

AFTER RECORDING RETURN TO:

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**ELECTRONICALLY RECORDED 201500158320
06/17/2015 04:01:47 PM AM 1/9**

**FIRST AMENDMENT TO THE DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR HILLTOP ESTATES**

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

INTRODUCTORY PROVISIONS

WHEREAS, the Declaration of Covenants, Conditions and Restrictions for Hilltop Estates was filed on July 1, 1992, as Instrument No. 199201288081 in the Official Public Records of Dallas County, Texas (the "Declaration"); and

WHEREAS, the Declaration affects certain tracts or parcels of real property in the City of Balch Springs, Dallas County, Texas, more particularly described on Exhibit A attached hereto and incorporated herein by reference for all purposes (collectively, the "Addition"); and

WHEREAS, under Article VII, Section 2 of the Declaration, the covenants and restrictions contained in the 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, Texas Property Code Section 209.0041(b) expressly states that a declaration may be amended only by a vote of sixty-seven percent (67%); and

WHEREAS, on November 20, 2014, at a meeting of Members of Hilltop Homeowners' Association, Inc. ("Association"), the following amendment to the Declaration was proposed and approved with the affirmative vote of Owners holding at least sixty-seven percent (67%) of the votes; and

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

(a) Article 5, Section 1(b) of the Declaration is hereby amended to add subsection (8) and read, in its entirety, as follows:

Section 1. USES, RESTRICTIONS AND EASEMENTS.

(b) **PROHIBITED USES.**

8. *No boats, boat trailers, mobile homes, motor homes, camp mobiles, campers, motorized vehicles (other than passenger cars or automobiles) or trailers shall be parked, stored or placed on any street in the subdivision. The aforementioned vehicles may be stored behind a fence provided that they cannot be viewed from the street or the ground level or may be stored in the enclosed garage.*

(b) Article III, Section 3 of the Declaration is hereby amended to read, in its entirety, as follows:

Section 3. ANNUAL ASSESSMENT. *The Association, acting through its Board of Directors shall determine the amount of the annual assessment. The maximum annual assessment shall be \$180 per Lot. The annual assessment shall be collected on a monthly basis and shall be due and payable on the first day of each month. The maximum annual assessment may be increased provided that such increase shall have the assent of 75% of the total eligible votes of the Association.*

(c) Article 5 of the Declaration is hereby amended to add Section 3 and read, in its entirety, as follows:

Section 3. LEASING. Owners who are delinquent in the payment of assessments or any other amount owed to the Association are prohibited from leasing or renting the dwelling until such time the Owner's account is current. Each Owner shall cause all occupants of his or her lot to comply with the Declaration, Bylaws and the Rules and Regulations of the Association. In the event the Association proceeds to evict the lessee, any costs, including attorney's fees and court costs associated with the eviction, shall be assessed as an assessment against the lot and the Owner, such being deemed an expense which benefits the leased lot and the Owner thereof.

With respect to dwellings which are subject to a valid written lease as of the effective date hereof, the above restriction(s) do not apply. Notwithstanding this exemption for dwellings already subject to a valid written lease on the effective date hereof, upon termination of that lease, the Owner must comply with the above rules.

(d) Article VI of the Declaration is hereby amended to add Section 2 and to read, in its entirety, as follows:

Section 2. FAILURE TO MAINTAIN. Each Owner shall maintain the exterior appearance of the dwelling and structures on such Owner's Lot, shall keep all landscaping on such Owner's Lot in a neat, orderly and well-maintained condition and shall keep the sidewalk on such Owner's Lot in good condition and repair. If, at any time, and from time to time, an Owner shall fail to maintain the dwelling, Lot or structures thereon, the Association shall have the authority and right to levy violation fines in the amount of \$25.00 per month that the violation remains uncured.

The terms and provisions of the Declaration, except as modified herein, are hereby declared to be in full force and effect with respect to the Addition. The Addition shall continue to be held, occupied, sold and conveyed subject to the terms and conditions of the Declaration, and this First Amendment to the Declaration, which shall run with title to the Addition and are binding on all parties having any right, title or interest in and to the Addition 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 Board of Directors of Hilltop Homeowners' Association, Inc. has caused this First Amendment to the Declaration to be filed with the office of the Dallas County Clerk and is made to be effective as of the 1st day of January, 2015.

**HILLTOP
HOMEOWNERS' ASSOCIATION, INC.**

By: *[Signature]*
Luis Garcia, Director

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Luis Garcia, the duly-elected President of Hilltop Homeowners' Association, Inc., a Texas nonprofit corporation, known to me to be the person whose name is subscribed on the foregoing instrument and acknowledged to me that he/she executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND AFFIRMED SEAL OF OFFICE on this the 10th day of June, 2015.

