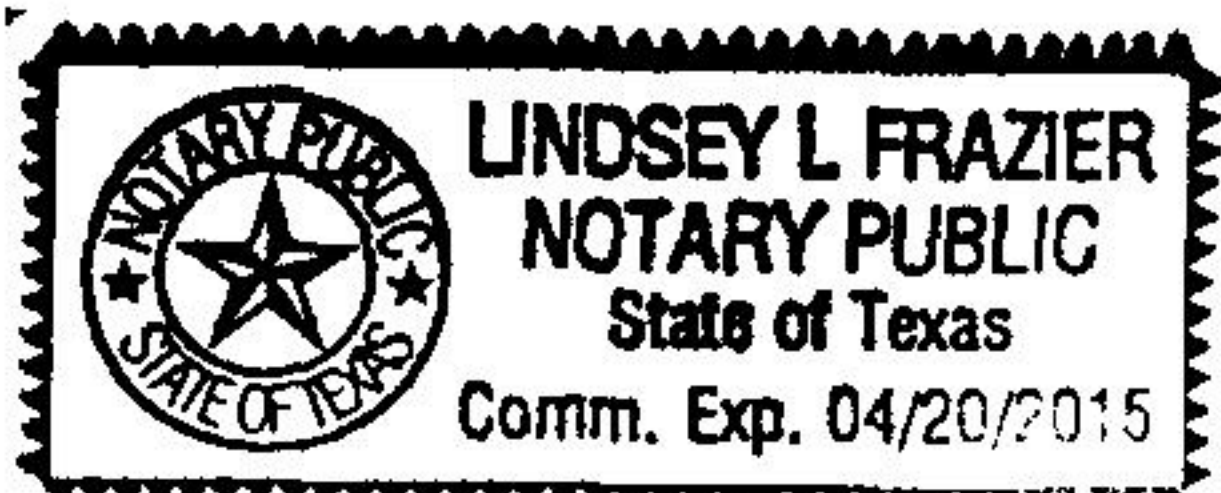
By: HPH-GP, L.L.C.,  
a Texas limited liability company,  
its General Partner

By:   
Douglas A. Koch,  
Manager and Senior Vice President

ACKNOWLEDGMENT

STATE OF TEXAS           §  
  §  
COUNTY OF BEXAR       §

This instrument was sworn, subscribed, and acknowledged before me on the 23rd day of ~~October~~ <sup>April</sup>, 2012, by Douglas A. Koch, as the Manager and Senior Vice President of HPH-GP, L.L.C., a Texas limited liability company, the sole partner of Residences at The Collection, Ltd., a Texas limited partnership, on behalf of said limited liability company and limited partnership.



  
Notary Public, State of Texas

Lindsey L Frazier  
(Name - Typed or Printed)

4/20/2015  
(My Commission Expires)

AFTER RECORDING RETURN TO:  
Barton, East & Caldwell, P.L.L.C.  
Attn: Kacy Cigarroa  
700 N. St. Mary's Street, Suite 1825  
San Antonio, Texas 78205

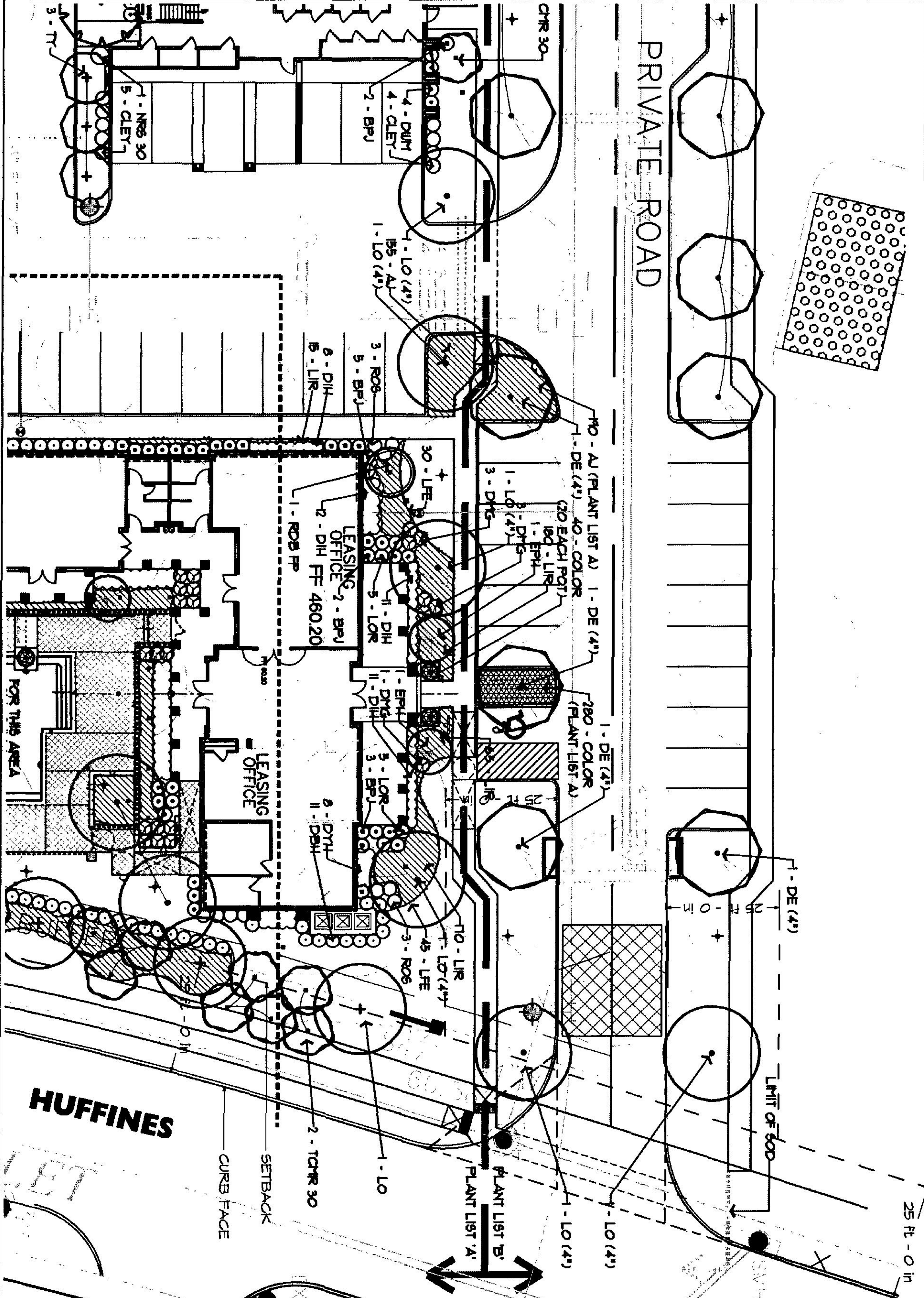
**EXHIBIT "D"**

**DESCRIPTION OF DEVELOPMENT SIGNAGE**

**[SEE ATTACHED]**



SCALE: 1"=20'-0"



**FOURCE**  
COMMUNICATIONS

©2011. All ideas, arrangements and plans indicated or represented by these drawings are the property of Fource Communications, Ltd. and were created, evolved and developed for use on the project in connection with the specific arrangements or ideas shown. They shall be duplicated or used for any purpose whatsoever without the express written consent of Fource Communications, Ltd.

JOB NO  
FEP-12101A

**Residences at The Collection**  
**Embrey Partners**  
**Carrollton, Texas**

APPROVAL

Your signature and acknowledgment of the design layout and its content, releasing Fource Communications, Ltd. from any responsibility regarding incorrect information and design. Any colors shown are only representative of actual colors to be used. Final colors will be determined by the manufacturer used in the industry.

DESIGNER INITIALS  
JEH

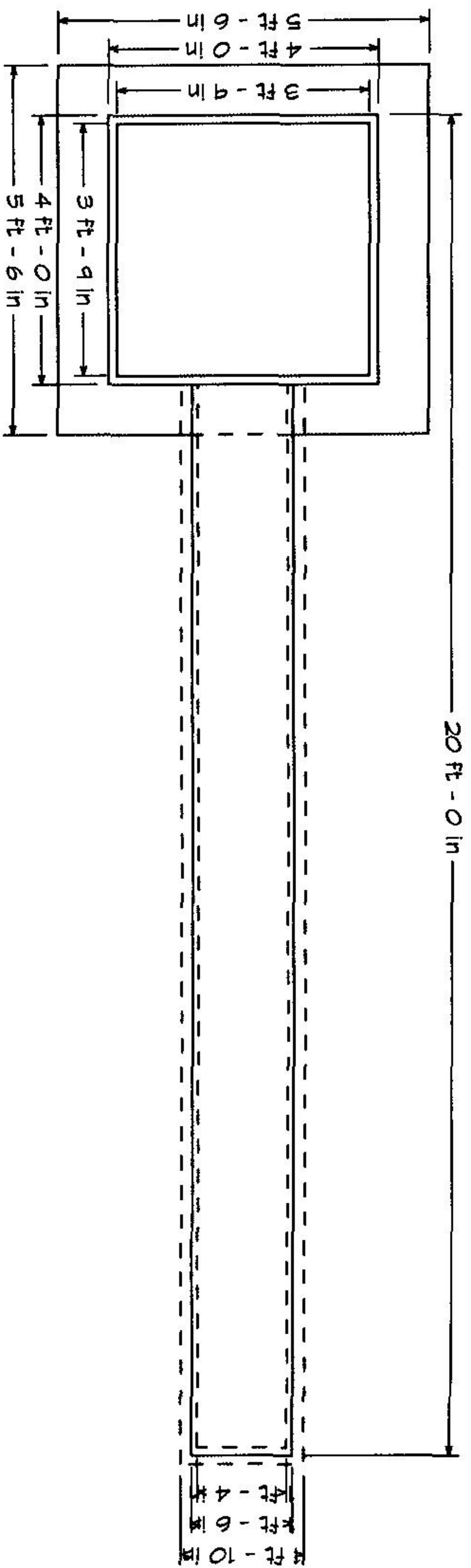
DATE  
08/03/2011

SHEET TITLE  
EXTERIOR SIGNAGE

SHEET NO  
ES.01A.03

SCALE: 3/8" = 1'-0"

LARGE MONUMENT X 2



SIGN ON OPPOSITE SIDE OF ENTRY IS MIRROR IMAGE.

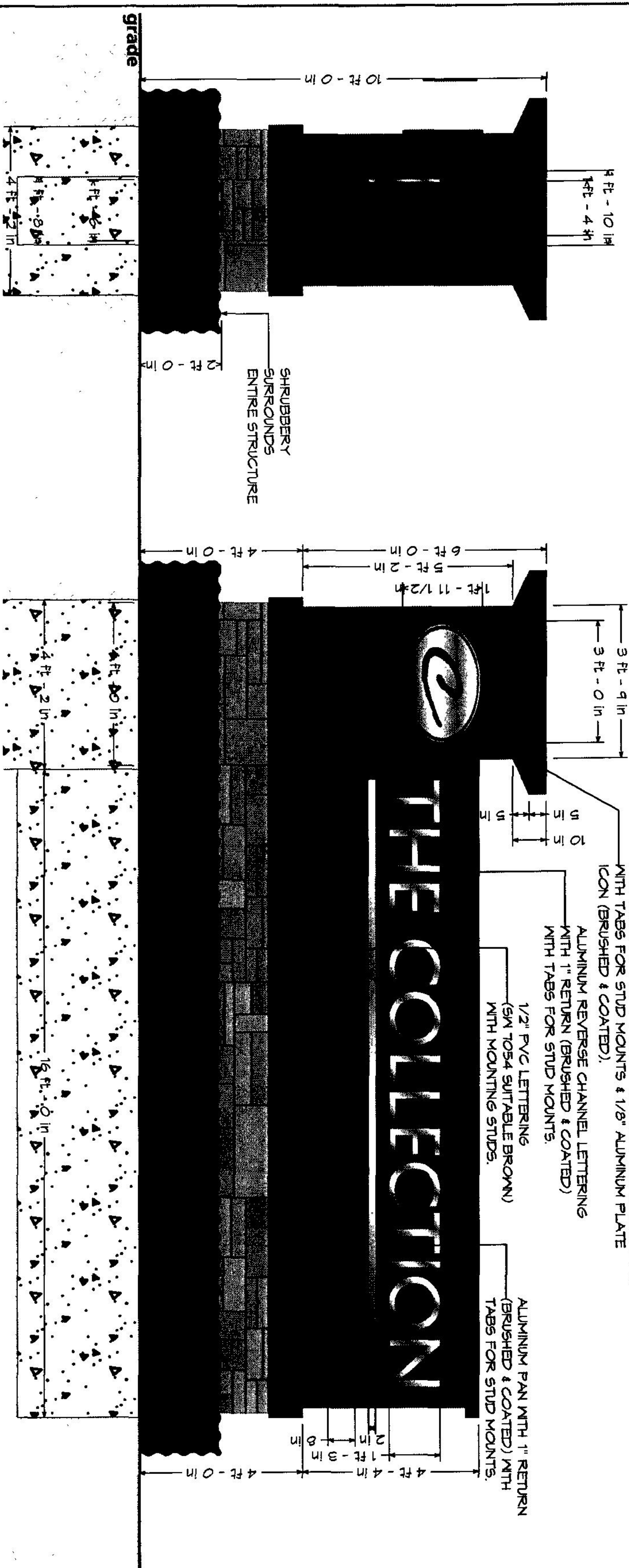
COLUMNS ARE CLOSEST TO ENTRY ROAD.

ALUMINUM PAN WITH 1" RETURN (5M 7054 SUITABLE BROWN) WITH TABS FOR STUD MOUNTS & 1/8" ALUMINUM PLATE ICON (BRUSHED & COATED).

ALUMINUM REVERSE CHANNEL LETTERING WITH 1" RETURN (BRUSHED & COATED) WITH TABS FOR STUD MOUNTS.

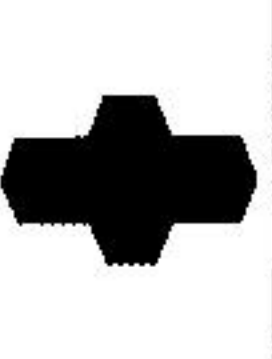
1/2" PVC LETTERING (5M 7054 SUITABLE BROWN) WITH MOUNTING STUDS.

ALUMINUM PAN WITH 1" RETURN (BRUSHED & COATED) WITH TABS FOR STUD MOUNTS.



SHRUBBERY SURROUNDS ENTIRE STRUCTURE

grade



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JOB NO. F-EP-12101A

The Collection  
Embrey Partners  
Carrollton, Texas

APPROVAL

Your signature acknowledges full approval of the design and construction of the project. It is the responsibility of the client to provide all necessary information and data for the project. Any errors shown are only representations of actual colors to be used. Final colors will be matched as closely as possible. Colors shown tend to vary due to some materials used in the assembly.

