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Denton County
Cynthia Mitchell
County Clerk

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Parties:
Direct- SUNDOWN RANCH OWNERS ASSOCIATION INC
Indirect-

Receipt Number: 631166
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***** 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.



THE STATE OF TEXAS)
COUNTY OF DENTON)

I hereby certify that this instrument was FILED in the File Number sequence on the date/time printed herein, and was duly RECORDED in the Official Records of Denton County, Texas.

C Mitchell
County Clerk
Denton County, Texas

2nd Supplement

**SECOND SUPPLEMENT
TO
NOTICE OF FILING OF DEDICATORY INSTRUMENTS
FOR
SUNDOWN RANCH**

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

THIS SECOND SUPPLEMENT TO NOTICE OF FILING OF DEDICATORY INSTRUMENTS FOR SUNDOWN RANCH (this "Second Supplement") is made this 20 day of October, 2009, by the Sundown Ranch Owners Association, Inc. (the "Association").

WITNESSETH:

WHEREAS, Westminster Ltd., a Texas limited partnership ("Declarant"), prepared and recorded an instrument entitled "Declaration of Covenants, Conditions, and Restrictions for Sundown Ranch", recorded on June 26, 1998, at Volume 4121, Page 00721 *et seq.*, and under Document No. 98-R0055087, of the Real Property Records of Denton County, Texas, as supplemented and amended from time to time (the "Declaration"); and

WHEREAS, the Association is the property owners' association created by the Declarant to manage or regulate the planned development covered by the Declaration, which development is more particularly described in the Declaration; and

WHEREAS, on or about April 7, 2005, the Association recorded a Notice of Filing of Dedicatory Instruments for Sundown Ranch, under Document No. 2005-39820, of the Real Property Records of Denton County, Texas (the "Notice"); and

WHEREAS, on or about February 20, 2008, the Association recorded a [First] Supplement to Notice of Filing of Dedicatory Instruments for Sundown Ranch, under Document No. 2008-17507, of the Real Property Records of Denton County, Texas (the "First Supplement"); and

WHEREAS, the Association desires to supplement the Notice to include the "**Architectural Control Committee Guidelines**" as set out in **Exhibit "A"**, attached hereto and incorporated herein for all purposes, pursuant to and in accordance with Section 202.006 of the Texas Property Code.

NOW, THEREFORE, the dedicatory instrument attached hereto as **Exhibit "A"**, is a true and correct copy of the original and is hereby filed of record in the Real Property Records of Denton County, Texas, in accordance with the requirements of Section 202.006 of the Texas Property Code.

IN WITNESS WHEREOF, the Association has caused this Second Supplement to be executed by its duly authorized agent as of the date first above written.

**SUNDOWN RANCH OWNERS ASSOCIATION, INC.,
a Texas non-profit corporation**

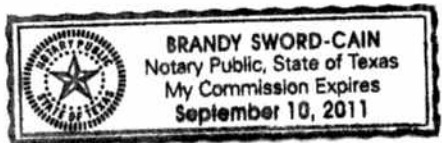
By: Rosanne Ciccia
Its: President

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF DENTON §

BEFORE ME, the undersigned authority, on this day personally appeared Rosanne Ciccia, President of **Sundown Ranch Owners Association, Inc.**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that (s)he executed the same for the purposes and consideration therein expressed on behalf of said corporation.

SUBSCRIBED AND SWORN TO BEFORE ME on this 20 day of October, 2009.



[Signature]
Notary Public, State of Texas
September 10, 2011
My Commission Expires

AFTER RECORDING, RETURN TO:
Riddle & Williams, P.C.
3710 Rawlins Street, Suite 1400
Dallas, Texas 75219

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EXHIBIT "A"

1. Architectural Control Committee Guidelines

**THE SUNDOWN RANCH HOMEOWNERS ASSOCIATION
ARCHITECTURAL CONTROL COMMITTEE GUIDELINES**

MISSION STATEMENT

The purpose of the Architectural Control Committee (the "ACC") is to approve of proposed structural improvements and construction within Sundown Ranch. Architectural review is intended to preserve the aesthetic quality of the neighborhood and protect property values. The ACC hereby recognizes the property rights of the HOA members and the diversity of the tastes and styles held by each. Except for the non-discriminatory enforcement of these guidelines in the spirit of the Mission Statement, the ACC will at all time refrain from the acts that amount to the dictating of taste upon the HOA members. The safety of the community is of paramount interest to the ACC and HOA.

