



SUPPLEMENTARY DECLARATION NO. 115

LAS COLINAS AREA CXV

DALLAS COUNTY, TEXAS

This Supplementary Declaration, made this 4th day of November, 2005, by LAS COLINAS LAND LIMITED PARTNERSHIP, hereinafter called Declarant.

BACKGROUND:

- A. Declarant's predecessor in interest, Las Colinas Corporation ("LCC"), executed a Declaration (as previously corrected and supplemented and as may be amended and supplemented from time to time, hereinafter the "Declaration") on the 22nd 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, Texas.
- B. The Declaration was filed of record in Volume 73166, Page 1001, of the Deed Records of Dallas County, Texas, a Correction to Declaration was filed of record in Volume 77154, Page 1096, of the Deed Records of Dallas County, Texas, a Second Correction to Declaration was filed of record in Volume 79122, Page 0749, of the Deed Records of Dallas County, Texas, and a third Correction to Declaration was filed of record in volume 82071, Page 3244, of the deed Records of Dallas County, Texas.
- C. LCC assigned all of its rights as "Declarant" under the Declaration to Declarant pursuant to 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.
- D. Additional real property has been added to the scheme of the Declaration as contemplated in Article I, Section 3, thereof by recording Supplementary Declarations in the Deed Records of Dallas County, Texas.
- E. Article V of the Declaration (entitled Protective Covenants), as originally written and as modified by the previous Supplementary Declarations is applicable only to the real property described in Exhibit "A" to the Declaration and in Exhibits to the previous Supplementary Declarations and not to additional real property which may be added to the scheme of the Declaration by subsequent Supplementary Declarations.
- F. Article I, Section 3, of the Declaration permits the addition of additional property to the scheme thereof by filing a Supplementary Declaration of record, which Supplementary Declaration may modify Article V of the Declaration as it pertains to the additional property.

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LANDAMERICA AMERICAN
TITLE COMPANY
6029 Beltline Road, Suite 250
Dallas, TX 75254

- G. Declarant desires to add additional property located within the boundaries of the property described in Exhibit A-115 to the scheme of the Declaration and to modify Article V of the Declaration as it pertains to the additional property.

NOW THEREFORE, Declarant declares as follows:

1. The real property described in Exhibit A-115 attached hereto and incorporated herein by reference for all purposes (designated as **Area CXV** for 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 and all amendments and supplements thereto being incorporated herein by reference for all purposes) as modified herein.
2. Article V of the Declaration is modified by the addition thereto of the following Section 115, which is applicable only to Area CXV:
 - a. Use Limitations. Sites in Area CXV may be used for open space purposes only including common area uses for the benefit of the Fox Glenn Homeowners Association. The following uses of sites in Area CXV are not permitted:
 - (1) Permanent habitable structures;
 - (2) Any use which involves a noxious odor or any excessive noise level that constitutes a nuisance; or
 - (3) Any use that is not expressly permitted by this Section 115.
 - b. Open Space. The Las Colinas Association Architectural Control Committee shall review and approve all proposed improvements to the open space to insure that the quality of the open space is being preserved and be provided with "as-built" plans upon completion of any improvements.
 - c. Structural and Related Improvements.
 - (1) Minimum Setback Lines.
 - (A) No structure of any kind and no part thereof may be placed within these setback lines:
 - i. 25 feet from Fox Glen Drive;
 - ii. 25 feet from Steeplechase Drive;
 - iii. 25 feet from common property line with golf course; and
 - iv. 8 feet from interior property line.
 - (B) The following improvements are expressly excluded from this restriction:
 - i. Structures below and covered by the ground;
 - ii. Steps, walks, driveways, and curbing;

- iii. Planters, walls, or fences, not to exceed four (4) feet in height; and
 - iv. Landscaping as approved by the Las Colinas Association Architectural Control Committee.
 - (C) The Las Colinas Association Board of Directors may grant exceptions to or variances from any setback lines established in this subsection (1), provided that any such variances or exceptions must be in writing.
 - (2) Driveways. Driveways shall:
 - (A) Be constructed of 5" reinforced concrete placed on a 6" lime stabilized base or an equivalent pavement section engineered by a registered professional engineer as approved by the Architectural Control Committee; and
 - (B) Not intersect streets within thirty (30) feet of intersections.
 - (3) Signs. All signs must be approved by the Architectural Control Committee in writing prior to installation.
 - (4) Landscaping. Landscaping shall conform to a landscaping plan approved by the Architectural Control Committee pursuant to Article IV of the Declaration.
 - (5) Utility Lines. All utility lines (public and private) shall be underground.
 - (6) Existing Improvements. All improvements existing on the date of recording of this Supplementary Declaration No. 115 are and shall be deemed to be in compliance with the Declaration, as supplemented by the Supplementary Declaration No. 115.
3. 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 or the Association Board of Directors shall be in Declarant's or the Association Board of Directors' 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 the plans and specifications. Any determination made by Declarant or the Association Board of Directors under this Supplementary Declaration, and the grant or denial of any exception or variance by Declarant or the Association Board of Directors under this Supplementary Declaration, is in Declarant's or the Association Board of Directors' sole discretion.