DESIGNED BY: JEH

DATE: 08/12/2011

SHEET TITLE: EXTERIOR SIGNAGE

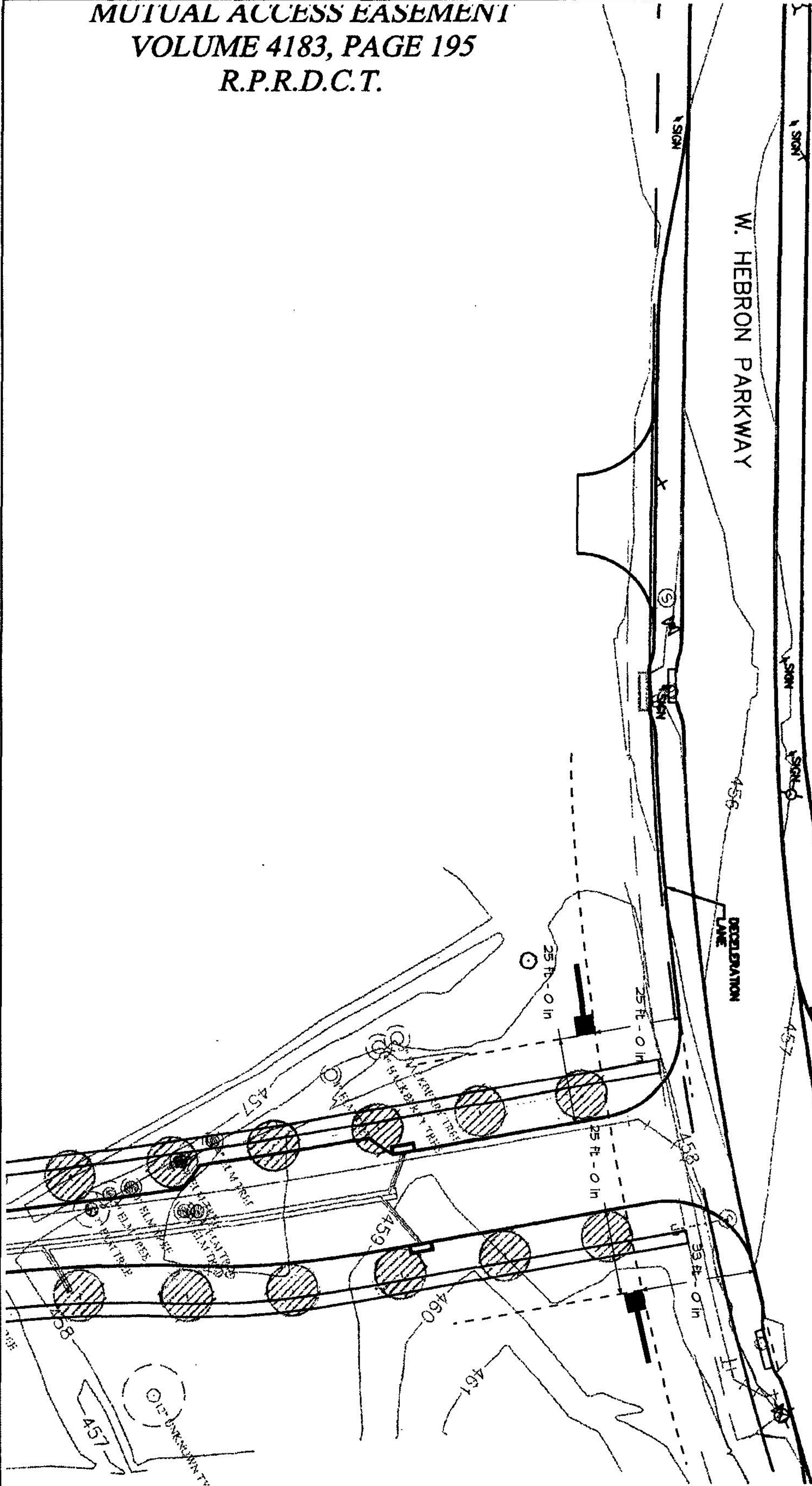
SHEET NO. ES.02.03

SCALE: 1"=30'-0"

# WEST HEBRON PARKWAY

NO DOCUMENT FOUND (WIDTH VARIES)

W. HEBRON PARKWAY



MUTUAL ACCESS EASEMENT  
VOLUME 4183, PAGE 195  
R.P.R.D.C.T.

**FOUNCE**  
COMMUNICATIONS, LLC

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F-EP-12101A

**Residences at The Collection**  
Embrey Partners  
Carrollton, Texas

APPROVAL

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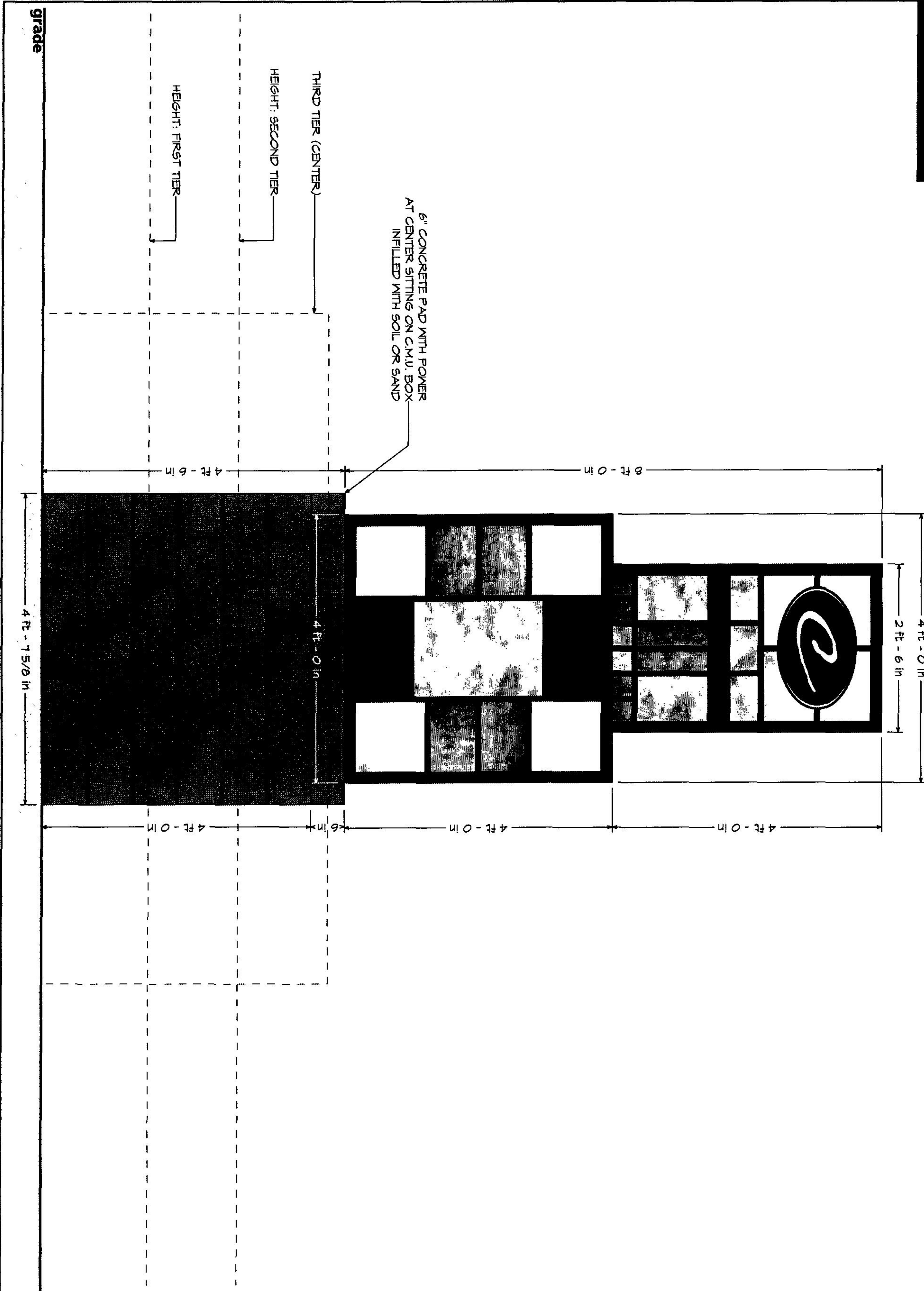
EH

07/26/2011

EXTERIOR SIGNAGE

ES.02A.01

SCALE: 3/4" = 1'-0"



**FOURCE**  
COMMUNICATIONS

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ISSUED  
FEP-12101A

**The Collection**  
**Embrey Partners**  
**Carrollton, Texas**

APPROVAL

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Any colors shown are only representative of what may be used. Colors will be matched as closely as possible to the materials used in the industry.

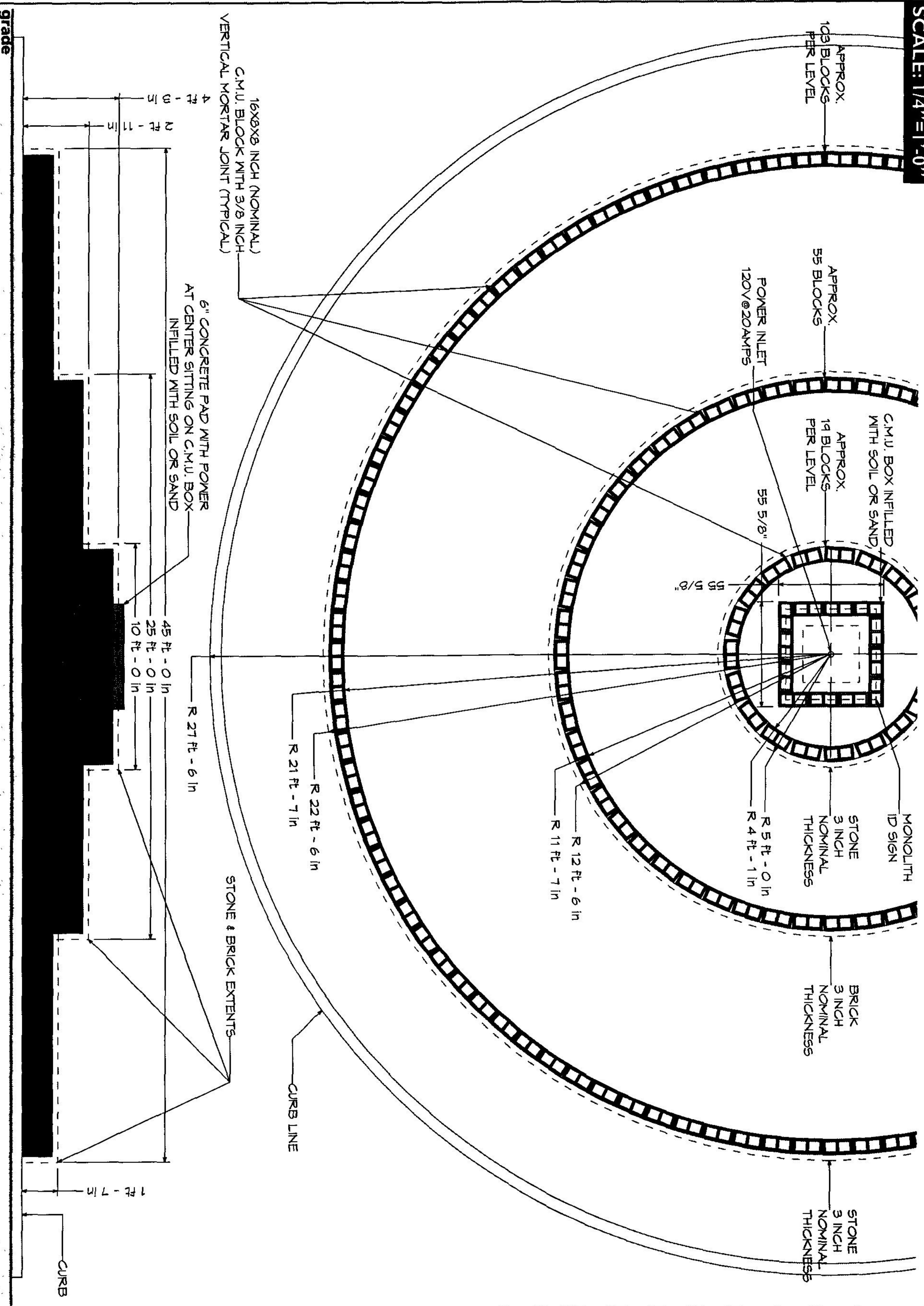
LEONARDO VILLAS  
IEH

09/06/2011

EXTERIOR  
SIGNAGE

ES.04.04

SCALE: 1/4"=1'-0"



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 COMMUNICATIONS  
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ISS NO  
 F-EP-12101A

# Residences at The Collection

## Embrey Partners

### Carrollton, Texas

APPROVAL

Your signature, **DATE** and approval of the design layout and its content, releasing Fource Communications, Ltd. from any responsibility regarding incorrect information and design. Any colors shown are only representative of actual colors to be used. Final colors will be determined by the manufacturer. Colors shown may vary due to some differences used in the industry.

