# FOURTH AMENDMENT TO SUPPLEMENTARY DECLARATION NO. 163 LAS COLINAS AREA CLXII DALLAS COUNTY, TEXAS

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

#### RECITALS:

- A. The Las Colinas Corporation ("LCC"), a Texas corporation, executed a Declaration [for] Las Colinas Area I (as corrected and supplemented, the "Declaration"), on the 22<sup>nd</sup> 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
- B. The Declaration was filed of record in Volume 73166, Page 1001 et seq. of the Deed Records of Dallas County, Texas; a Correction to Declaration was filed of record in Volume 77154, Page 1096 et seq. of the Deed Records of Dallas Country, Texas; a Second Correction to Declaration was filed of Record in Volume 79122, Page 0749 et seq. of the Deed Records of Dallas County, Texas; and a Third Correction to Declaration was recorded in Volume 82071, Page 3244 et seq. of the Deed Records of Dallas County, Texas (such Declaration as so corrected being referred to as the "Declaration").
- C. LAS COLINAS AREA CLXIII ("Area CLXIII"), those certain 107.830 acre tracts, were added to Las Colinas pursuant to Supplementary Declaration No. 163, Las Colinas Area CLXIII, recorded in Volume 97213, Page 02849 et seq., of the Deed Records of Dallas County,

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Texas, and are described more particularly in Exhibit "A-163" of Supplementary Declaration No.

163; a Corrected Amendment Number One Supplementary Declaration No. 163, Las Colinas Area

CLXIII, Dallas County, Texas, was filed of record as Document No. 200600404997 of the Deed

Records of Dallas Country, Texas; a Second Amendment to Supplementary Declaration No. 163,

Las Colinas Area CLXIII, Dallas County, Texas, was filed of record as Document No.

20080179088 of the Deed Records of Dallas County, Texas; and a Third Amendment to

Supplementary Declaration No. 163, Las Colinas Area CLXIII, Dallas County, Texas, was filed

of record as Document No. 202200275455 of the Deed Records of Dallas County, Texas (the

"Original Supplement").

D. CITICORP ("Property Owner") is the owner of a 9.9942 acre tract (the "CITICORP

Tract") described in Exhibit "B-163" attached hereto and made a part hereof, such tract being

within the boundaries of property covered by Supplementary Declaration No. 163. Property Owner

has requested a special meeting of the members of the Association to consider further amending

Supplementary Declaration No. 163 to allow single family development upon the "Tract" as

further restricted by the restrictions contained in Exhibit "C-163".

E. Section 215.008(d) of the Texas Property Code provides that the declaration and

any supplementary declaration, including amendments, modifications, or corrections, may be

amended by a simple majority of the eligible votes being cast in favor of the amendment.

More than fifty percent (50%) of the eligible votes of the membership were cast to

approve the following amendment of Article V, Section 163 of the Declaration, after due and

proper notice, at a Special Meeting of the Association held on November 7, 2023.

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NOW THEREFORE, the Declaration, as supplemented by the Original Supplement and as

further amended by this Fourth Amendment to Supplementary Declaration No. 163, Las Colinas

Area CLXIII is hereby amended as follows:

1. That Article V, Section 163, Subsection (a) of the Declaration is hereby amended

to supplant the current language:

a. Use Limitations. Sites in Area CLXIII may be used for office, warehousing,

wholesaling, research and development, assembling, processing, and service

and distribution purposes. Sites in Area CLXIII may be used for light

manufacturing, multi-family residential, hotel, restaurant, gasoline service

station, and other retail sale purposes. The following uses of sites in Area

CLXIII are not permitted:

Single family detached residential dwellings.

(2) Any use which involves a noxious odor, excessive emission of

smoke, steam, or vapor, or an excessive noise level.

(3) Any use contrary to law or which violates any part of Section

163 of this Article V.

(4) Overnight parking of campers, mobile homes, boats, trailers, or

motor homes, except that such parking is permitted in covered or

enclosed areas.

(5) Any use which involves the raising, breeding, or keeping of any

animals or poultry other than two household pets per unit.

