

SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE LOTS IN VALLEY OAKS

The homeowners of the Valley Oaks Subdivision, County of Denton, State of Texas, have agreed on December 1, 2022 in the majority to amend the covenants executed by Intervest-holdings Limited and filed in the County of Denton on December 18, 1995. These covenants are filed as Document number 95-R0078149. Amendments are being filed in the following manner.

ARTICLE I. GENERAL

SECTION 1.1 DEFINITION

Add the below definitions and continue lettering appropriately:

g. "Majority" shall mean and refer to the simple arithmetic majority computed as 50% of all members of the Association at the time the vote is taken.

j. "Violation" shall mean and refer to acts whereby Owner fails to adhere to the restrictions, as well as failure to remedy the violation following receipt of proper notice.

**ARTICLE II. FORMATION, MEMBERSHIP, AND VOTING RIGHTS
IN THE ASSOCIATION**

Change the article name to Formation, Membership, Voting Rights, and Amending in the Association.

Add the following Sections, and renumber the sections accordingly:

SECTION 2.2 OF THE COVENANT

Pursuant to Texas Property Code § 201.004, a request to renew the Covenant must be filed with the County Clerk. A Covenant may be renewed for no more than ten (10) years with additional automatic extensions for not more than ten (10) years each.

SECTION 2.5 AMENDING IN THE ASSOCIATION

From and after its formation, the Covenant and Petition may be amended by the Association to extend or modify current restrictions and to add in additional restrictions upon a vote and collection of signatures from the Owners as follows:

1. When creating restrictions and extending current restrictions, a required vote of 50% of the members is needed;
2. To modify current restrictions, a vote of 75% of members is required.

In calculating the percentage required for each vote, Owners will be determined and counted based on separately owned parcels.

SECTION 2.6 PETITION COMMITTEES

In order to renew or modify the covenant and restrictions, a petition committee must be formed under Texas Property Code § 201.005. A petition committee must contain at least three (3) Owners. In order to modify the restrictions or renew the covenant, the following actions must be taken:

1. The Committee must file a notice of formation with the County Clerk. This notice must contain;
 - a. a statement that a petition committee has been formed for the extension of, creation of, addition to, or modification of one or more restrictions;
 - b. the name and residential address of each member off the committee;
 - c. the name of the subdivision to which the restrictions apply and a reference to the real property records or map or plat records where the instrument or instruments that contain the restrictions sought to be extended, added to, or modified are recorded;
 - d. a general statement of the matters to be included in the petition;
 - e. if the creation of a restriction for a subdivision is proposed, a copy of the proposed petition creating the restriction; and
 - f. if the amendment or modification of a restriction is proposed, a copy of the proposed instrument creating the amendment or modification, containing the original restriction that is affected and indicating by appropriate deletion and insertion the change to the restriction that is proposed to be amended or modified.

2. Each Committee member must sign and acknowledge the petition before a notary. The County Clerk will then enter the notice and record it in the real property records of the county.

ARTICLE III. ASSESSMENTS

SECTION 3.5 VOTE REQUIRED FOR INCREASE IN RATE OF ANNUAL ASSESSMENT

Required a vote by a majority of the total votes in order to increase the annual assessment. This amendment adds in the clarification that the meeting held is an “open meeting.” Additionally, this meeting adds in the phrase, “Notice will occur in the manner prescribed under Texas Property Code § 209.0051(e).

**ARTICLE IV. PROTECTIVE COVENANTS RESTRICTIONS ON CONSTRUCTION
OR IMPROVEMENTS AND USE OF THE PROPERTY**

SECTION 5.6 USES SPECIFICALLY PROHIBITED

This amendment strikes subsection “u.” No carport shall be permitted on a Lot.

Ed. Note: Subject to Section 4.2, Carports that comply with the Architectural Control Committee’s approved plans and specifications shall be permitted on Lots.

Add the following section:

SECTION 5.11: LOT RENTAL REQUIREMENTS

Owners are permitted to lease and rent their Lot subject to the following qualifications

1. Owner must own their Lot for a minimum of two (2) years prior to leasing the home.
2. All leases and rentals must be for terms of at least one (1) year.
3. Renting the Lot for short term rental agreements and for a business/commercial purpose, such as an Airbnb and/or similar companies is prohibited.
- 4.. Owner must provide to the Association contact information, including;
 - a. the name, mailing address, phone number, and e-mail address of each person who will reside at a property in the subdivision under a lease, and
 - b. the commencement date and term of the lease.