DESIGNER/INITIALS  
 JEH

DATE  
 07/12/2011

SHEET TITLE  
 EXTERIOR SIGNAGE

ES.4A.01



**EXHIBIT "G"**

**APPROVED MATERIALS AND COLORS**

**[SEE ATTACHED]**

# PRELIMINARY RETAIL COLOR & MATERIAL PALETTE

designed for REALITY CAPITAL & EMBREY PARTNERS, LTD

for use at THE COLLECTION in Carrollton, TX

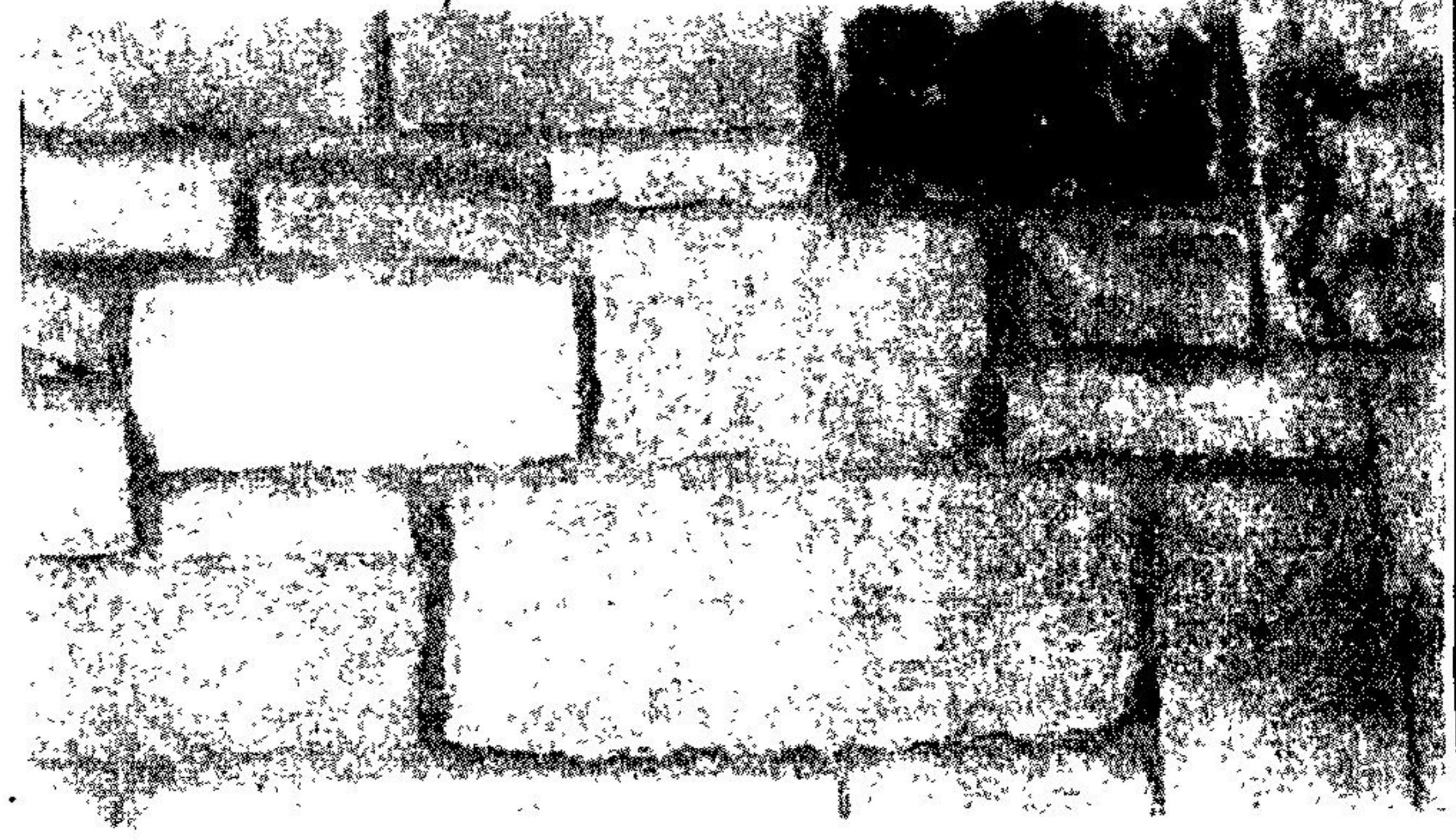
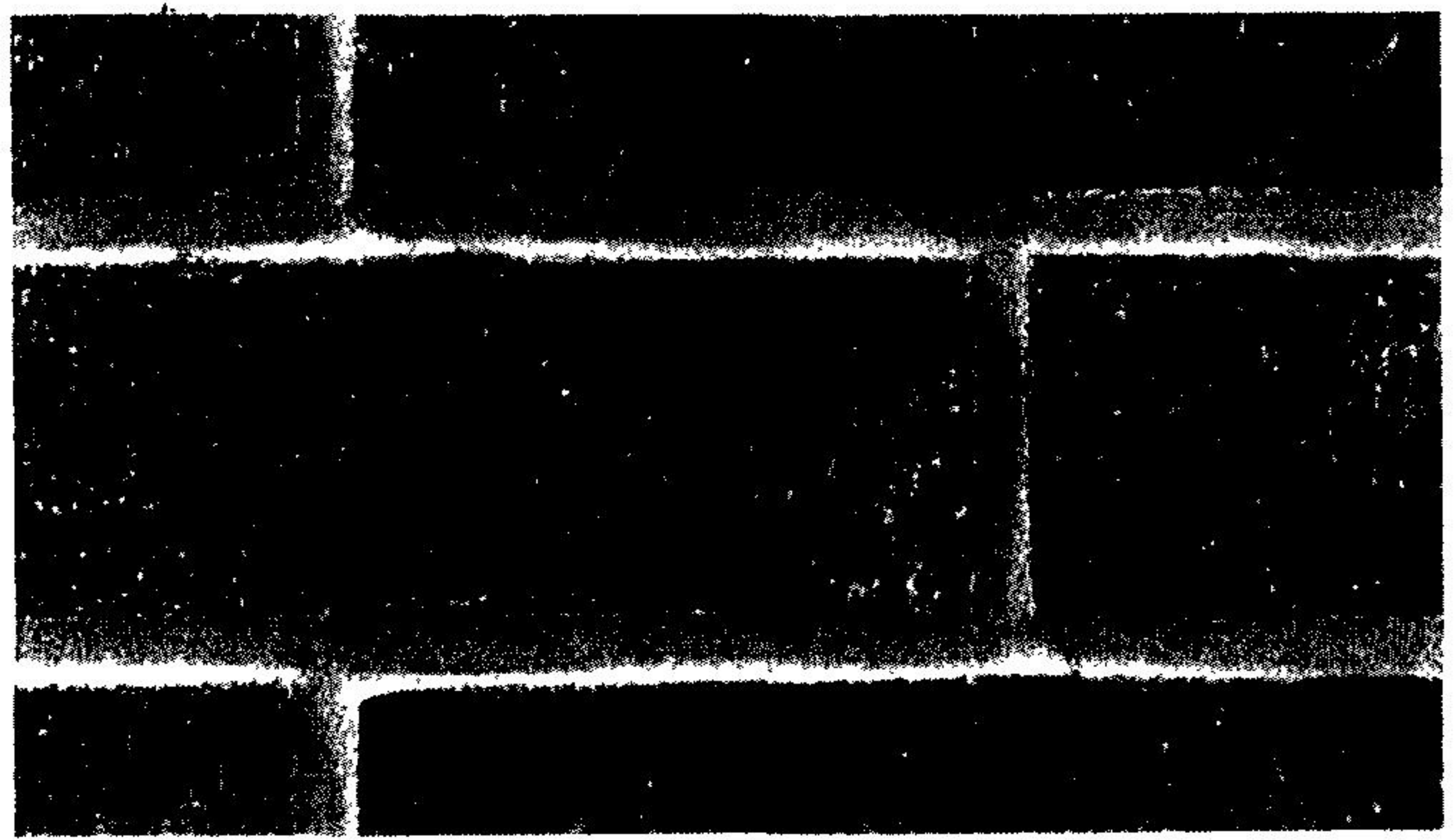
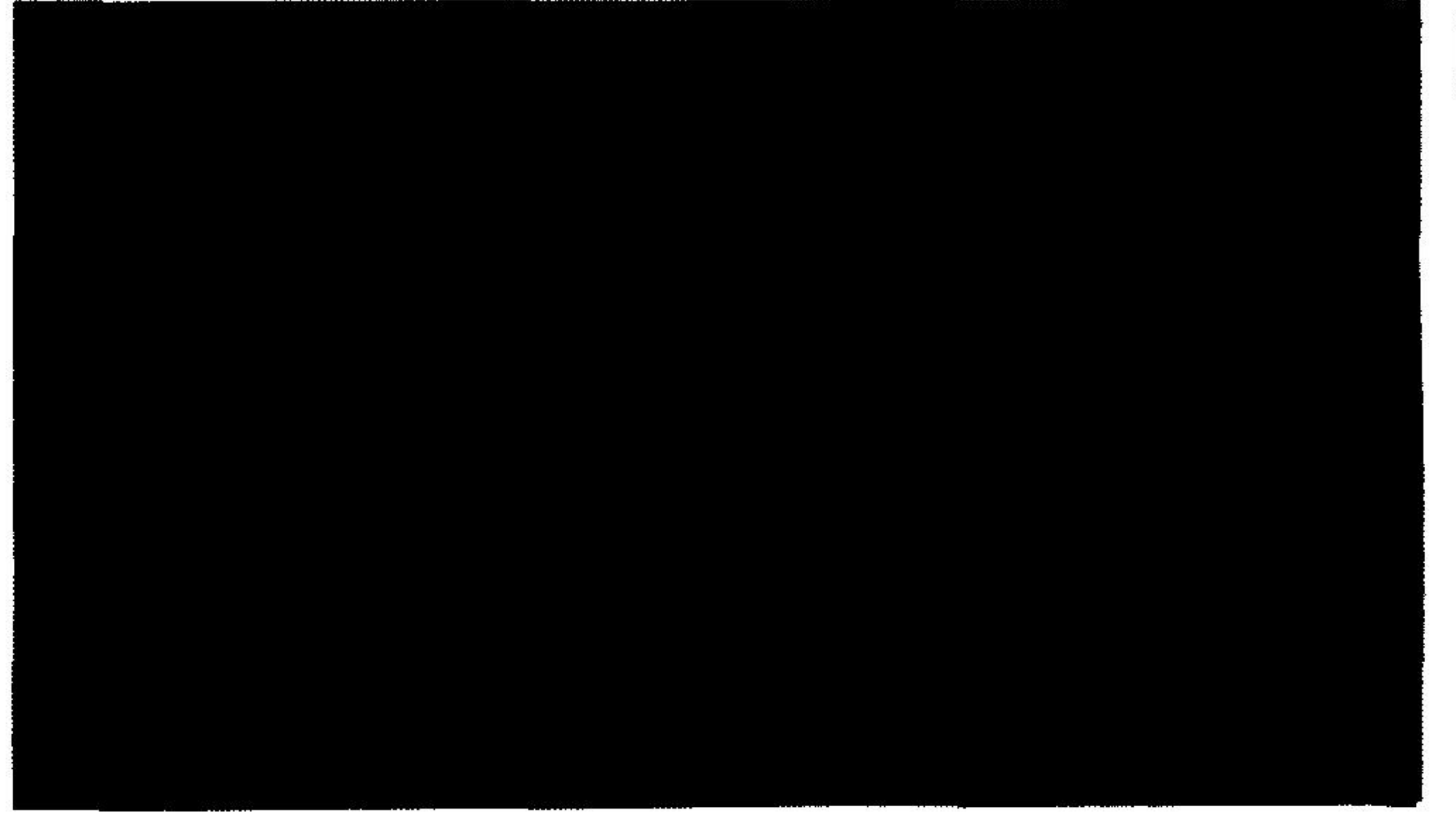
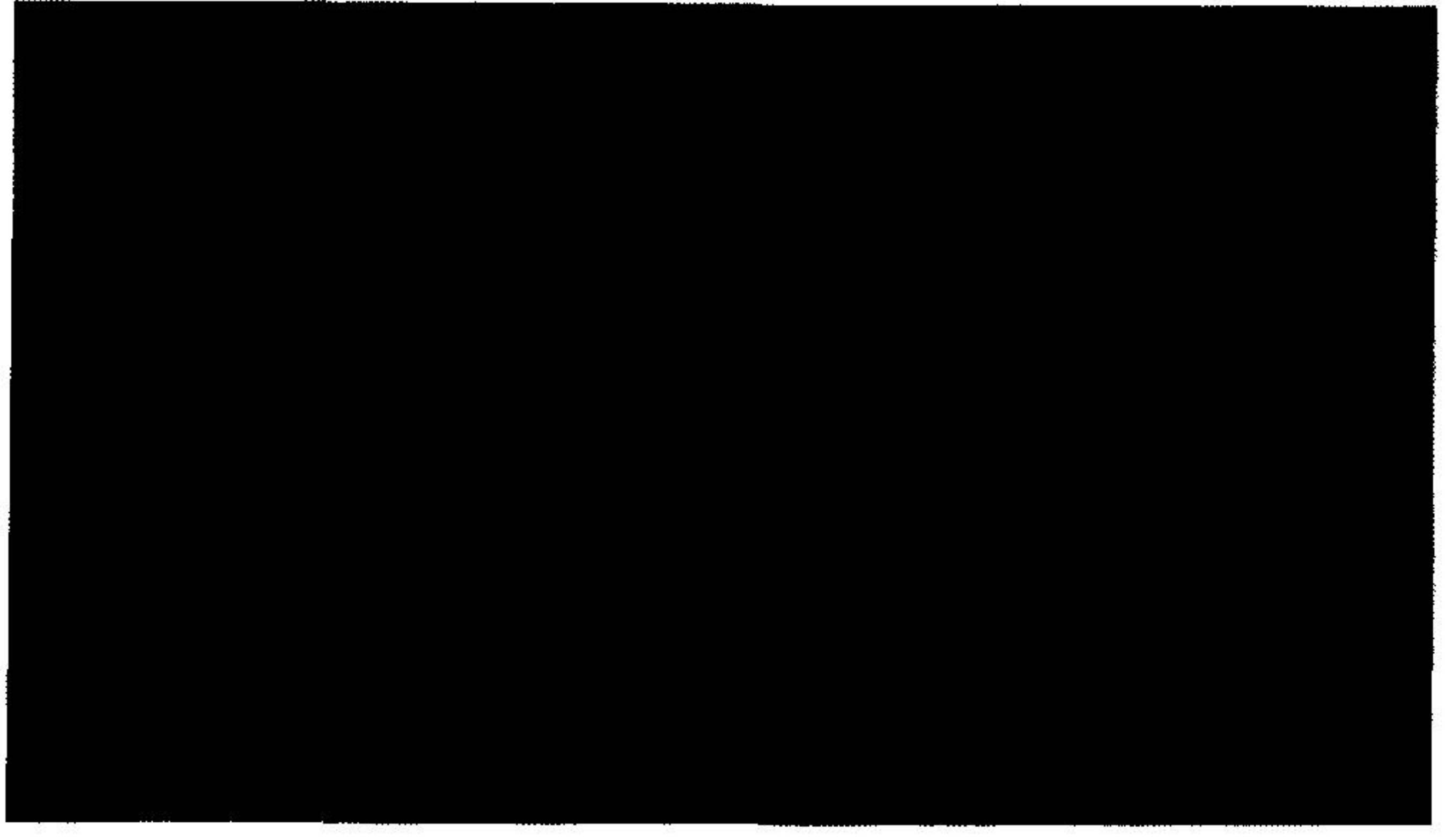
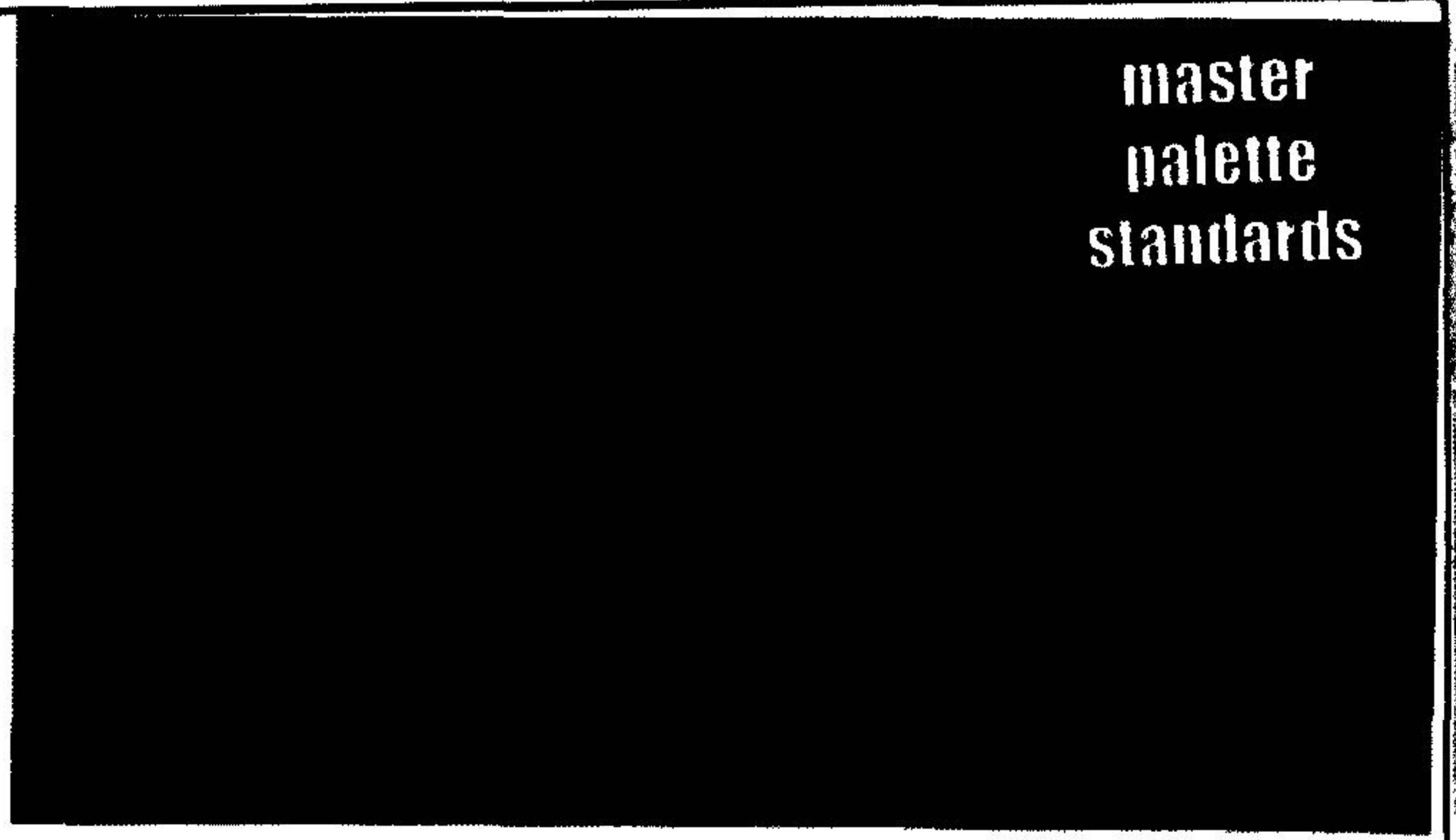
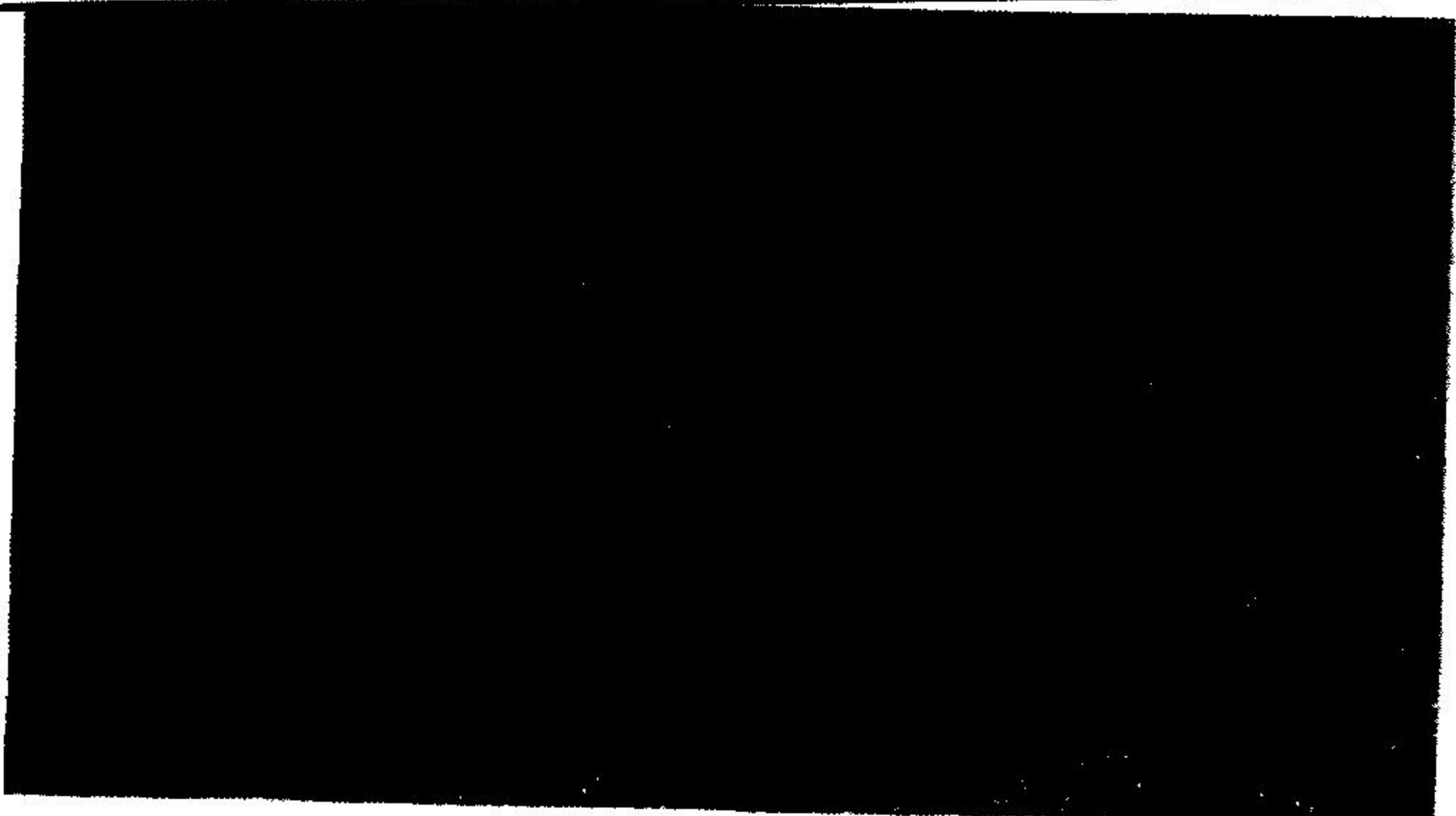
by Rhoads Color Design @ 949-719-1366