(6) Uses not expressly permitted hereinabove.

with the following:

Use Limitations. Sites in Area CLXIII may be used for office, warehousing, wholesaling, research and development, assembling, processing, and service and distribution purposes. In addition to the foregoing uses, sites in Area CLXIII may be used for medical office, medical clinic, and surgery. Sites in Area CLXIII may be used for light manufacturing, multi-family residential, hotel, restaurant, gasoline service station, and other retail sale purposes only with the prior written approval of LCA Board of Directors. Single family residential dwellings shall be allowed in the portion of Area CLXIII identified by Exhibit B-163 and further restricted by Exhibit C-163 with respect to residential single family platted lots. Provided, however, that if a conflict exists between the restrictions placed on a property by Sections 163(b) through 163(j) of the Original Supplement, and those restrictions found in Exhibit C-163, the restrictions found in Exhibit C-163 shall control with regard to all residential single family platted lots located within the area identified by Exhibit B-163. Parks and open space shall be allowed in that portion identified by Exhibit B-163. The following uses of sites in Area CLXIII are not permitted:

- (1) Single family detached residential dwellings except for that portion identified by Exhibit B-163 which may have single family residential dwellings.
- (2) Any use which involves a noxious odor, excessive emission of smoke, steam, or vapor, or an excessive noise level.
- (3) Any use contrary to law or which violates any part of Section 163 of this Article V.

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(4) Overnight parking of campers, mobile homes, boats, trailers, or

motor homes, except that such parking is permitted in covered or

enclosed areas.

(5) Any use which involves the raising, breeding, or keeping of any

animals or poultry other than two household pets per unit.

(6) Uses not expressly permitted hereinabove.

2. The recitals set forth above are hereby adopted by reference and declared to be true

and correct.

3. The Supplementary Declaration No. 163, Las Colinas Area CLXIII, except as

expressly amended by the Corrected Amendment Number One Supplementary Declaration No.

163, Las Colinas Area CLXIII, Dallas County, Texas, the Second Amendment to Supplementary

Declaration No. 163, Las Colinas Area CLXIII, Dallas County, Texas, the Third Amendment to

Supplementary Declaration No. 163, Las Colinas Area CLXIII, Dallas County, Texas, and this

Fourth Amendment to Supplementary Declaration No. 163, Las Colinas Area CLXIII, Dallas

County, Texas hereby remains in full force and effect and is hereby ratified and confirmed.

EXECUTED as of the day and year first above written

THE LAS COLINAS ASSOCIATION,

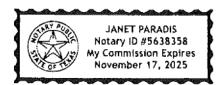
a Texas non-profit corporation

By:

white A Drawident & CEC

## THE STATE OF TEXAS COUNTY OF DALLAS

This instrument was acknowledged before me on the 15th day of November, 2023, by J. Hammond Perot, President & CEO of The Las Colinas Association, a Texas non-profit corporation, on behalf of such corporation.



Yanet Paradis
Notary Public in and for the State of Texas

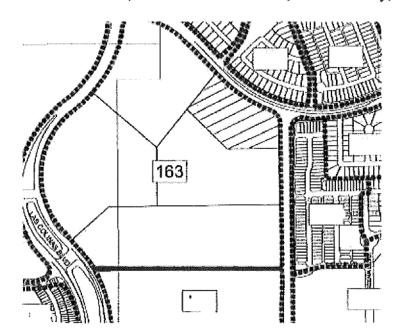
My Commission Expires:

11-17-2025

#### EXHIBIT "B - 163"

BEING a 9.9942 acre tract of land, situated in the ANTONIO HERNANDEZ SURVEY, ABSTRACT NO. 550 in the City of Irving, Dallas County, Texas and being a portion of that certain tract of land conveyed to the Citicorp Credit Services Inc. by deed as recorded in Instrument Number 201300002226, Deed Records, Dallas County, Texas, and being more particularly described as follows:

Being all of Lot 1, Block A of the CITIGROUP NORTH ADDITION NO. 2, an addition to the City of Irving, Dallas County, Texas, according to the Plat thereof recorded in Instrument No. 20080286135, Official Public Records, Dallas County, Texas.