ARTICLE V. MISCELLANEOUS PROVISIONS

Add the following Sections, and renumber the sections accordingly:

SECTION 8.2 NOTICES

Before the Board may suspend an Owner’s right to vote, file a suit against an owner other than a suit to collect a regular or special assessment or foreclose under the Association’s lien, charge an Owner for property damage, levy a fine for a violation of the restrictions or bylaws or rules of the Association, or report any delinquency of an Owner to a credit reporting service, the Association shall give written Notice to the Owner by certified mail.

The Notice shall:

- (1) Describe the violation or property damage that is the basis for the suspension action charge, or fine and state the amount due the Association from the Owner;
- (2) Inform the Owner that Owner:
 - (a) is entitle to a reasonable period to cure the violation and avoid the fine or suspension if the violation is of a curable nature and does not pose a threat to public health or safety;

(b) may request a hearing under Section 209.007 on or before the 30th day after the date the Notice was mailed to the Owner; and
(c) may have special rights or relief related to the enforcement under federal law, including the Servicemembers Civil Relief Act, if the Owner is serving on active military duty;

- (3) Specify the date by which the Owner must cure the violation if the violation; and
- (4) Be sent verified mail to the Owner at the Owner's last known address as shown on the Association's records. The Notice will describe the violation that is the basis for the fine, state the amount due to the association, specify the date which the violation must be cured, and be delivered via verified mail to the Owner's last known address.

SECTION 8.3 ENFORCEMENT

This section details the enforcement actions which will be taken upon an Owner failing to cure their violation and the available remedies enforceable by the Board on behalf of the Association. This amendment adds the following:

In addition, the violation of any of the Restrictions by an Owner or the Owner's family, guests, tenants, lessees, or licensees will authorize the Board, acting on behalf of the Association, to avail itself of any one or more of the following remedies in addition to any other available remedies:

1. The imposition of a special charge not to exceed Twenty-Five Dollars (\$25.00) per violation to be assessed after 10 (ten) days from the Notice date if the violation has not been cured; if a hearing subsequently requested in accordance with this Section holds in favor of the Owner, the fee shall be discharged or otherwise reimbursed;
2. The suspension of the Owner's voting rights so long as a violation exists;
3. The right to cure or abate the violation and to charge any related expenses to the Owner;
4. The right to seek injunctive relief and any other relief provided or allowed by law against the violation and to recover from the Owner all of the Association's related expenses and costs, including but not limited to attorney fees and court costs. Before the Board may invoke the remedies provided above, it must give notice of the alleged violation to the Owner in the manner specified in Section 8.2 and must give the Owner a opportunity to request a hearing (30 days from receipt of Notice). If, after the hearing, or if no hearing is requested, after the deadline for requesting a hearing has passed, the Board determines that a violation exists, the Board's right to proceed with the listed remedies will become absolute. After the opportunity to request a hearing has passed, each day a violation continues will be deemed a separate violation. All unpaid special charges imposed under this Section for violation of the Restrictions will be the personal obligation of the Owner of the Lot for which the special charge was imposed and will become a lien against the Lot and all Improvements on it. The liens will be prior to any declaration of homestead

and the Association may enforce payment of the special charges in the same manner as provided in Article 3. Despite any provision in this Section to the contrary, the Board will not be required to afford an Owner a hearing before the filing of a lawsuit to collect past-due Assessments.

Executed this 28 day of February 2023

DECLARANT: Valley Oaks Homeowners Association A Texas Limited Liability Company

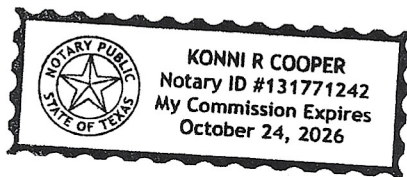
Denise Helbing, Secretary
Valley Oaks Homeowners Association
A Texas Limited Liability Company Board of Directors

Valley Oaks Homeowners Association

STATE OF TEXAS §

Denton COUNTY §

Subscribed and sworn to before me this 28th day of February, 2023



Konni Cooper

Notary Public
State of Texas



VG-191-2023-21301

Denton County
Juli Luke
County Clerk

Instrument Number: 21301

Real Property Recordings

DECLARATION

Recorded On: March 06, 2023 12:19 PM

Number of Pages: 6

" Examined and Charged as Follows: "

Total Recording: \$46.00

***** 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: 21301
Receipt Number: 20230306000408
Recorded Date/Time: March 06, 2023 12:19 PM
User: Torey P
Station: Station 22

Record and Return To:

VALLEY OAKS HOMEOWNERS ASSOCIATION
PO BOX 293401
LEWISVILLE TX 75029-3401



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.

Juli Luke
County Clerk
Denton County, TX