



SUPPLEMENTARY DECLARATION NO. 136

LAS COLINAS AREA CXXXVI

DALLAS COUNTY, TEXAS

This Supplementary Declaration, made this 14th day of July, 2006, by Charles L. Schmidt, Executor of the Will & Estate of Erika Weber, hereinafter called Owner.

WITNESSETH:

WHEREAS, Las Colinas Corporation ("LCC") as Declarant executed a Declaration (the Declaration) on the 22nd day of August, 1973, applicable to certain real property described in Exhibit "A" thereto and located in or adjacent to the City of Irving, County of Dallas, State of Texas; and

WHEREAS, the Declaration was filed of record in Volume 73166, Page 1001 of the Deed Records of Dallas County, Texas, on August 22, 1973, and corrected by Correction to Declaration dated August 8, 1977, and recorded in Volume 77154, Page 1096 of the Deed Records of Dallas County, Texas, and corrected by Second Correction to Declaration dated June 19, 1979, and recorded in Volume 79122, Page 0749 of the Deed Records of Dallas County, Texas, and corrected by Third Correction to Declaration dated March 1, 1982 and recorded in Volume 82071, Page 3244 of the Deed Records of Dallas County, Texas; and

WHEREAS, LCC assigned all of its rights as "Declarant" under the Declaration to the Las Colinas Land Limited Partnership ("LCLLP") under a Corrected Assignment and Transfer of Rights of Declarant under Declaration dated as of June 29, 1989, recorded in Volume 92041, Page 0446, of the Deed Records of Dallas County, Texas; and

WHEREAS, LCLLP assigned all of its rights as "Declarant" under the Declaration to Hines Las Colinas Land Limited Partnership ("HLCLLP") under an Assignment and Transfer of

Rights of Declarant and Class B Member Under Declaration, dated as of December 23, 2005, recorded in Volume 200503641275 of the Deed Records of Dallas County, Texas; and

WHEREAS, additional real property has previously been added to the scheme of the Declaration by Supplementary Declarations duly recorded in the Deed Records of Dallas County, Texas; and

WHEREAS, Article V, of the Declaration (entitled Protective Covenants), as originally written and as modified by said previous Supplementary Declarations, is applicable only to the real property described in said Exhibit "A" to the Declaration and in Exhibits to said Supplementary Declarations and not to additional real property which may be added to the scheme of the Declaration by subsequent supplementary declarations; and

WHEREAS, Article I, Section 3 of the Declaration permits the addition of additional property to the scheme thereof by persons other than Declarant who obtain approval from The Las Colinas Association's Board of Directors and file a supplementary declaration of Record, which supplementary declaration may modify Article V of the Declaration as it pertains to such additional property; and

WHEREAS, Owner has obtained approval from the Board of Directors of The Las Colinas Association as evidence by the consent set forth hereinafter; and

WHEREAS, Owner desires to so add additional property, located within the boundaries of the property described in Exhibit "B" to the Declaration, to the scheme of the Declaration and to so modify Article V of the Declaration as it pertains to said additional property; and

WHEREAS, Owner does not desire to add Common Properties as defined by the Declaration by the filing of this Supplementary Declaration;

NOW, THEREFORE, Owner hereby declares as follows:

1. That the real property described in Exhibit "A-136" attached hereto and incorporated herein by reference for all purposes (designated as Area CXXXVI for the purposes of this Supplementary Declaration) is and shall be subject to the scheme of the Declaration, and is and shall be held, transferred, sold, conveyed, used, and occupied subject to covenants, restrictions, easements, charges, and liens set forth in the Declaration (the Declaration being incorporated herein by reference for all purposes as modified herein).

2. That Article V of the Declaration is hereby modified by the addition hereto of the following Section 136 which shall be applicable only to Area CXXXVI.

Section 136. Covenants Applicable to Area CXXXVI. The following provisions shall be applicable to any and all construction, improvement, alteration, addition, or use of, in or to Area CXXXVI of the Properties:

a. Use Limitations.

(1) Lots may be used for single-family detached residential purposes. No residential structure shall exceed three stories in height.

(2) Upon platting, each lot shall contain the minimum land area required by the City of Irving.

(3) No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may become an annoyance, be dangerous or a nuisance to the neighborhood.

(4) No structure of a temporary character, recreational vehicle, mobile home, trailer, boat trailer, basement, tent, shack, garage,

barn or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.

(5) No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, or a sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sale period, or temporary political or school signs.

(6) No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except dogs, cats, or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purposes.

(7) No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste. All garbage and trash shall be kept in sanitary containers as required by the City of Irving.

(8) No commercial truck, trailer, mobile home, or vehicle, other than passenger truck or vehicle, shall be permitted to park on the streets, in the driveways, or on any lot overnight.