FOURTH AMENDMENT TO SUPPLEMENTARY DECLARATION NO. 163 - Page 7

#### EXHIBIT "C - 163"

#### RESTRICTIONS ON SINGLE FAMILY RESIDENTIAL DWELLINGS

- a. <u>Use Limitations</u>. Sites in Area 163 as located within land as described in Exhibit "B-1" may be used for single family residential dwellings (as defined by The Las Colinas Association), and for parks and open spaces created as part of the development process.
  - (1) The floor area of the main structure, exclusive of one-story open porches and garages, shall be no less than 3,000 square feet for one-story dwellings and 3,500 square feet for 1 1/2 and two-story dwellings.
  - (2) No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may become an annoyance, dangerous or a nuisance to the neighborhood.
  - (3) No structure of a temporary character, recreational vehicle, mobile home, trailer, boat trailer, tent, shed, garage, barn, or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently.
  - (4) 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 signs of a size and design approved by the Architectural Control Committee used by a builder to advertise the property during the construction and sale period.
  - (5) 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. The limitation of two household pets per unit does not apply to single family uses.
  - (6) 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 fully enclosed by a walled structure.
  - (7) No truck, trailer, mobile home, or vehicle other than passenger vehicles or temporary marketing offices, construction trailers and field offices on specifically approved lot(s), shall be permitted to park on the streets, in the driveways, or on any lot overnight.
  - (8) No motorboat, 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 Architectural Control Committee except for temporary marketing offices, construction trailers, and field offices on specifically approved lot(s).
  - (9) No clothesline may be maintained on any lot.
  - (10) Except as otherwise permitted by Federal statutes and/or rules and regulations of the Federal Communications Commission, the use of 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 streets and highways.
- (11) No manufacturing, trade, business, commerce, industry, profession, or other occupation whatsoever will be conducted or carried on upon any lot or any part thereof, or in any building or other structure erected thereon except for activities consistent with temporary marketing offices, construction trailers, and field offices on specifically approved lot(s). This restriction of Supplementary Declaration No. 163 does not, however, prohibit a resident from using a dwelling for personal business or professional pursuits provided that: (i) the uses are incidental to the use of the dwelling as a residence; (ii) the uses conform to applicable governmental ordinances; and (iii) there is no external evidence of the uses.
- (12) The use of any carport, driveway, street, or parking area that may be in front of, adjacent to, or part of any lot as a habitual parking place for trucks, trailers, mobile homes, recreational vehicles, boats, or commercial vehicles, except for vehicles used in conjunction with temporary marketing offices, construction trailers, and field offices on specifically approved lot(s) or model homes, is prohibited. The term "Commercial Vehicle" shall include all passenger vehicles, trucks, and vehicular equipment which shall bear signs or shall have printed on the sides of same reference to any commercial undertaking or enterprise.
- (13) No above ground level swimming pool may be installed on any lot, and any swimming pool shall be designed and engineered in compliance with Paragraph e.(1) below.
- (14) No storage buildings may be installed on property on a permanent nature.

#### b. Minimum Setback Lines.

- (1) No structure of any kind and no part thereof may be placed within these setback lines:
  - (i) Setbacks from all property lines, public or private street rights-of- way shall be required by City of Irving zoning.
- (2) The following improvements are expressly excluded from these setback 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 4 feet in height within the front "Minimum Setback Lines" (b.)(1)(A-B) or 9 feet in height within rear and side street "Minimum Setback Lines", except as approved by the Architectural Control Committee.
  - (iv) Landscaping.
  - (v) Box or bay windows.