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

Executed as of the day and year first written above.

LAS COLINAS LAND LIMITED PARTNERSHIP,
a Delaware limited partnership

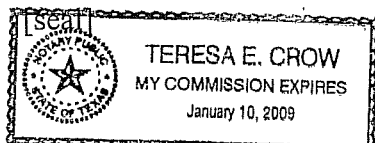
By: Cousins Properties Services, L.P,
a Texas limited partnership, Manager

By: Cousins Properties Services, Inc,
a Georgia corporation, its General Partner

By: Samuel L. Fairchild
Samuel L. Fairchild
Vice President

THE STATE OF TEXAS :
COUNTY OF DALLAS :

This instrument was acknowledged before me on November, 4th, 2005, by Samuel L. Fairchild, Vice President of Cousins Properties Services, Inc., a Georgia corporation, General Partner of Cousins Properties Services LP, a Texas limited partnership, Manager of Las Colinas Land Limited Partnership, a Delaware limited partnership, on behalf of said corporation and partnerships.



Teresa E. Crow
Notary Public in and for the State of Texas

EXHIBIT A-115

LEGAL DESCRIPTION

BEING an 0.56 acre tract of land situated in the Jessie Preston Survey, Abstract No. 1180, and the F.R. Bowles Survey, Abstract No. 1701, in the City of Irving, Dallas County, Texas, said 0.56 acre tract of land being a portion of the land conveyed to Las Colinas Land Limited Partnership by deed as recorded in Volume 89178, Page 3877, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a ½ inch iron rod found for corner, said point being at the east corner of Lot 6, Block 7, Fox Glen, Phase II, Area XI Addition, an addition to the City of Irving, according to the Plat thereof recorded in Volume 77208, Page 1036, and Corrected Plat recorded in Volume 79249, Page 1042, Deed Records, Dallas County, Texas, said point being at the south corner of said 0.56 acre tract of land being described and being in the northwesterly line of Fox Glen Drive (a 50.0 foot right-of-way);

THENCE North 56 degrees 54 minutes 30 seconds West, along the common line of said Las Colinas Land Limited Partnership tract and said Lot 6, Block 7, a distance of 140.00 feet to a ½ inch iron rod found for corner, said point being the north corner of said Lot 6, Block 7 and being in the easterly line of a tract of land conveyed to Irving Club Acquisition Corporation by Deed recorded in Volume 92173, Page 1856, Deed Records, Dallas County, Texas, same point also being at the west corner of said 0.56 acre tract of land being described;

THENCE North 33 degrees 05 minutes 30 seconds East, along the common line of said Las Colinas Land Limited Partnership tract and said Irving Club Acquisition Corporation tract, a distance of 194.27 feet to a ½ inch iron rod set for corner, said point being in the southwesterly line of Steeplechase Drive (a 50.0 foot right-of-way), said point being at the north corner of said 0.56 acre tract of land being described;

THENCE South 33 degrees 54 minutes 30 seconds East, along the southwesterly line of said Steeplechase Drive, a distance of 183.94 feet to a ½ inch iron rod set for corner, said point being at the intersection of said southwesterly line of Steeplechase Drive and the northwesterly line of said Fox Glen Drive, same point being at the east corner of said 0.56 acre tract of land being described;

THENCE South 56 degrees 09 minutes 16 seconds West, along the northwesterly line of said Fox Glen Drive, a distance of 24.88 feet to a ½ inch iron rod set for corner, said point being the beginning of a curve to the left having a radius of 246.18 feet, a delta angle of 23 degrees 00 minutes 00 seconds, and a chord bearing a distance of South 44 degrees 35 minutes 30 seconds West, 98.16 feet;

THENCE in a southwesterly direction along said curve to the left and along the northwesterly line of said Fox Glen Drive, an arc distance of 98.82 feet to a ½ inch iron rod set for corner;

THENCE South 33 degrees 05 minutes 30 seconds West, continuing along the northwesterly line of said Fox Glen Drive, a distance of 3.32 feet to the POINT of BEGINNING and containing approximately 24,397 square feet or 0.56 acres of computed land.