April 10, 2008

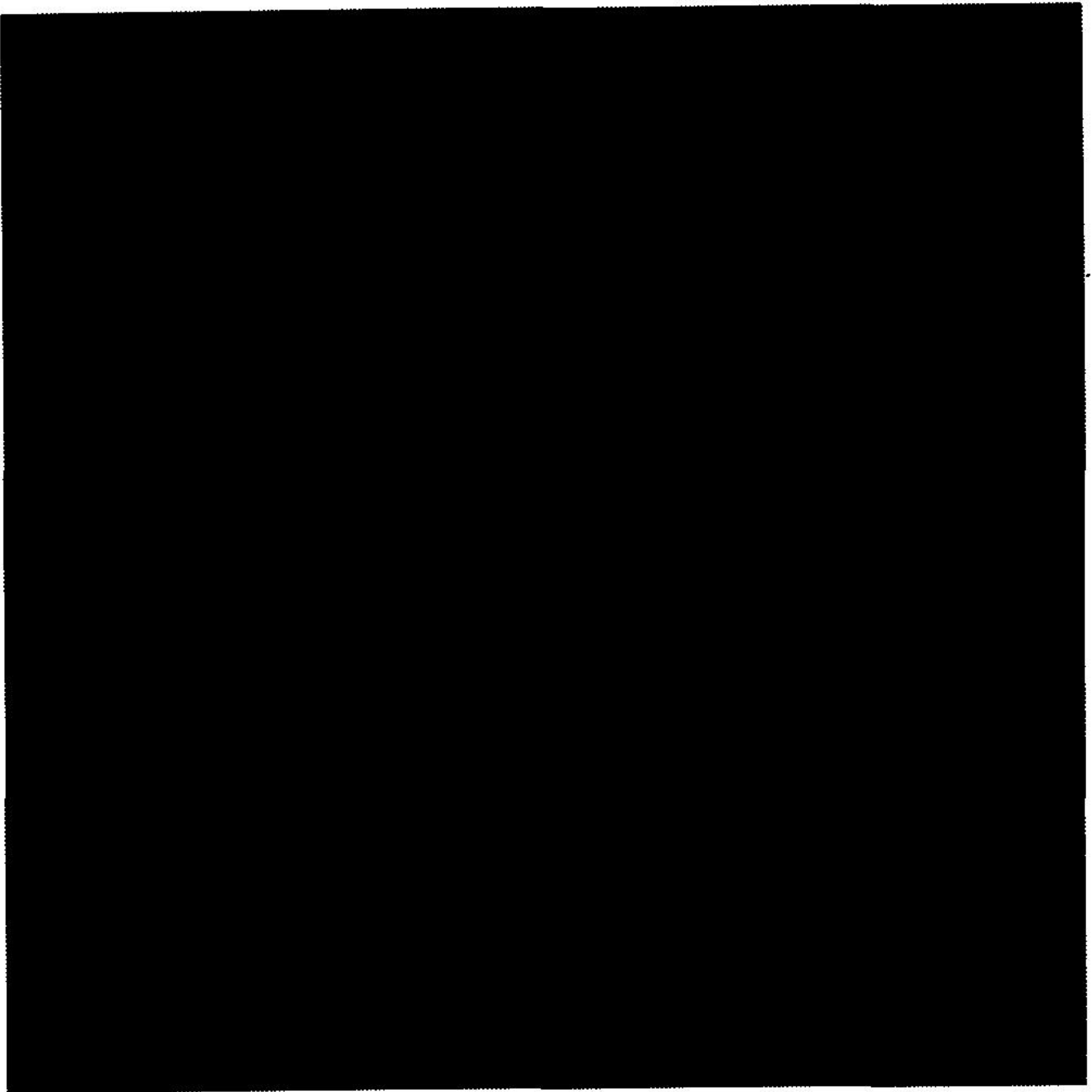
master palette standards	colors & material	hinder legend	palette #1	palette #2	palette #3
<b>composition shingle roof color "a"</b>	Tamko Weathered Wood	select this accent brick color "a" or this accent brick color "b"	Acme Brick: Old Mission	Acme Brick Plaza Heights	Endicott Brick: Medium Ironspot #46
<b>real stone veneer color "b"</b>	Milsap or Tumbleweed Tan		Acme Brick Old St. Louis	Acme Brick: Towne Square	Acme Brick: Crimson #3 mod. smooth
<b>main brick veneer color "c"</b>	Acme Brick Brookhaven	select this lightest building color color "c" or this lightest building color color "d"	Sherwin Williams SW 2002 Gray Ashlar	Sherwin Williams SW 1127 Khaki Shade	Sherwin Williams SW 7037 Balanced Beige
<b>standing-seam metal roof color "d"</b>	PAC-CLAD Medium Bronze		Sherwin Williams SW 6143 Basket Beige	Sherwin Williams SW 6128 Blonde	Sherwin Williams SW 6136 Harmonic Tan
<b>storefront &amp; windows color "e"</b>	Dark Bronze	select this medium building color color "e" or this medium building color color "f"	Sherwin Williams SW 6130 Mannered Gold	Sherwin Williams SW 6116 Tatami	Sherwin Williams SW 6138 Artifact
<b>all other metal elements color "f"</b>	Sherwin Williams SW 2926 Iron Gate		Sherwin Williams SW 2814 Rookwood Antique Gold	Sherwin Williams SW 0045 Antiquarian Brown	Sherwin Williams SW 6081 Down Home
	Sherwin Williams SW6159 High Tea Approved color	select this darkest building color color "g" or this darkest building color color "h"	Sherwin Williams SW 6118 Leather Bound	Sherwin Williams SW 1112 Setter's Coat	Sherwin Williams SW 6096 Jute Brown
	"g" or "h" for all palettes		Sherwin Williams SW 6005 Folkstone	Sherwin Williams SW 2034 Homestead	Sherwin Williams SW 6068 Brevity Brown
		select this accent feature color color "i" or this accent feature color color "j"	Sherwin Williams SW 7083 Darkroom	Sherwin Williams SW 6258 Tricorn Black	Sherwin Williams SW 6020 Marooned
			Sherwin Williams SW 2922 Quail Crest	Sherwin Williams SW 2923 Bramble Bush	Sherwin Williams SW 6153 Protégé Bronze

<b>location for color "a"</b>	<b>location for color "b"</b>
<b>location for color "c"</b>	<b>location for color "d"</b>
<b>location for color "e"</b>	<b>location for color "f"</b>
<b>location for color "g"</b>	<b>location for color "h"</b>
<b>location for color "i"</b>	<b>location for color "j"</b>