- (vi) Fireplaces and chimneys, to the extent any portion of same project from the side of a residential structure.
- (vii) Porches, balconies, stoops and awnings may encroach a maximum of 5 feet into the required front yard setbacks.
- (viii) Any other improvements approved in writing by LCA Board of Directors. Roofed structures, other than the following, may in no event be approved:
  - 1. guard houses
  - 2. gate houses
  - 3. swimming pool equipment houses and cabanas
  - 4. greenhouses
  - non-enclosed outdoor living spaces, including, but not limited to, builtin outdoor grills and outdoor fireplaces
- (3) LCA Board of Directors may grant exceptions to or variances from any setback lines established in b.(1) above, provided that any variances or exceptions must be in writing.

#### c. Garages and Parking.

- (1) The interior walls of all garages must be finished (tape, bed, and paint as a minimum) like other rooms in the building.
- (2) No garage shall be permitted to be enclosed for living or used for purposes other than storage of passenger vehicles and related normal uses except for the temporary use of a home as a builder's model, unless a new garage is constructed on the same property. No exterior wall mounted or roof mounted air conditioning units permitted.

#### d. Landscaping, Walls, and Fences.

- (1) The horizontal visibility triangle area (as determined by the City of Irving Transportation Department) at the intersection of a street, alley or driveway shall remain clear of any man-made or natural items between an elevation of 2.5 feet and 7.5 feet above the pavement as measured at the gutter line. 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.
- (2) The minimum landscape plan shall include one (1) tree in the front yard, and foundation planting. Trees shall be a minimum 3" caliper if container grown or 3 ½" if ball and burlap, as measured vertically 12" from the ground line. All front yard (excluding J-drive setbacks areas) planting beds shall include a portion that extends an average of 5 feet from the building foundation and shall be comprised of a balanced combination of shrubs, vines, groundcovers and/or seasonal colors. The front, side and rear yards must be irrigated by a programmable irrigation system and sodded with grass or synthetic turf using Easy Turf Ultimate Natural 80 oz. or an equivalent as approved by the Architectural Control Committee. Rear and side yards may have alternate materials as approved by the Architectural Control Committee. All applicants must submit landscape plans to the Architectural Control Committee for approval. The plans shall include, in general, hardscape structures and walks, where appropriate; a planting plan,

including materials, species and size; landscape lighting, retaining walls and fencing; and an automatic, underground irrigation system. Landscaping shall be completed on all sites contemporaneously with completion of other improvements, but in no event later than 90 days after first occupancy of building(s).

- (3) No structure, wall, fence, or hedge over 4 feet in height shall be constructed, erected, placed, planted, set out, maintained, or permitted upon any lot outside the front building line on any lot, except as approved by the Architectural Control Committee of the Las Colinas Association.
- (4) Landscape border material is limited to steel edging, high quality composite material, masonry, or other hard surface construction materials to include brick, stone, boulders, or cast concrete stones or will be considered by the Architectural Control Committee. Stucco homes must have complimentary material and color. Wood, plastic vinyl or non-suitable materials as determined by the Architectural Control Committee will not be approved. Installation of all masonry borders may be done by mortar or dry stack for natural stone. All installations should be top level, no scallop allowed and include a finished top or cap element. Holes in brick may not be visible from any view.
- (5) Street facing fences shall be a minimum of 5' from the front elevation. Corner Lot Fence Requirements:
  - (i) A 5'-6" Maximum height wrought iron fence per the City of Irving's minimum standards and as approved by the Architectural Control Committee of the Las Colinas Association shall be permitted within the streetside side yard setback of all corner lots. A minimum 10' setback from the front yard building line shall be required.
  - (ii) On all reverse frontage lots, the streetside side yard setback requirement shall be waived in favor of a side yard visibility easement setback, as determined by the City of Irving Transportation Department, and any fence built within the streetside side yard setback shall conform to the requirements of (i), above. Where a visibility easement setback is not indicated on the approved plat for a specific corner lot, the lot Owner may construct the wrought iron fence on the streetside side yard property line per the requirements of item (i), above. On all reverse frontage lots, the 15' streetside side yard setback requirement shall conform to the platted streetside side yard building line where the Owner desires to construct a wooden fence meeting the standards of the City of Irving Fence Ordinance and as approved by the Architectural Control Committee of the Las Colinas Association in lieu of the wrought iron fence.
- (6) The owners of the lots shall be responsible for the maintenance of parkways located between their lot lines and the back of curb of streets and alleys on which said lots abut. 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.
- e. <u>Construction Standards</u>. The main structure on all lots shall meet with the following requirements (except as modified by the Architectural Control Committee):