[Signature]
Notary Public, State of Texas

**FIRST AMENDMENT TO THE DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR HILLTOP ESTATES**

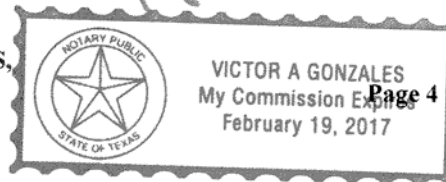


EXHIBIT A

Being Lots 1 thru 28, Block A; Lots 1 thru 9, Block B; Lots 1 thru 25, Block C; Lots 1 thru 42, Block D; Lots 1 thru 16, Block E; Lots 1 thru 22, Block F; Lots 1 thru 10, Block G; Lots 1 thru 18, Block H; Lots 1 thru 19, Block I; Lots 1 thru 8, Block J and Lots 1 thru 17, Block K of Hilltop Estates, an Addition to the City of Balch Springs, Dallas County, Texas, according to the plat thereof recorded in Volume 87134, Page 3269, Map Records, Dallas County, Texas; and Plat Correction filed 05/26/92, recorded in Volume 92103, Page 3080, Deed Records, Dallas County, Texas; SAVE & EXCEPT from Lot 17, Block K and Lot 19, Block I the following two tracts:

Save & Except from Lot 17, Block K

(Parcel 8.2-DE)

Being a tract of land situated in the W. H. Bennett Survey, Abstract No. 93, Dallas County, Texas, and being portions of Hilltop Estates, an Addition to the City of Balch Springs as recorded in Volume 87134, Page 3269, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the south line of Bruton Road (100 ft. ROW) and the west line of Hilltop Drive (50 ft. ROW), a point for corner;

THENCE South 18 degrees 55 minutes 09 seconds East along the said west line of Hilltop Drive, 8.00 feet to a point for corner;

THENCE South 72 degrees 55 minutes 36 seconds West, departing the said west line of Hilltop Drive, 15.01 feet to a point for corner;

THENCE North 18 degrees 55 minutes 44 seconds West, 7.51 feet to a point on the said south line of Bruton Road;

THENCE North 71 degrees 04 minutes 16 seconds East along the said south line of Bruton Road, 15.00 feet to the PLACE OF BEGINNING and containing 116 square feet or 0.0027 acres of land, more or less.

Save & Except from Lot 19, Block I

(Parcel 9-DE)

BEING a parcel of land situated in the W. H. Bennett Survey, Abstract No. 93, Dallas County, Texas, and being a portion of Lot 19 of Block I of Hilltop Estates, an addition to the City of Balch Springs as recorded in Volume 87134, Page 3269, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the northeasterly corner of said Lot 19, Block I of Hilltop Estates being also on the south line of Bruton Road (100 Ft. ROW);

THENCE South 2 degrees 13 minutes 57 seconds West, along the east line of said Lot

19, Block I, 37.53 feet to a point for corner;

THENCE South 71 degrees 04 minutes 16 seconds West, 18.45 feet to a point for corner;

THENCE North 18 degrees 55 minutes 44 seconds West, 35.00 feet to a point on the said south line of Bruton Road;

THENCE North 71 degrees 04 minutes 16 seconds East, along the said south line of Bruton Road, 32.00 feet to the PLACE OF BEGINNING and containing 884 square feet or 0.0203 acres of land, more or less.

PRIVATE PARK TRACT

BEING a 9.22 acre tract of land situated in the William H. Bennett Survey, Abstract No. 93, City of Balch Springs, Dallas County, Texas, and a part of a 59.22 acre addition to the City of Balch Springs known as "Hilltop Estates" as recorded in Volume 87134, Page 3269, of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point on the south right-of-way of Bruton Road (100 Foot R.O.W.) said point being the northwest corner of said "Hilltop Estates" and the northeast corner of a tract of land deeded to 635/Bruton Road Joint Venture in Volume 84205, Page 3611, of the Deed Records of Dallas County, Texas, said point also being the beginning of a curve to the left;

THENCE along said Bruton Road south right-of-way, curving to the left, having a central angle of 36 degrees 35 minutes 57 seconds, a radius of 1005.37 feet, a tangent length of 332.49 feet, for an arc distance of 642.21 feet to a point for corner,

THENCE South 18 degrees 32 minutes 00 seconds East, departing said Bruton Road, a distance of 169.72 feet to a point for corner,

THENCE South 20 degrees 22 minutes 38 seconds East, a distance of 118.00 feet to a point for corner,

THENCE South 60 degrees 14 minutes 31 seconds West, a distance of 463.79 feet to a point for corner,