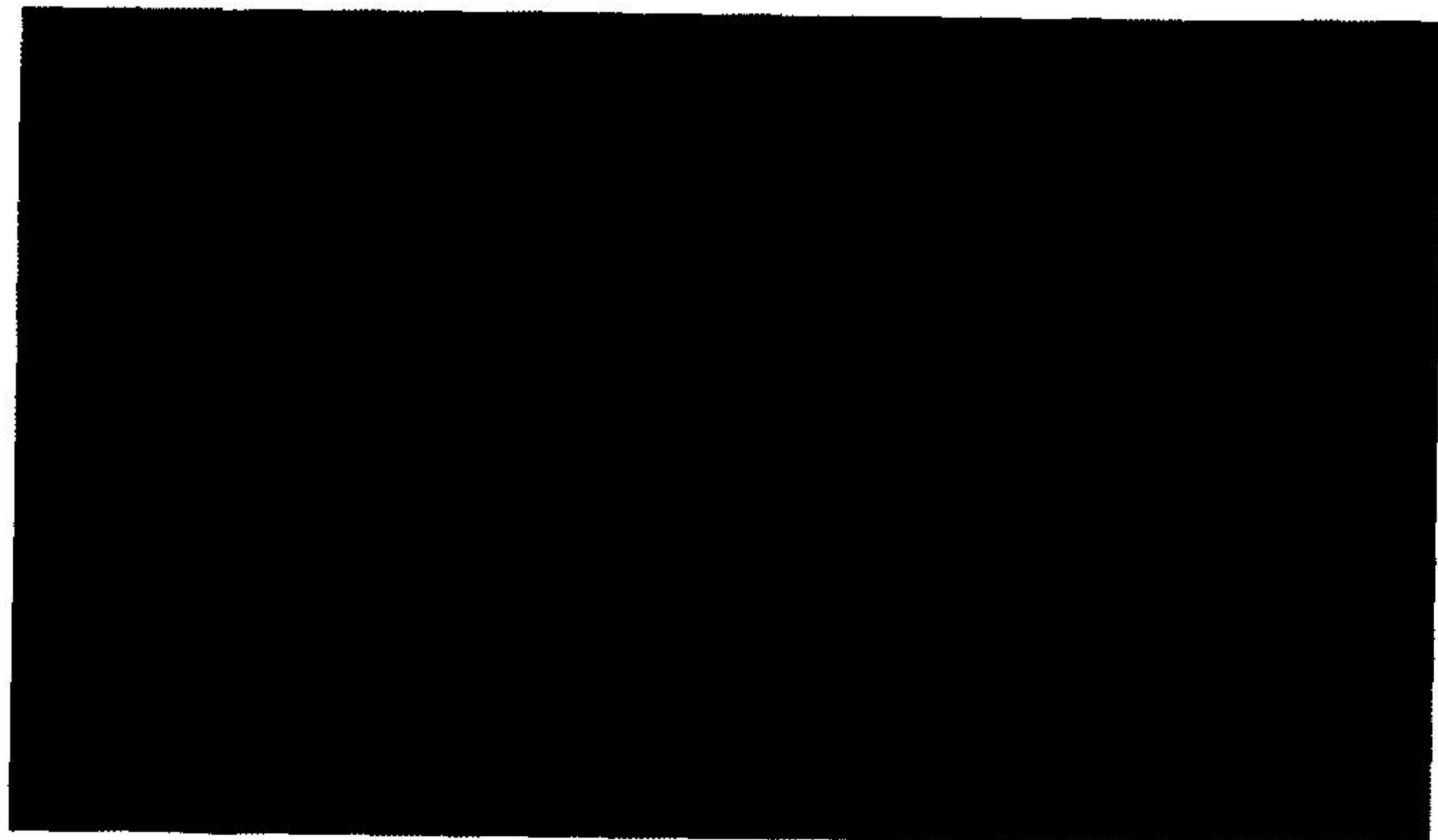
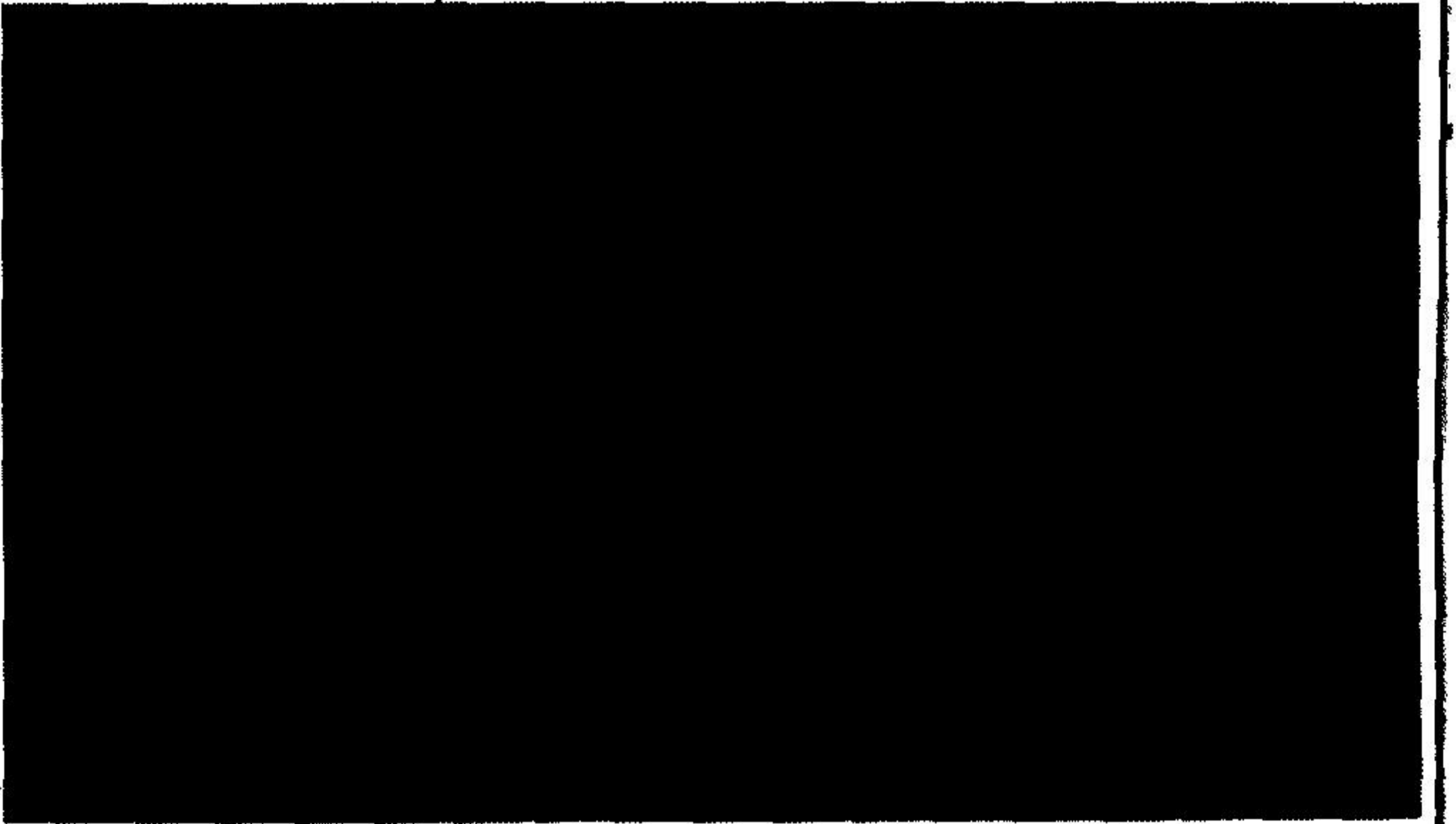
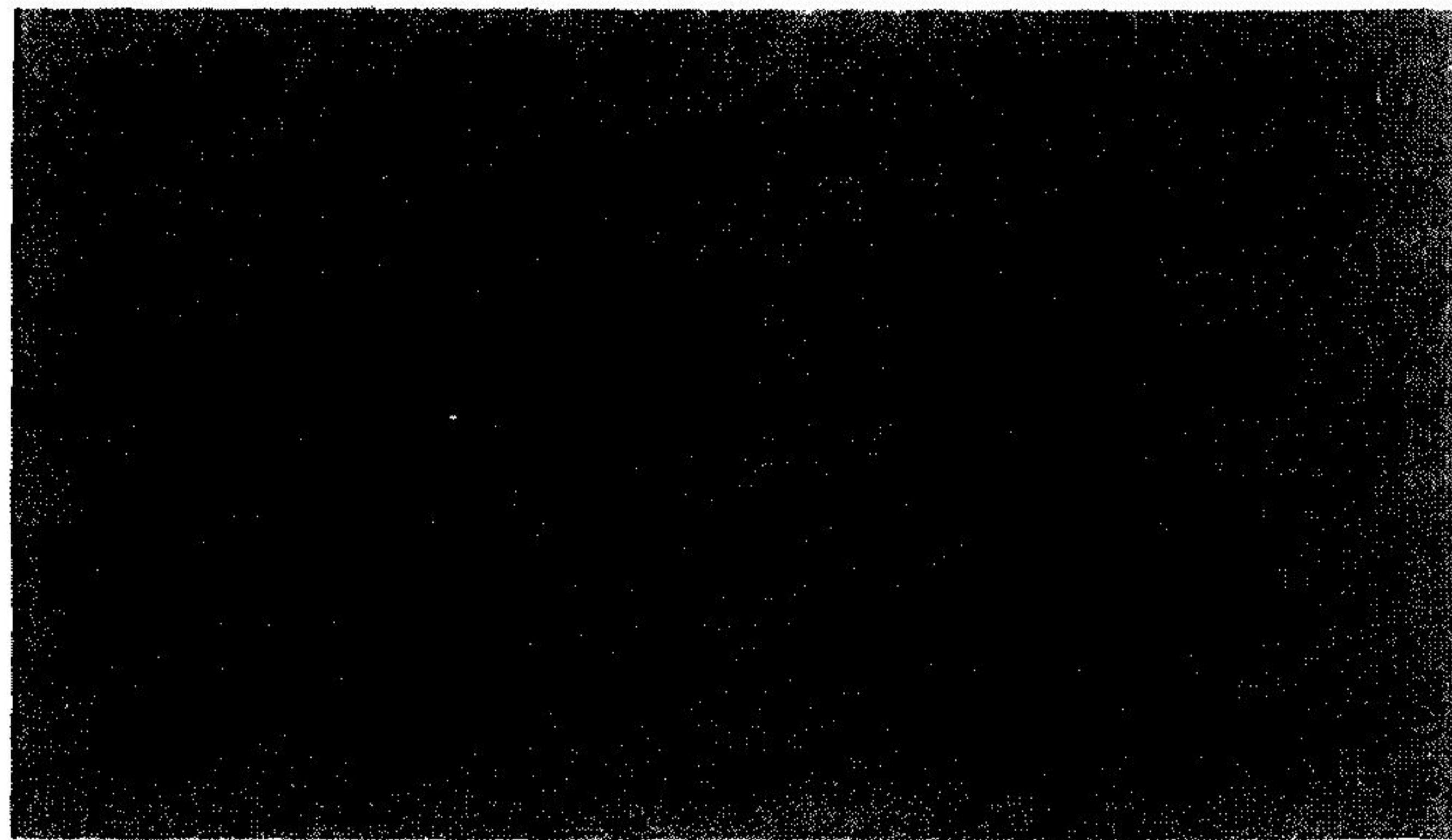
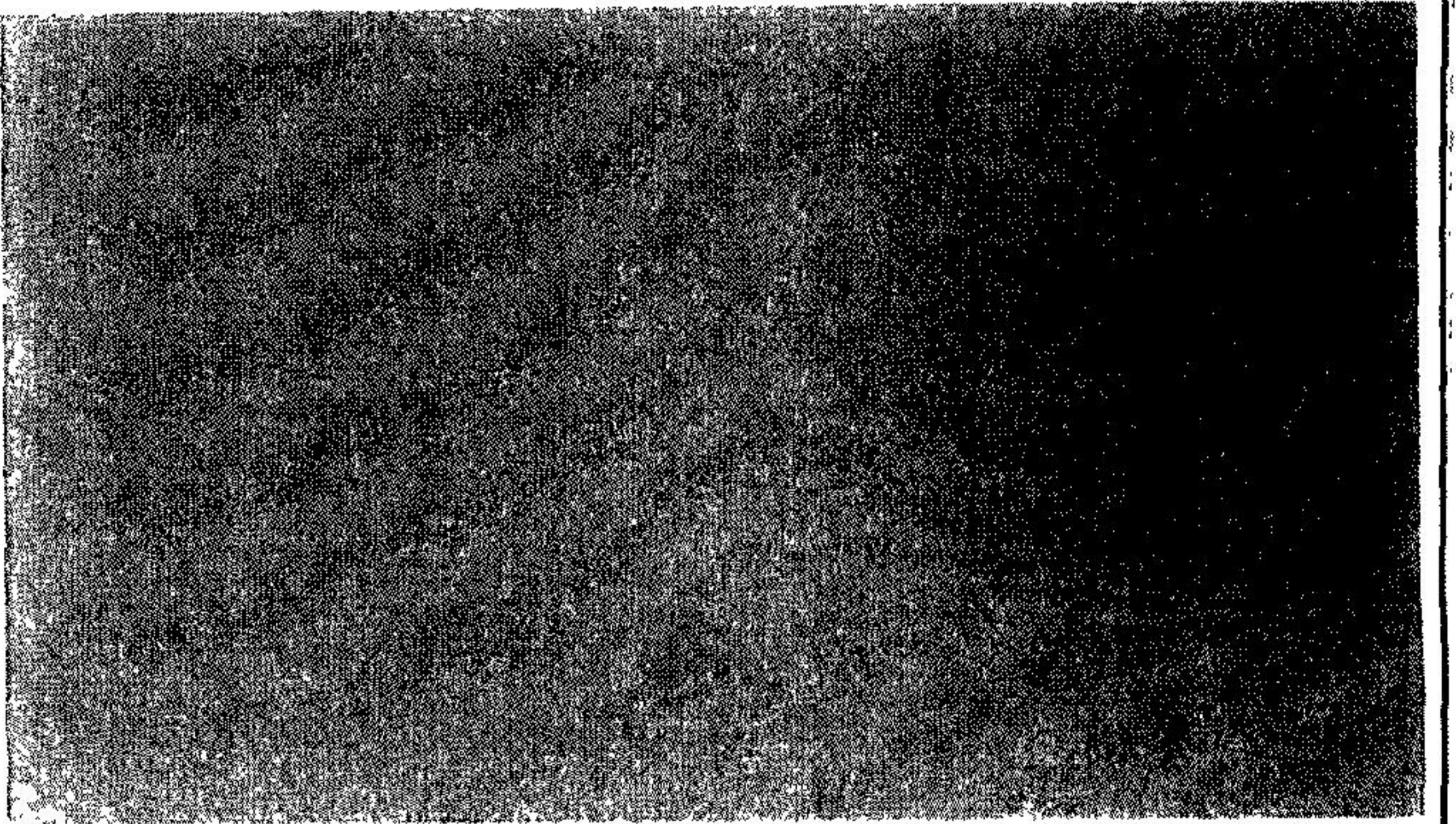
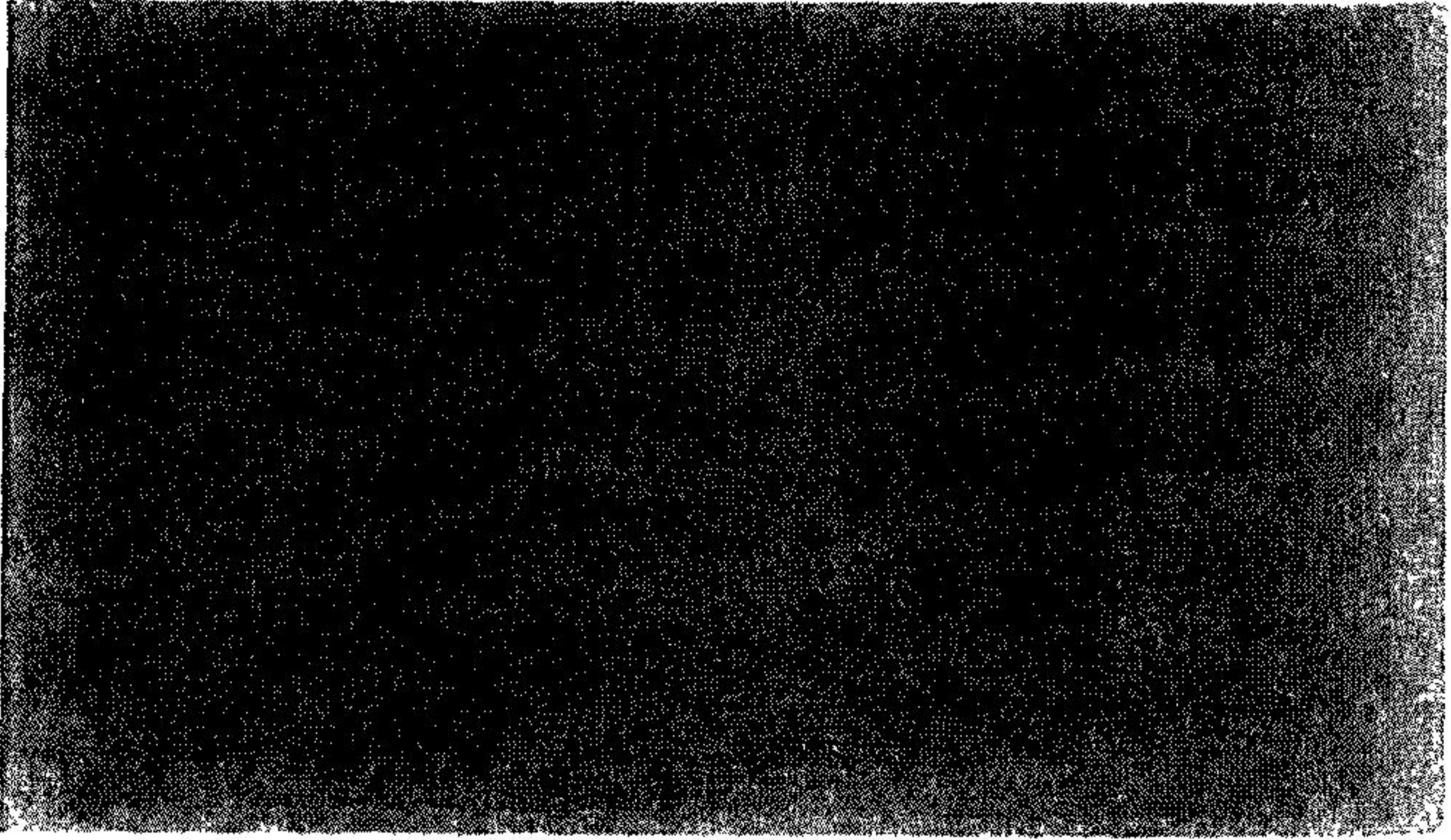
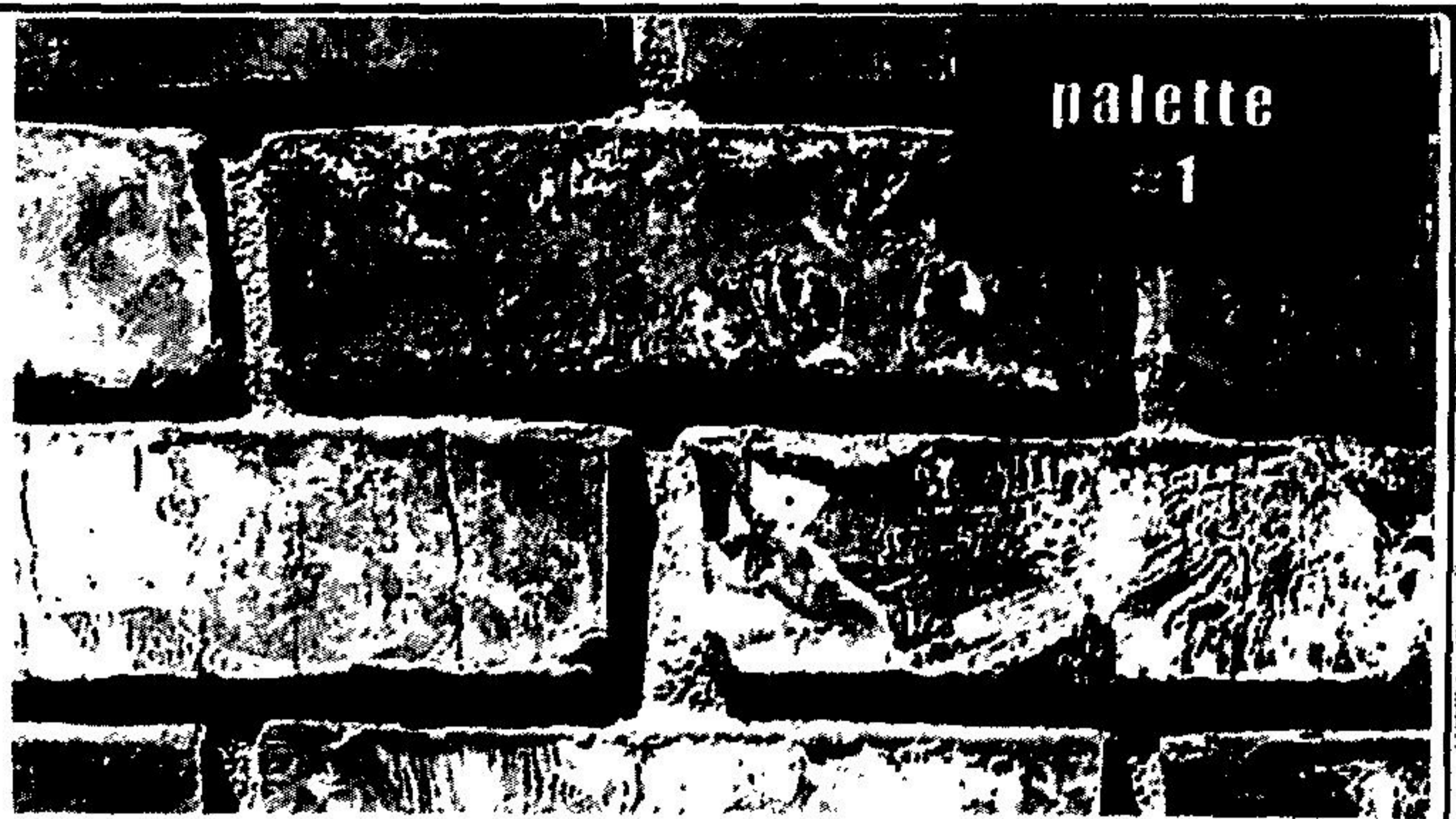
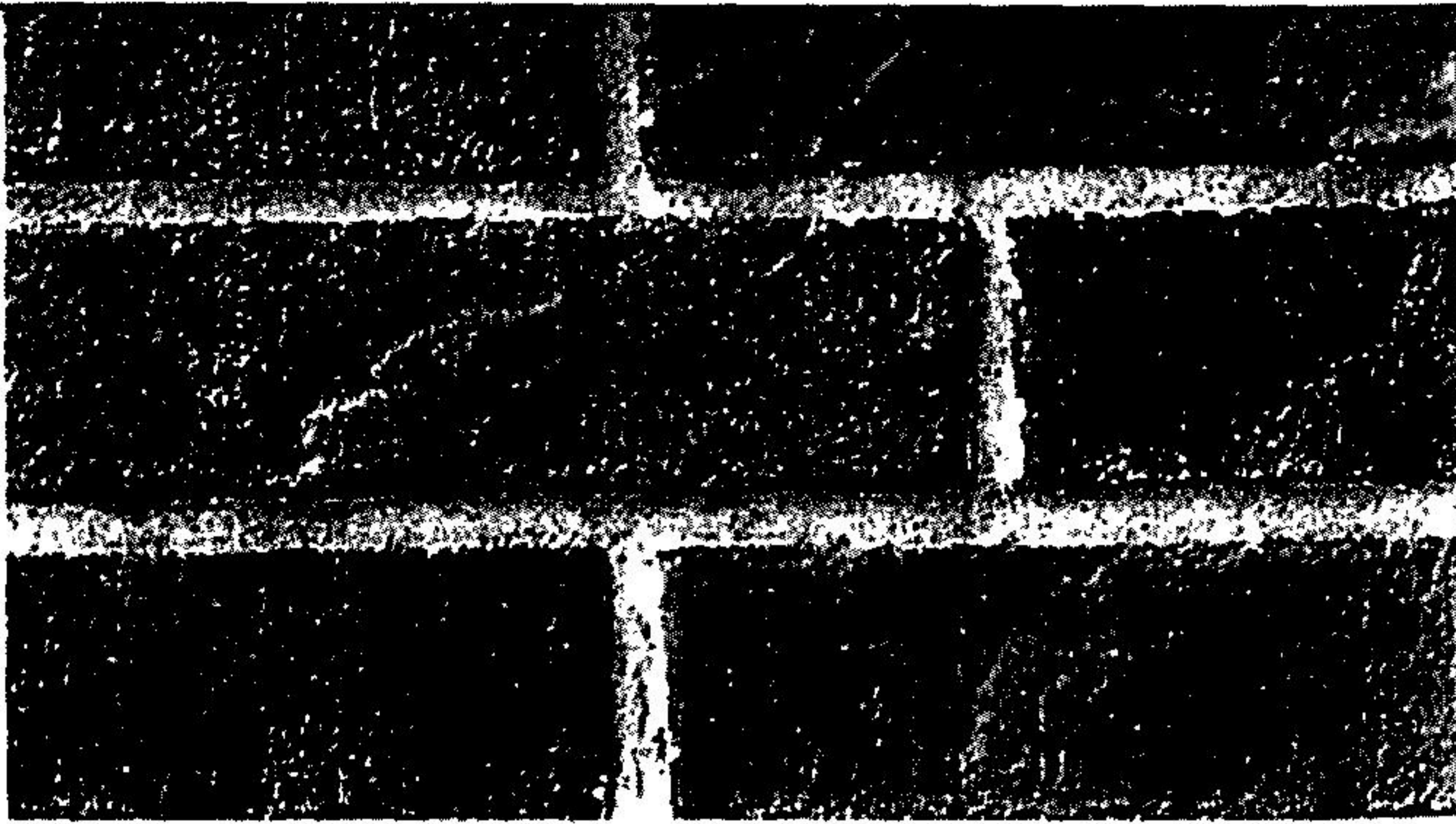
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palette  
standards