- (1) The foundation system shall be designed by a Registered Professional Engineer based on recommendations given in a geotechnical soils report prepared by a geotechnical engineering firm. The soils investigation and analysis, and the design of the foundation system, shall be prepared and stamped or sealed by a registered professional engineer. Any swimming pool shall be designed utilizing the data provided by the soils report and analysis with adequate surface and subsurface drainage provided.
- (2) All roofs may be random tab architectural composition shingle roof (with a minimum 50-year warranty or the highest warranty readily available), tile, slate, standing seam metal, or other equal or greater product as approved by the Architectural Control Committee. Color must appear to be weathered wood shingle, black or slate, unless such other color is approved by the Architectural Control Committee and must exhibit a raised profile look or varied levels of visual depth, texture, and appearance to be approved by the Architectural Control Committee. All roof materials such as stacks shall be compatible with the architectural style of the home.
- (3) The exposed exterior wall area, exclusive of doors, windows, and covered porch areas, shall not be less than 80% brick, brick veneer, stone, stone veneer, lathe and plaster stucco, or stucco veneer construction, or other low maintenance material approved by the Architectural Control Committee.
- (4) Complete guttering must be installed on all houses with downspouts carried to an outfall well away from the foundation. All gutters and downspouts to be molded from aluminum and have a pre-painted finish and added rain chains of copper or equivalent material as approved by Architectural Control Committee. All downspouts except those emptying into streets or driveways shall be tied into underground drains if positive drainage does not exist. Gutters shall not drain across property lines.
- (5) Garages and all other outbuildings are to be given the same architectural treatment and be constructed of the same materials as the main structure. All garage doors shall be equipped with automatic remote controlled door openers. All garages viewed from a street or common area must have a cedar clad, or equal, or smooth metal facing, or materials as approved by the Architectural Control Committee of the Las Colinas Association.
- (6) All driveways shall be constructed of the following materials: concrete, brick pavers, stone, interlocking pavers, stamped, scored or stained concrete, concrete pads with synthetic turf borders, or concrete with stone or brick border that coordinates with house color.
- (7) All exposed portions of the fire breast, flue and chimney shall be clad in brick, stone, or stucco and shall match the brick, stone or stucco used to meet the eighty percent (80%) exterior surface requirement. Chimneys located on an exterior wall must be 100% brick or stone.
- (8) All window framing will be black, bronzed, cream, sand or white anodized aluminum, vinyl, wood, or sage for Palm Beach Modern, or as approved by the

- Architectural Control Committee, Window shutters may be used. Painted or stained wood or fiberglass will be acceptable. No reflective window coverings or treatments shall be permitted.
- (9) No exterior alterations of any existing building may be permitted without the prior written approval of the Architectural Control Committee. No additional windows, balconies, platforms, etc. which may invade the privacy of adjacent dwellings are permitted.
- (10) Any and all lines or wires for communication or for transmission of current outside of the building shall be constructed, placed and maintained underground.
- (11) No exterior light shall be installed or maintained on any lot which is found to be objectionable by the Architectural Control Committee. Upon being given notice by the Association that any exterior light is objectionable, the owner of the lot will immediately remove said light or have the light shielded in such a way that it is no longer objectionable. Lighting plans shall be designed to delicately accent architectural elements, and shall include a minimum of one light, near the front door or porch area. All exterior illumination must be approved by the Architectural Control Committee of the Las Colinas Association.
- (12) Mailboxes shall be in a cluster mail station as noted on the site plan and installed by the developer as approved by the Architectural Control Committee.
- (13) No excavation may be made except in conjunction with construction or maintenance of an improvement. When the improvement or maintenance is completed, all exposed openings must be back filled, compacted, graded and landscaped in accordance with the approved landscape plan.
- (14) Once commenced, construction must be diligently pursued so it is not left in a partly finished condition for a period longer than ninety (90) days without written approval from the Architectural Control Committee.
- (15) Temporary portable buildings may be used for construction purposes or as field offices or temporary marketing offices in support of the sale of lots only with the prior written approval of the LCA Board of Directors. Such temporary portable buildings shall meet the following requirements:
  - (i) Be landscaped to the same standards as other residential lots.
  - (ii) Allow no overnight parking of construction vehicles. (N/A for infrastructure construction).
  - (iii) Provide screening for all construction materials to be kept on site.
  - (iv) Be kept in a clean, well-kept condition at all times.
  - (v) Such temporary portable buildings shall be removed two (2) months after the date on which construction starts on the last of the lots. All landscaping, irrigation systems, hardscaping, signs and debris are to be removed and the area is to be graded, cleaned and turf established to the satisfaction of the Architectural Control Committee.