THENCE South 76 degrees 24 minutes 19 seconds West, a distance of 365.07 feet to a point for corner,

THENCE South 77 degrees 11 minutes 28 seconds West, a distance of 278.41 feet to a point for corner,

THENCE North 40 degrees 25 minutes 14 seconds West, a distance of 110.00 feet to a point for corner and the beginning of a curve to the left;

THENCE along said curve to the left, having a central angle of 35 degrees 48 minutes 36 seconds, a radius of 60.00 feet, a tangent length of 19.39 feet, for an arc distance of 37.50 feet to a point for corner,

THENCE South 76 degrees 13 minutes 49 seconds East, for a distance of 64.79 feet to a point for corner;

THENCE North 15 degrees 03 minutes 37 seconds East, for a distance of 104.35 feet to a point for corner;

THENCE North 05 degrees 43 minutes 60 seconds East, for a distance of 56.55 feet to a point for corner;

THENCE North 67 degrees 53 minutes 04 seconds East, for a distance of 285.60 feet to a point for corner;

THENCE North 00 degrees 00 minutes 00 seconds East, for a distance of 370.00 feet to the POINT OF BEGINNING;

CONTAINING, 9.2202 acres (401,632.06 square feet) of land.

SAVE AND EXCEPT THE FOLLOWING TRACT FROM TRACT II: Save & Excepted from Park tract (Parcel 8.1-DE)

BEING a tract of land situated in the W. H. Bennett Survey, Abstract No. 93, Dallas County, Texas, and being portions of Hilltop Estates, an addition to the City of Balch Springs as recorded in Volume 87134, Page 3269, Deed Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the northwest corner of said Hilltop Estates, a point on the south line of Bruton Road (100 ft. ROW) and the beginning of a curve to the left having a central angle of 33 degrees 49 minutes 17 seconds a radius of 1005.37 feet and a chord bearing South 81 degrees 09 minutes 23 seconds East;

THENCE along said curve and the said south line of Bruton Road an arc distance of 593.46 feet to the PLACE OF BEGINNING;

THENCE continuing along the said south line of Bruton Road and a curve to the left having a central angle of 0 degrees 23 minutes 56 seconds, a radius of 1005.37 feet and a chord being North 81 degrees 44 minutes 01 seconds East, an arc distance of 7.00 feet to a point for corner;

THENCE South 8 degrees 27 minutes 57 seconds East, departing the said south line of Bruton Road, 5.00 feet to a point for corner and the beginning of a curve to the right having a central angle of 0 degrees 23 minutes 56 seconds, a radius of 1010.37 feet and a chord bearing South 81 degrees 44 minutes 01 seconds West;

THENCE along said curve an arc distance of 7.03 feet to a point for corner;

THENCE North 8 degrees 04 minutes 01 second West, 5.00 feet to the PLACE OF BEGINNING and containing 35 square feet or 0.0008 acres of land, more or less.

FLOODWAY EASEMENT TRACT

BEING a 3.47 acre tract of land situated in the William H. Bennett Survey, Abstract No. 93, in the City of Balch Springs, Dallas County, Texas, and a part of a 59.22 acre addition to the City of Balch Springs known as "Hilltop Estates" as recorded in Volume 87134, Page 3269 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the intersection of the south right-of-way line of Bruton Road (100 Foot R.O.W.) with the east right-of-way line of Hilltop Drive (50 Foot R.O.W.), as dedicated in Volume 87134, Page 3269 of the Deed Records of Dallas County, Texas:

THENCE North 71 degrees 28 minutes 00 seconds East, along said Bruton Road south right-of-way, a distance of 182.94 feet to the POINT OF BEGINNING;

THENCE North 71 degrees 28 minutes 00 seconds East, continuing along said Bruton Road, a distance of 115.00 feet to a point for corner at the northwest corner of Hodges Park, a City of Mesquite Public Park;

THENCE South 61 degrees 53 minutes 00 seconds East, departing Bruton Road and along a common line with said Hodges Park, a distance of 299.00 feet to a point for corner;

THENCE South 42 degrees 38 minutes 00 seconds East, a distance of 136.29 feet to a point for corner;

THENCE South 49 degrees 50 minutes 25 seconds West, departing said common line of park, a distance of 510.00 feet to a point for corner;

THENCE North 12 degrees 42 minutes 50 seconds West, a distance of 376.74 feet to a point for corner;

THENCE North 02 degrees 37 minutes 41 seconds East, a distance of 166.21 feet to the POINT OF BEGINNING;

CONTAINING 3.4669 acres (151,016.07 square feet) of land.

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
06/17/2015 04:01:47 PM
\$58.00
201500158320