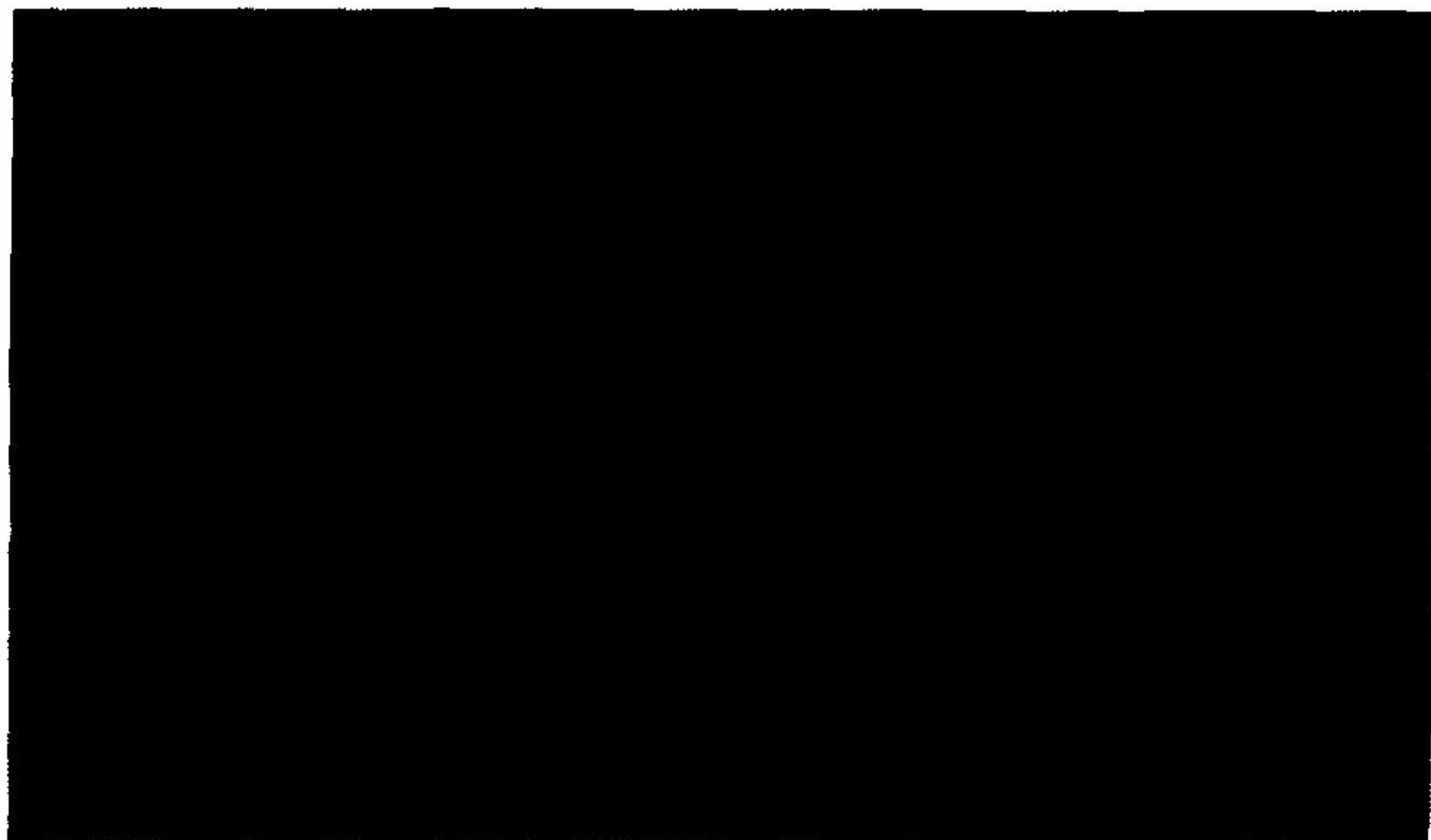
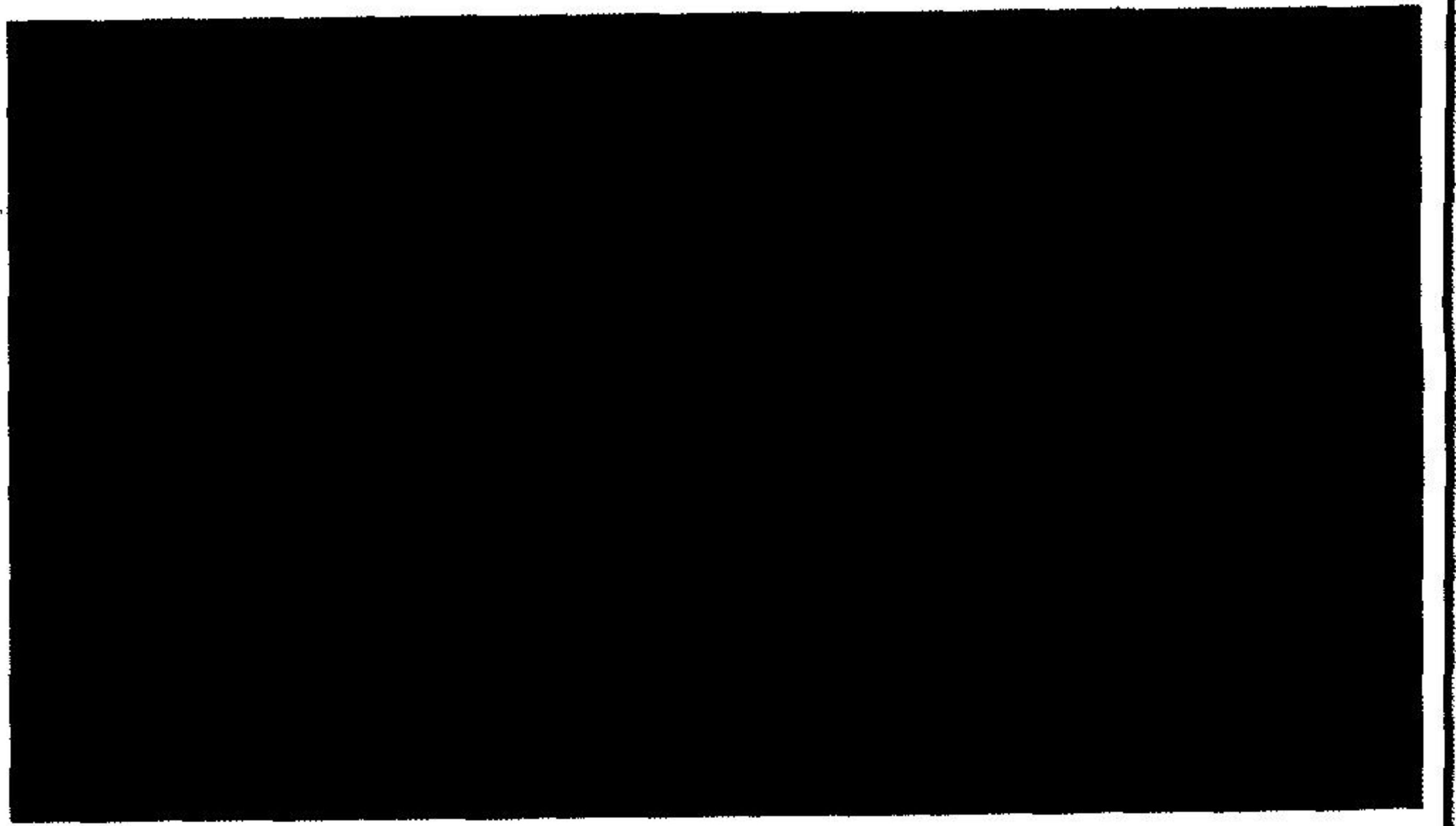
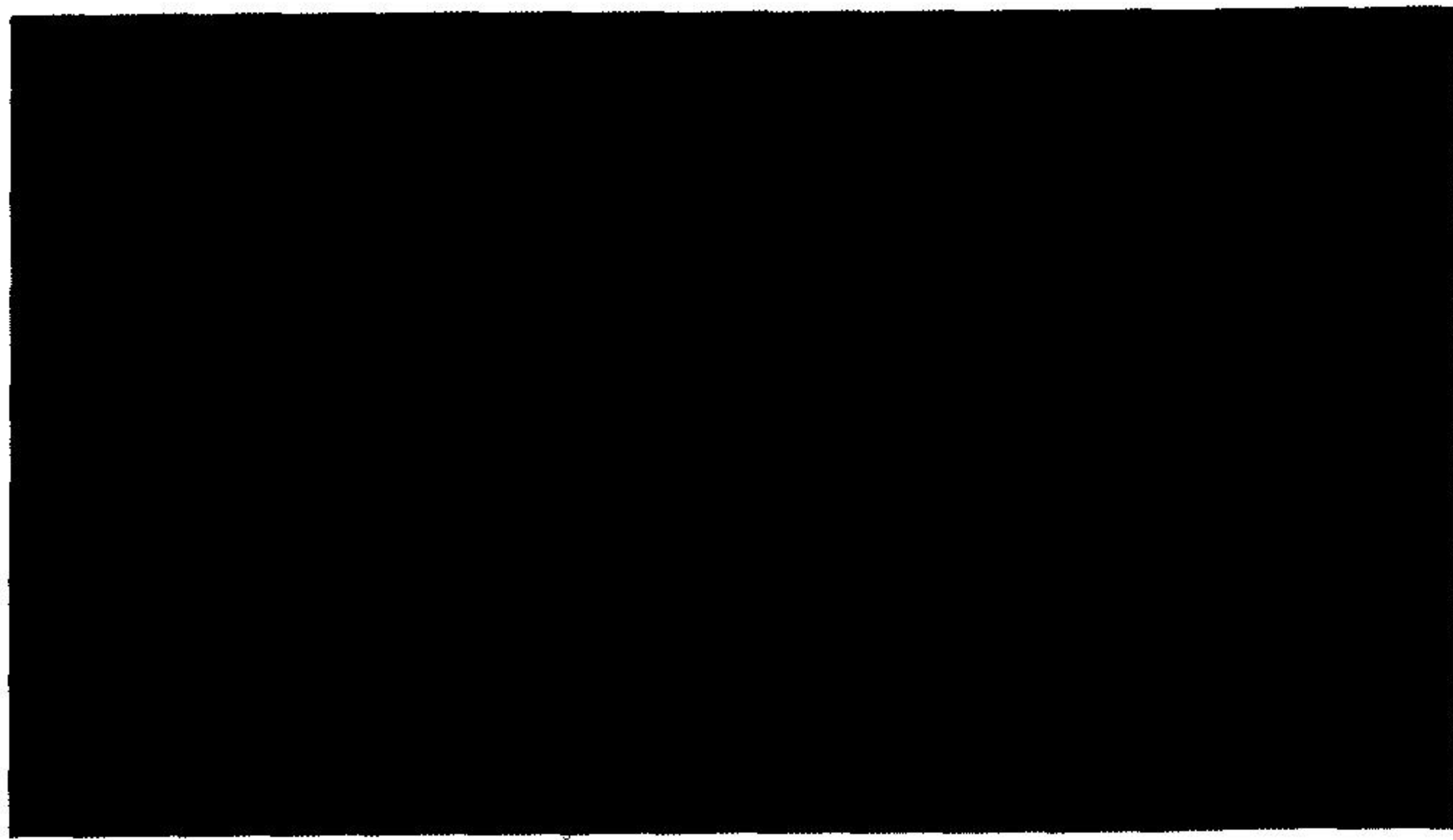
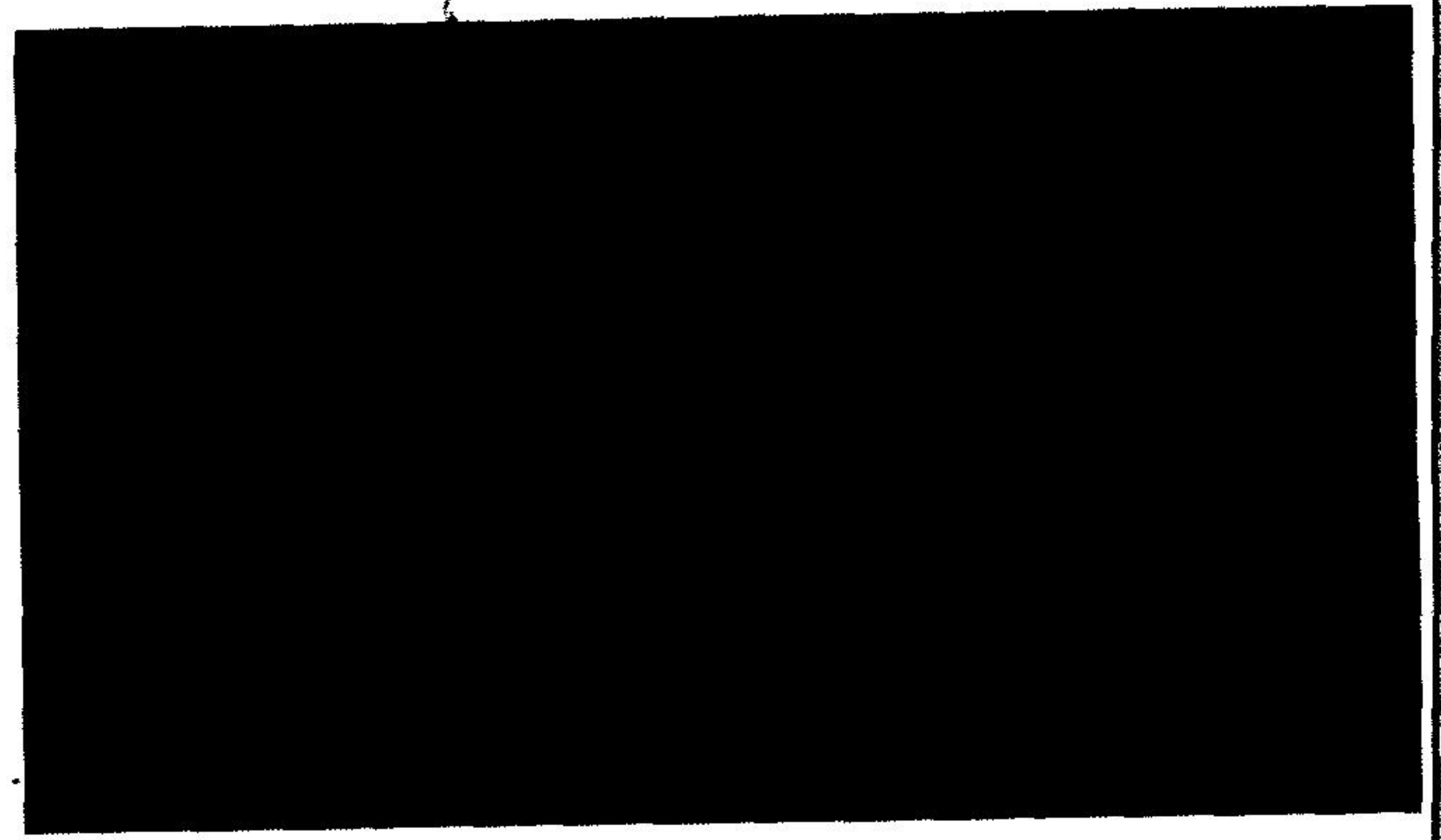