(9) No motor boat, boat, trailer, recreational vehicle, mobile home, or other similar vehicle may be maintained, stored, or kept on a lot unless housed completely within an enclosed and roofed structure approved by The Las Colinas Association's Architectural Control Committee.

(10) No clothesline may be maintained on any lot.

(11) Except as otherwise governed by Federal statutes and/or rulings and regulations of the Federal Communications Commission applicable to the use of antennas, antennas including, without limitation, dish type antennas, and towers must be approved by the Architectural Control Committee, which may consider things like size, location, and ability to screen the antenna(s) and tower(s) from view from adjacent properties and from public or private streets and highways

(12) No manufacturing, trade, business, commerce, industry, profession, or other occupation whatsoever will be conducted or carried on upon any residential lot or any part thereof, or in any building or other structure erected thereon. This prohibition does not, however, prohibit a resident from using a dwelling for personal business or professional pursuits provided that: (1) the uses are incidental to the use of the dwelling as a residence; (2) the uses conform to applicable governmental ordinances; and (3) there is no external evidence of the uses other than a sign permitted by Paragraph a(5). Notwithstanding the above, model homes and construction trailers shall be allowed during the initial construction of houses on each of the lots.

(13) The use of any carport, driveway, private or public street, or parking area that may be in front of, adjacent to, or part of any

lot as an habitual parking place for trucks (other than passenger vehicles), trailers, mobile homes, recreational vehicles, boats or commercial vehicles is prohibited. The term "Commercial Vehicle" shall include all automobiles, trucks, and vehicular equipment, as well as station wagons, which shall bear signs or shall be printed on the sides of same reference to any commercial undertaking or enterprise.

(14) No above-ground level swimming pool may be installed on any lot, and any in-ground swimming pool shall be designed and engineered in compliance with Paragraph f(1) of this Section.

b. Streets and Driveways

(1) Each street shall have a minimum drivable width of twenty-seven (27) feet and shall be paved with concrete, with concrete curbs and gutters.

(2) Driveways intersecting roads, streets or thoroughfares shall conform to City of Irving standards and requirements.

c. Minimum Set-Back Lines. No structure of any kind or any part thereof shall be placed within these set-back lines:

(1) 25 feet from any public or private street right of way;

(2) 20 feet from any rear property line;

(3) 5 feet from any interior side lot lines

The following improvements are expressly EXCLUDED from these set-back restrictions:

- i. Structures below and covered by the ground;
- ii. Steps, walks, patios, swimming pools, driveways, and curbing;
- iii. Planters, walls, fences or hedges, not to exceed 8 feet in height within c(2) and c(3);
- iv. Landscaping;
- v. Any other improvements approved in writing by the Architectural Control Committee.

d. Garages and Parking.

(1) The construction and maintenance of any carport is prohibited. Each dwelling unit shall have an enclosed garage for a minimum of two cars.

(2) The interior walls of all garages must be finished (tape, bed, and paint as a minimum).

(3) No garage shall be permitted to be enclosed for living or used for purposes other than storage of automobiles and related normal uses (unless a new garage satisfying the requirements of this Supplementary Declaration is constructed to replace the garage enclosed).

e. Landscaping, Walls and Fences.

(1) Landscaping shall be required on all sites contemporaneously with completion of other improvements, but in no event later than ninety days after first occupancy or completion

of buildings, whichever shall first occur, and shall conform to a landscaping plan that will:

- i. Provide automatic underground sprinkling systems for all landscaped area;
 - ii. Not obstruct sight lines at street or driveway intersections;
 - iii. Preserve existing trees to the extent practical; and
 - iv. Permit reasonable access to public and private utility lines and easements for installations and repair.
- (2) No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between 2 and 6 feet above the roadways shall be placed or permitted to remain in any corner lot within the triangular area formed by the street property lines and a line connecting them at points 10 feet from the intersection of the street lines or City of Irving requirement, whichever is greater, or in the case of a rounded property corner from the intersection of the street lines extended. The same sight line limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at a sufficient height to prevent obstruction of such sight lines.

(3) The owners of the lots shall be responsible for the maintenance of parkways (if any) located between their lot lines and the streets on which said lots face. The owners thereof shall likewise maintain the exterior of all structures on their lot and their yards, hedges, plants and shrubs in a neat and trim condition at all times.

f. Construction Standards. The main structure on all lots shall meet with the following requirements (except as modified for a particular lot by The Las Colinas Association's Architectural Control Committee):

(1) The foundation systems shall be designed by a Registered Professional Engineer based on recommendations given in a soils report prepared by a soils engineering firm. The soils investigation and analysis and the design of the foundation system, shall be made by registered professional engineers. Any swimming pool shall be designed utilizing the recommendations given by the soils engineer with surface and subsurface drainage provided.