- (16) During construction on any lot, all trash and construction debris shall be contained within an on-site enclosure to be approved by the Association. The trash container shall be maintained on the lot throughout the period of construction (subject to the need to promptly remove and replace same as it becomes full), and all waste materials and construction debris shall be placed therein on a daily basis in order to reduce the possible dispersal of such waste materials and construction debris to any other lot and to maintain a neat and orderly appearance on the lot on which construction is being performed. Such temporary trash container shall be removed within 10 calendar days following completion of construction on the lot.
- (17)No wooden fence, wall or hedge shall exceed nine (9) feet in height along the rear of the property line or eight feet in height along the side property lines or be less than six (6) feet in height unless otherwise specifically required by the City of Irving or expressly approved by the Architectural Control Committee of the Las Colinas Association. All wooden fences shall be constructed of cedar and be stained a color to coordinate with each home's exterior color scheme (such as "Ready Seal" brand or equal), shall be supported with galvanized steel posts at six (6) feet on center, and all cedar privacy fences shall be board on board and include a top rail. All Lots backing or siding to a creek, lake, greenbelt/common areas shall have a wrought iron fence, not less than four (4) feet in height and with a uniform design as approved by the Architectural Control Committee of the Las Colinas Association. Fence gates facing a street or open space shall be metal or wrought iron as approved by the Architectural Control Committee of the Las Colinas Association. Fence posts shall be on the inside of the fence or if visible from public view or adjacent properties, posts shall be wrapped in cedar fence material. All security or privacy fencing between residential lots and adjacent commercial properties shall be brick screen walls or a combination of brick and stone screen walls with a minimum height of six feet.
- (18) To maintain architectural variety along residential streets, homes shall adhere to a 360-degree rule, meaning an individual standing in the street turning in a complete circle shall not be able to view the same model or front elevation. In addition, homes with the same floor plan but a different elevation shall maintain a minimum of two (2) units between one another, whether on the same side of the street or on opposite sides of the street.
- (19) No second floor, rear facing balconies will be allowed on any interior lots. The only lots that will accommodate a second-floor balcony are those lots that back to a creek, greenbelt, street, or that are situated on the perimeter of the development. All rear facing balconies must be approved prior to construction by the Architectural Control Committee of the Las Colinas Association.

The Las Colinas Association Board of Directors may grant variances to and/or exceptions from any part of paragraph e. of this Restriction on Single Family Residential Dwellings, provided that any such variances and/or exceptions must be in writing.

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#### Dallas County John F. Warren Dallas County Clerk

Instrument Number: 202300235889

eRecording - Real Property

Recorded On: November 20, 2023 02:00 PM Number of Pages: 15

" Examined and Charged as Follows: "

Total Recording: \$78.00

#### \*\*\*\*\*\*\* 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: Record and Return To:

Document Number: 202300235889 Simplifile

Receipt Number: 20231120000544

Recorded Date/Time: November 20, 2023 02:00 PM

User: Kevin T

Station: CC123.dal.ccdc



### STATE OF TEXAS COUNTY OF DALLAS

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 Dallas County, Texas.

John F. Warren Dallas County Clerk Dallas County, TX