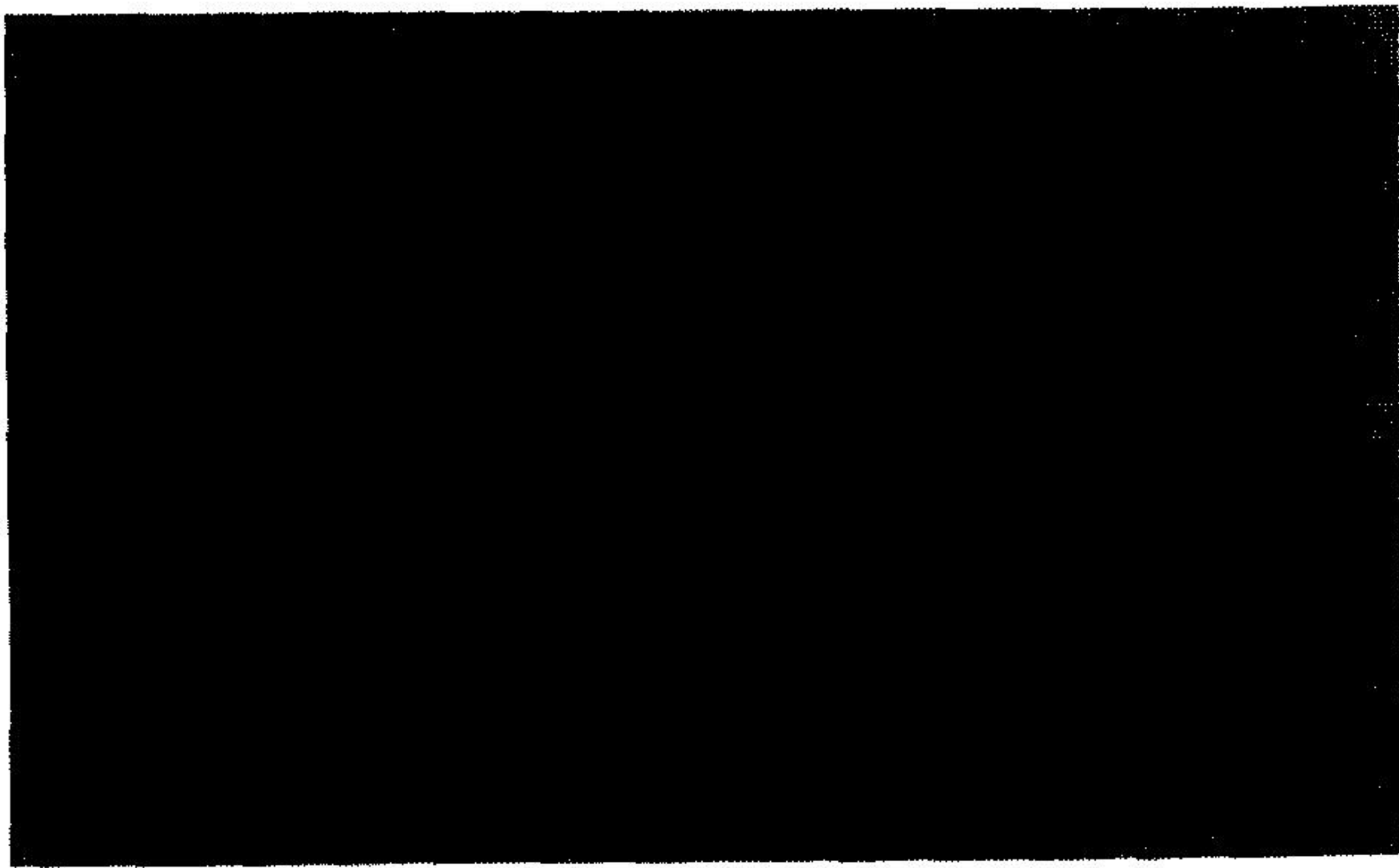
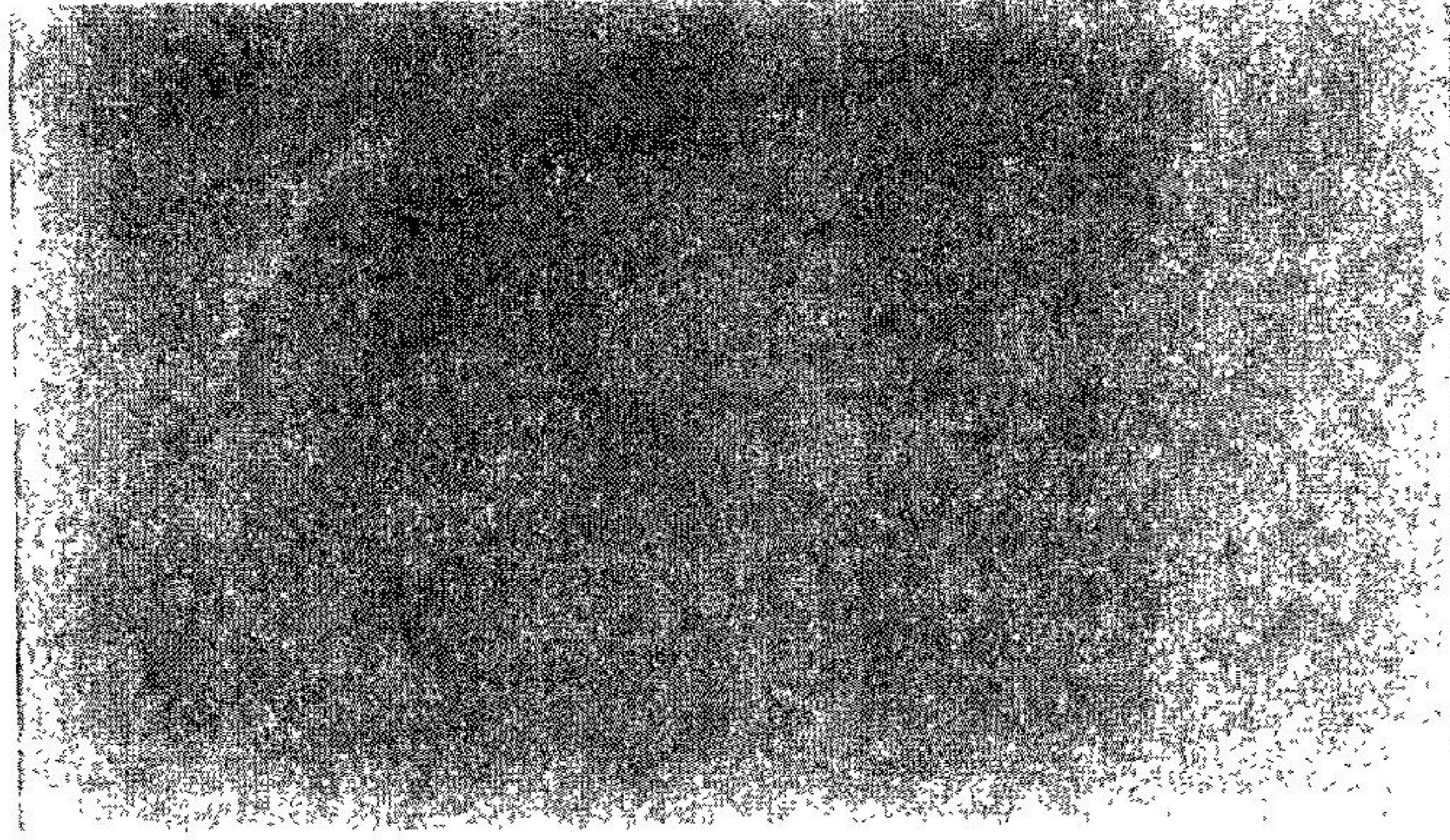
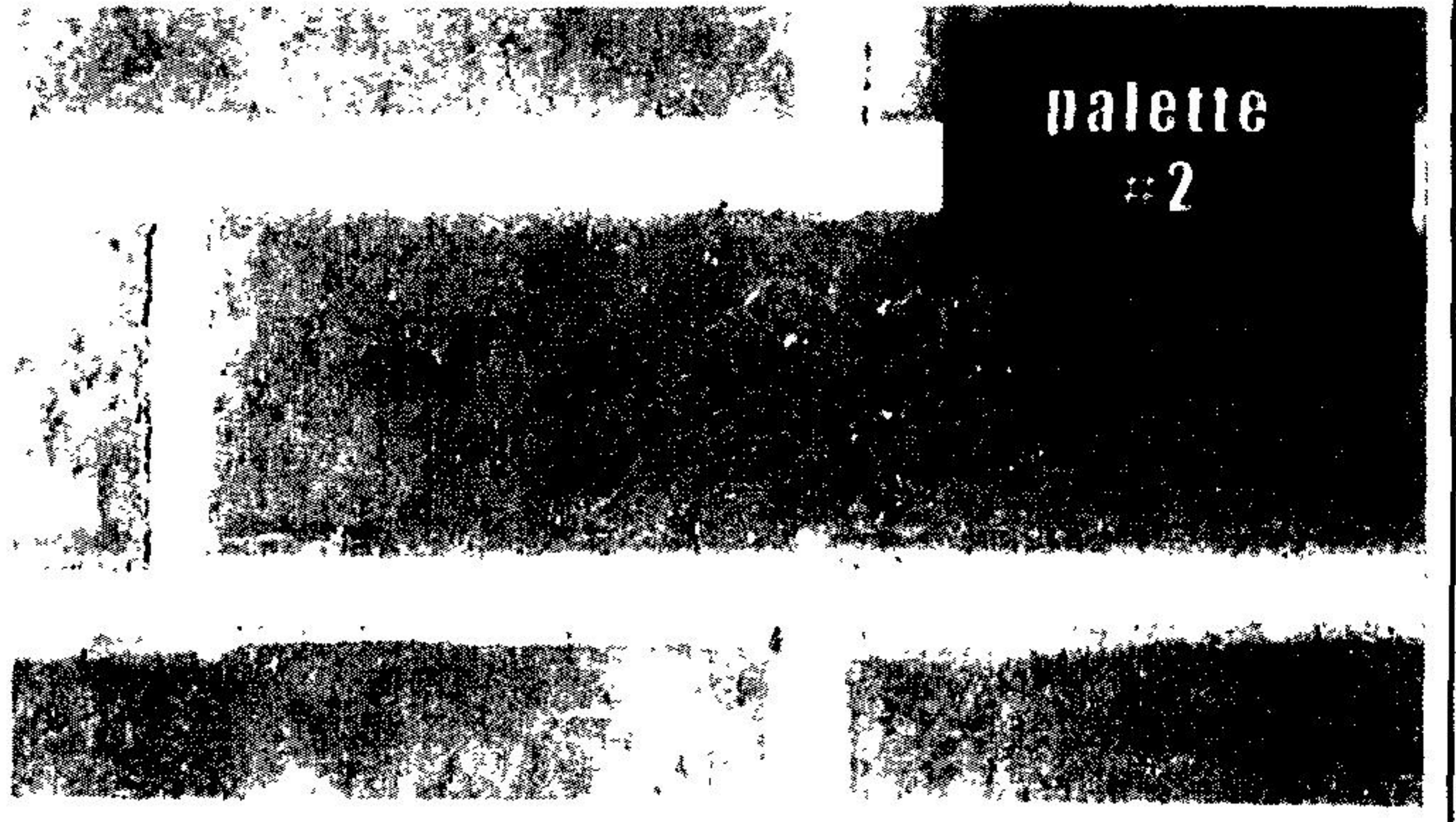
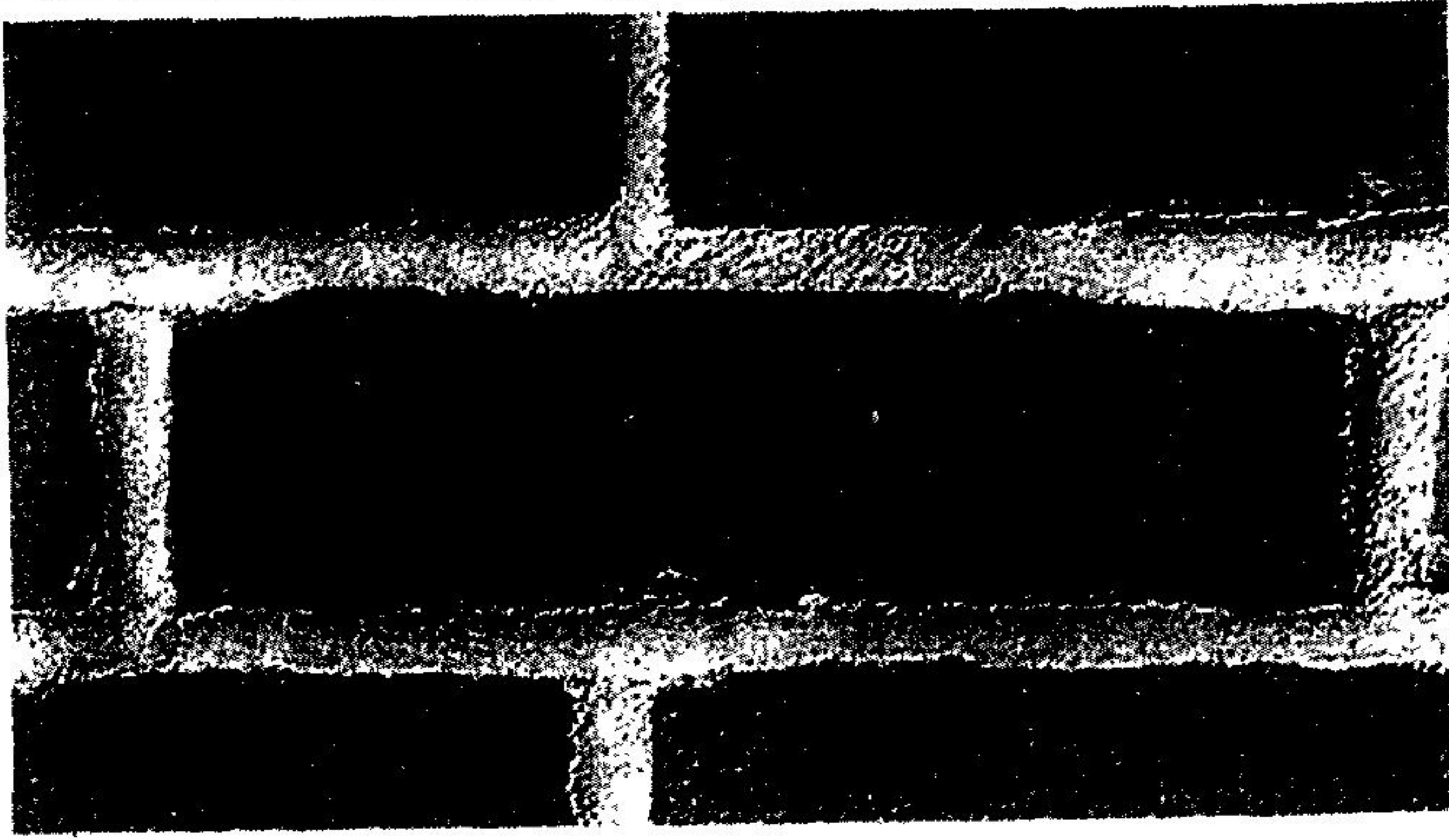
AVERTIC 78009