(2) No roof with a composition type shingle may use a shingle with less than the maximum warranty readily available on the market, without prior written approval of The Las Colinas Association's Architectural Control Committee and the composition shingle shall be of a design, i.e., random tab architectural design, typically approved by the Architectural Control Committee.

(3) The exposed exterior wall area, exclusive of door, window, and covered porch area, shall be at least 75% masonry, masonry veneer, Hardie plank, or other low maintenance material approved by the Architectural Control Committee.

(4) Complete guttering must be installed on all houses with downspouts carried to any outfall well away from the foundation.

(5) No exterior alterations of any existing building may be permitted without the prior approval of The Las Colinas Association's Architectural Control Committee. No additional windows, platforms, etc., which may invade the privacy of adjacent dwellings are permitted.

(6) Any and all lines or wires for communications or for transmission of current outside of the building, shall be constructed, placed, and maintained underground, both on-site and in any adjacent public right-of-way.

(7) No exterior light shall be installed or maintained on any lot which light shines past the property line and is found to be objectionable by The Las Colinas Association's Architectural Control Committee. Upon being given notice by the Association that any exterior light shines past the property line and is objectionable, the owner of the lot on which same is located will immediately remove said light or have it shielded in such a way that it no longer shines past the property line.

(8) Mailboxes shall be of a design and located as approved by the Architectural Control Committee.

(9) Each dwelling shall contain a water-flushing garbage grinder disposal.

(10) Once commenced, construction shall be diligently pursued to the end, and said construction may not be left in a partly finished condition for a period exceeding 90 days.

g. Administrative and General.

(1) If any paragraph, section, sentence, clause, or phrase of this Declaration shall be or become illegal, null, or void for any reason, or shall be held by any court of competent jurisdiction to be illegal, null, or void, the remaining paragraphs, sections, sentences, clauses, or phrases of this Declaration shall continue in full force and effect and shall not be affected thereby.

(2) In the event of a violation or breach of any of these restrictions by any person or concern, the Association, through its duly designated representatives, and the owners of the lots, or any of them, jointly or severally, shall have the right to immediately proceed at law or in equity to compel compliance with the terms hereof or to prevent the violation or breach of any of them. In addition to the foregoing right, the Association, through its duly designated representatives, shall have the right, whenever there shall have been built on any lot any structure which is in violation

of these restrictions, to enter upon the lot where such violation exists and summarily abate or remove the same at the expense of the owner, and such entry and abatement shall not be considered a trespass.

(3) Article V of the Declaration as contained herein may be amended by an instrument approved by a majority of the Board of Directors of The Las Colinas Association and the owners of a majority of the lots within the Property and filed in the Deed Records of Dallas County, Texas.


3. Indemnification: No approval of plans and specifications and no publication of requirements or guidelines herein or in the Declaration or otherwise by the Association or the Architectural Control Committee or granting of any exceptions or variances by Declarant may be construed as representing or implying that improvements built in accordance therewith will be free of defects or comply with applicable laws or ordinances. Any approvals and observations incident thereto concern matters of an aesthetic nature. No approvals and guidelines may be construed as representing or guaranteeing that any improvements built in accordance therewith will be designed or built in a good and workmanlike manner. The granting of any exceptions or variances by Declarant shall be in Declarant's sole discretion. Declarant, the Association, their respective directors, officers, employees, and agents, the Architectural Control Committee, and members of the Architectural Control Committee are not responsible or liable in damages or otherwise to anyone submitting plans and specifications for approval or to any owner of land subject to the Declaration for any defects in any plans or specifications submitted, revised, or approved, any loss or damages to any person arising out of approval or disapproval or failure to

approve or disapprove any plans or specifications, any loss or damage arising from the noncompliance of the plans or specifications with any governmental ordinance or regulation, or any defects in construction undertaken pursuant to the plans and specifications. Approval of plans and specifications by the Architectural Control Committee may not be construed as approval by the City of Irving, Texas, as the approval processes are mutually exclusive. Unconditional approval of a complete set of plans and specifications by the Architectural Control Committee satisfies the requirements of all applicable subsections of this Supplementary Declaration that require written approval by the Architectural Control Committee for all improvements described in those plans and specifications. Any determination made by Declarant under this Supplementary Declaration, and the granting or denial of any exception or variance by Declarant under this Supplementary Declaration, is in Declarant's sole discretion.

4. The Declaration, except as expressly modified herein, remains in full force and effect and is hereby ratified and confirmed.

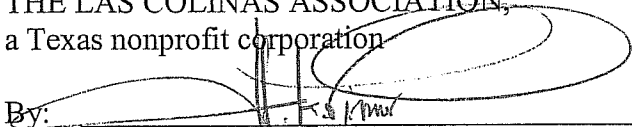
EXECUTED AS OF THE DATE AND YEAR FIRST WRITTEN ABOVE.

OWNER:

By: 
Name: Charles Subritzky
Title: Executor of Estate of Eric Kolodziej

CONSENT:

THE LAS COLINAS ASSOCIATION,
a Texas nonprofit corporation

By: 
Name: PRESIDENT
Title: HEINZ K. SIMON

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on June 28, 2006 by Charles L. Schmidt, Executor of the Will-Estate of Erika Weber (capacity), on behalf of said owner.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 28th day of June, 2006.



Janet Paradis
Notary Public in and for the State of Texas

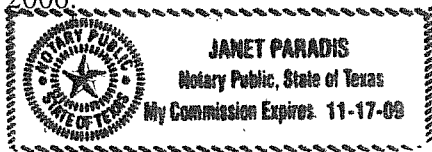
My Commission Expires:

11-17-09

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on July 14, 2006, by Heinz K. Simon, President of The Las Colinas Association, a Texas non-profit corporation, on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 14th day of July, 2006.



Janet Paradis
Notary Public in and for the State of Texas

My Commission Expires:

11-17-09

After recording, please return to:
The Las Colinas Association
122 W. Carpenter Fwy. #550
Irving, TX 75039-2098

EXHIBIT A – 136

BEING a tract of land situated in the MCKINNEY & WILLIAMS SURVEY ABSTRACT 1067, in the City of Irving, Dallas County, Texas, and being a tract conveyed as 50 acres to A. Weber and L.H. Weber by deed recorded in Volume 1785, Page 539 of the Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found on the north right of way line of Santa Clara Drive, a 50 foot right of way dedicated by plat for GREEN HILLS NORTH ADDITION NO. 2, an addition to the City of Irving, according to the plat recorded in Volume 72115, Page 1664, Plat Records of Dallas County, Texas, same being the southeast corner of Lot 12, of said GREEN HILLS NORTH ADDITION NO. 2;

THENCE North $00^{\circ} 16' 28''$ West, 651.31 feet (deed calls for 649.42 feet), to a 1/2 inch iron rod set on the south line of ON THE HILL ADDITION, an addition to the City of Irving, according to the plat recorded in Volume 358, Page 1441, Plat Records, Dallas County, Texas;

THENCE North $89^{\circ} 46' 05''$ East along the south line of said ON THE HILL ADDITION, 686.79 feet to a 3/8 inch iron rod found for the southeast corner of Lot 6, of ADAH OAKS ADDITION NO. 2, an addition to the City of Irving, according to the plat recorded in Volume 67116, Page 120, Plat Records, Dallas County, Texas, same being on the west line of UNIVERSITY HILLS SECOND INSTALLMENT, an addition to the City of Irving, according to the plat recorded in Volume 381, Page 1248, Plat Records, Dallas County, Texas;

THENCE South $00^{\circ} 01' 11''$ East, along the west line of said UNIVERSITY HILLS SECOND INSTALLMENT, 481.23 feet to a 1/2 inch iron rod set on the north right of way line of said Santa Clara Drive;

THENCE along the north right of way line of Santa Clara Drive, the following calls:

South $71^{\circ} 53' 15''$ West, 16.47 feet to a 1/2 inch iron rod set for the beginning of a curve to the left having a radius of 125.00 feet;

Along said curve to the left an arc distance of 43.94 feet to a 1/2 inch iron rod set for the end of said curve;

South $51^{\circ} 44' 46''$ West 71.14 feet to a 1/2 inch iron rod set for the beginning of a curve to the right having a radius of 75.00 feet;

Along said curve to the right an arc distance of 48.77 feet to a 1/2 inch iron rod set for the end of said curve;

South 89° 00' 15" West, 60.00 feet to a 1/2 inch iron rod set for the beginning of a curve to the left having a radius of 175.00 feet;

Along said curve to the right an arc distance of 148.48 feet to a 1/2 inch iron rod set for the end of said curve;

South 40° 23' 28" West 43.32 feet to a 1/2 inch iron rod set for the beginning of a curve to the right having a radius of 125.00 feet;

Along said curve to the right an arc distance of 108.23 feet to a 1/2 inch iron rod set for the end of said curve;

South 90° 00' 00" West, 90.00 feet to a 1/2 inch iron rod found for the beginning of a curve to the right having a radius of 175.00 feet;

THENCE around said curve to the right an arc distance of 139.42 feet to the point of beginning, and containing 426,306.1 square feet, or 9.7866 acres of land, more or less.

FILED AND RECORDED



OFFICIAL PUBLIC RECORDS

Cynthia Figueroa Calhoun

Cynthia Figueroa Calhoun, County Clerk

Dallas County TEXAS

September 08, 2006 01:00:46 PM

FEE: \$76.00

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