High Tea SW

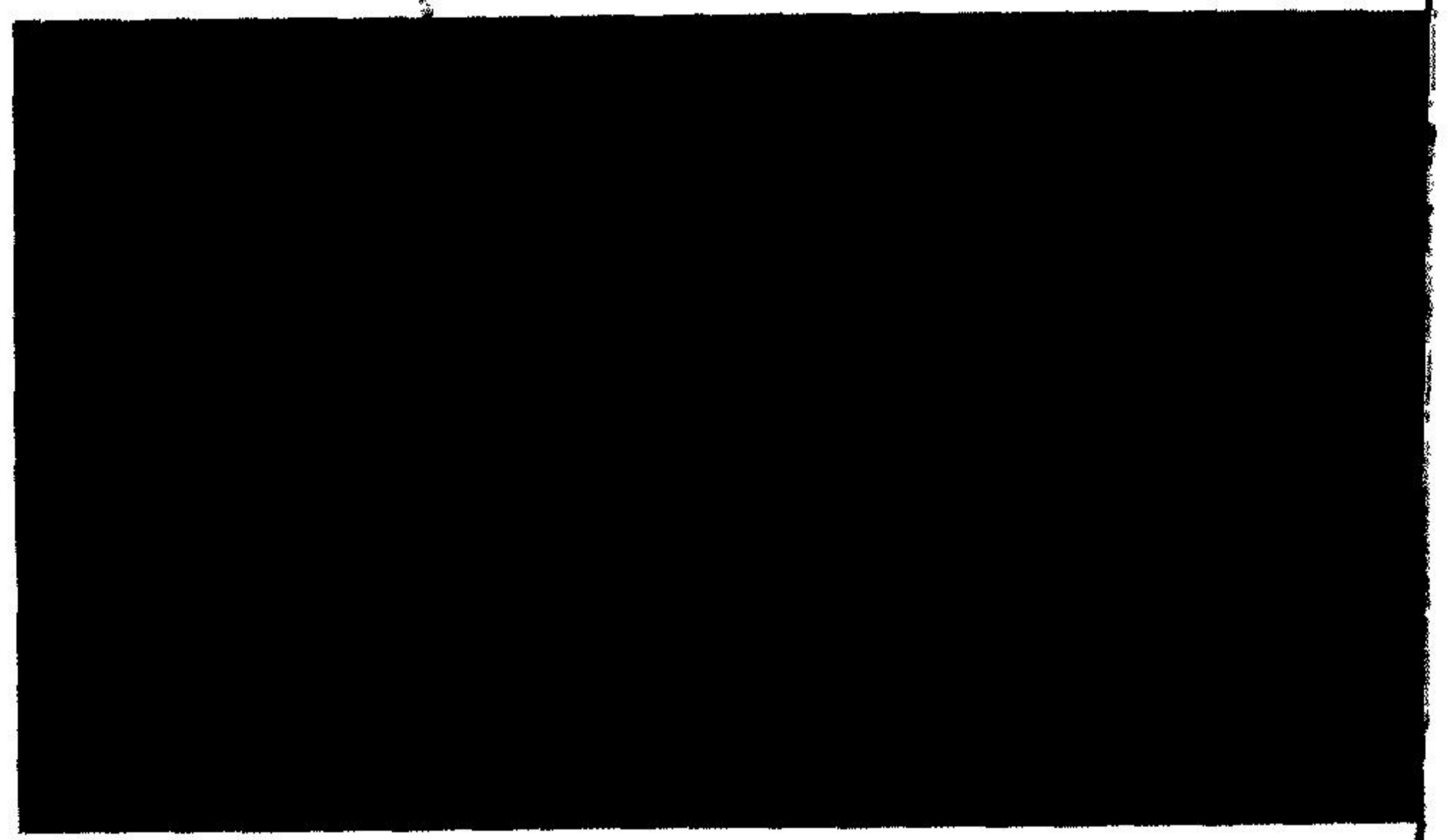
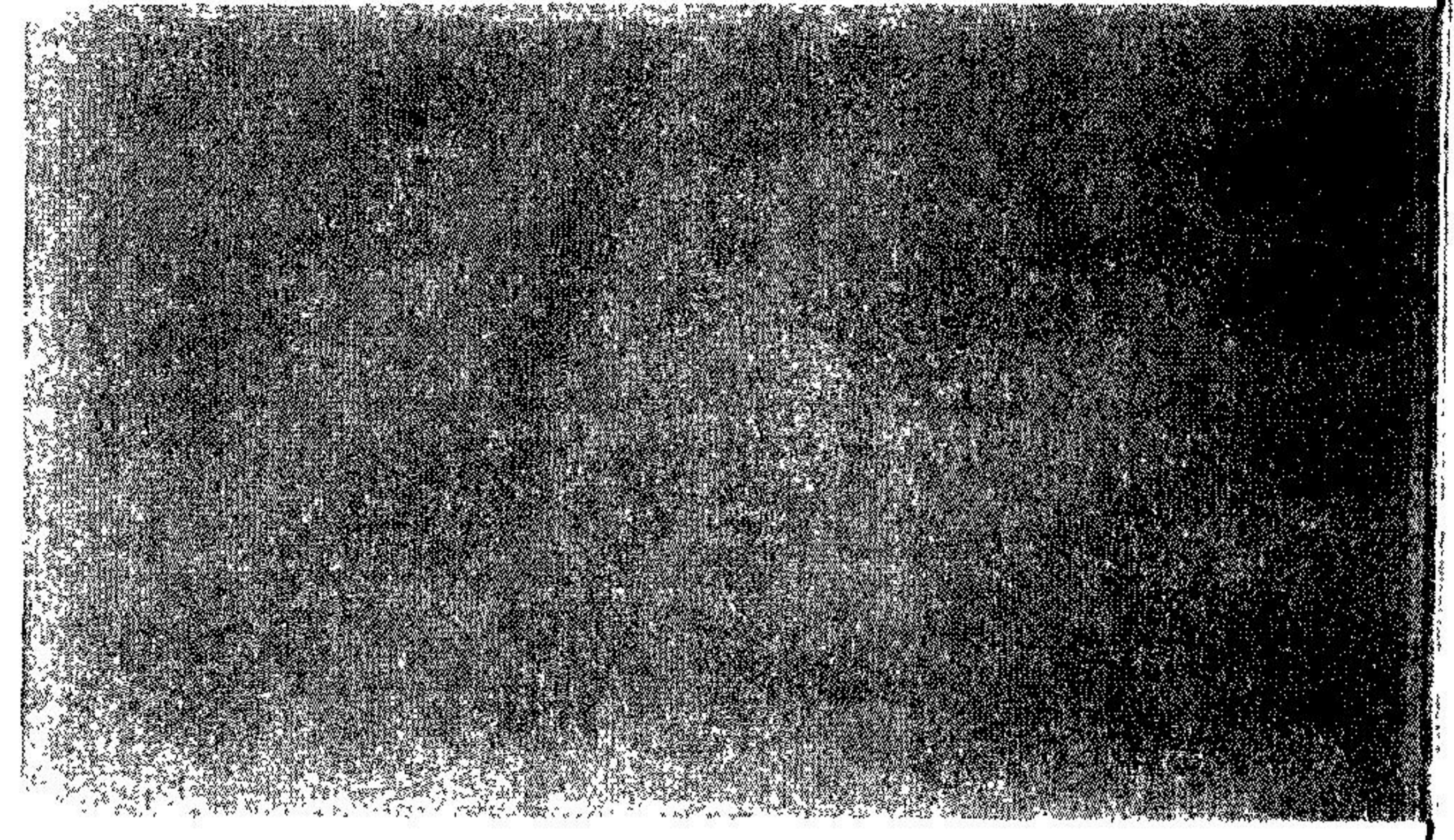
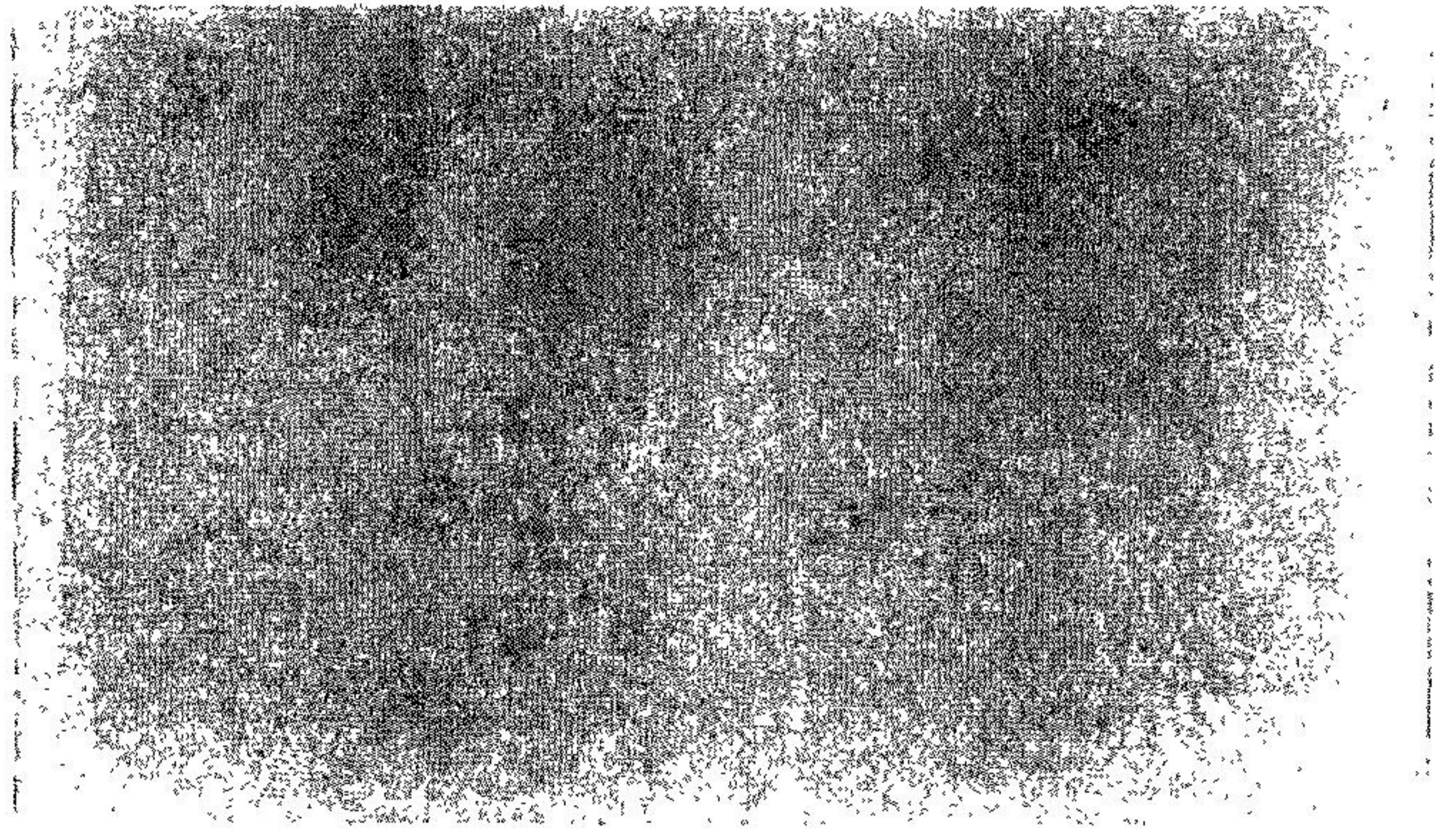
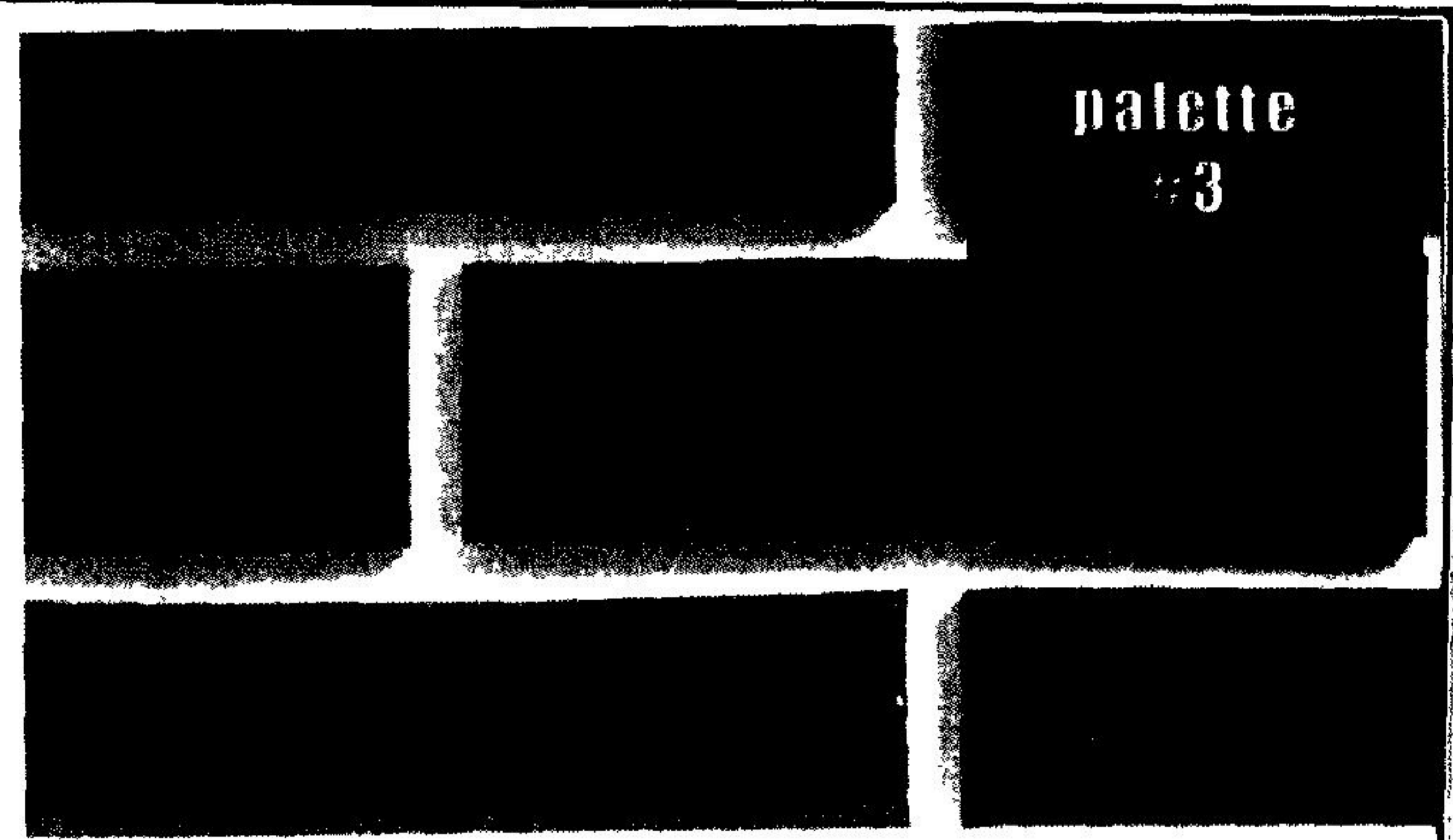
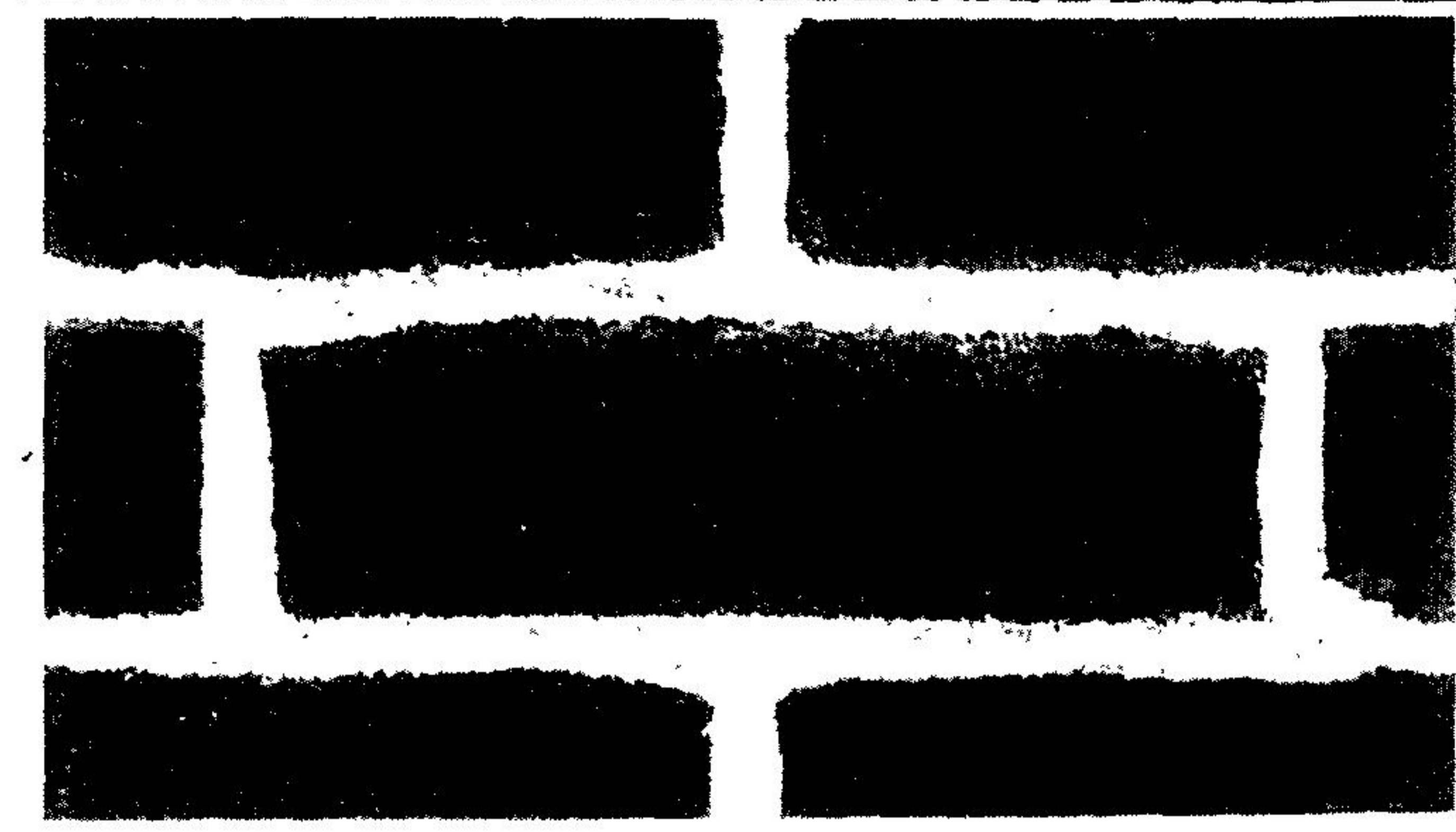


 AVERY® 76006



AVERTIS 78008

palette  
#3



AVERYO 78099