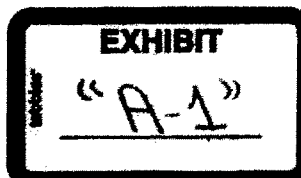
ACC GUIDELINES

PREAMBLE

Unless expressly stated otherwise herein, all exterior construction, improvements, building materials changes, or color changes shall be submitted to the ACC for approval prior to the work commencing. These guidelines are in compliance with or exceed property maintenance ordinances of the City of Denton. ACC approval does not imply City of Denton approval, and City of Denton approval does not imply ACC approval. Owners must still seek approval and permitting from the City as necessary.

I. Storage shed and other outbuilding and structures

- 1.1 Any storage shed, outbuilding, gazebo, greenhouse, or other added structure shall contain no more than 120 square feet of floor space and must comply with the following guidelines:
- a. All outbuildings must be placed within the fenced-in portion of the property
 - b. All outbuildings must not have any portion of the structure below the sidewall height visible from the street.
 - c. All outbuildings must not exceed a total ridge height of eight (8) feet.
 - d. The exterior surface must not consist of metal or cinder block.
 - e. If stained, the stain must match or compliment the structure of the dwelling unit. If not stained, the structure must be painted or constructed to match or compliment the structure of the dwelling unit. Any staining or painting must be completed within 60 days of installation.
 - f. Detached accessory buildings may not be used as a living quarters or leased to third parties.



- g. No accessory building may encroach into any utility easement of the homeowner's lot unless all utility companies involved have granted written consent to the encroachment. It shall be the sole responsibility of the homeowner to secure said consent from the respective utility companies.
- h. All outbuildings must comply with such additional requirements as the ACC may reasonably determine after review of the accessory building plans and specifications.
- i. All outbuildings must not impede or change drainage flow per City of Denton's approved grading plan.

II. Sports Goals and Related Objects

- 2.1 Permanent basketball goals are not allowed.
- 2.2 Portable sports goals are allowed as specified by City of Denton ordinance.
- 2.3 Portable sports goals shall not be used in a manner so that play occurs in the street.

III. Patios (open and enclosed), Patio Covers, and Florida Rooms

- 3.1 Patio covers shall be constructed of quality materials that are architecturally compatible with the finish of the house.
- 3.2 If attached to the house, patio covers must be integrated into the existing roof-line and shingles must match the roof of the house.
- 3.3 Types of materials recommended would be: cedar, pressure treated pine and oak for open lattice structures or lanais.
- 3.4 If required by City of Denton ordinances, project must have a permit from the City of Denton prior to construction.

IV. Room Additions

- 4.1 Room additions will only be considered if they are constructed of an exterior façade that matches the existing façade of the dwelling unit and complies with the overall exterior masonry requirement for the dwelling contained within Article VII, Section 7.6 of the Declaration, excluding windows doors and gables, and roofed with materials that match and are comparable with the rest of the dwelling.
- 4.2 If required by City of Denton ordinances, project must have a permit from the City of Denton prior to construction.

V. Exterior Paint

- 5.1 When a homeowner intends to repaint or repair an original or previously approved and applied color scheme or repair a damaged or deteriorated portion of the exterior structure, the work may proceed without an application to the ACC for approval so long as the repairs are to return that portion of the structure to the original or previously approved condition. All other painting, repair, or refurbishing work must be submitted to the ACC for approval, including but not limited to; front doors, rear doors, and garage doors, siding, trim, eaves, downspouts, shutters and fencings.
- 5.2 Color changes must be approved by the ACC. The ACC shall approve any color scheme generally expressive of the community's character. Color of brick used on the house and color of the neighboring houses are taken into consideration. The use of earth tones and neutral colors are encouraged. Bold colors and primary colors are prohibited.

VI. Front Doors, Storm Windows and Storm Doors

- 6.1 Front doors must be maintained. They may be stained a natural wood color, or painted the same color as the original or approved house trim or original door color without application to the ACC for approval. If not stained a natural wood color or painted the same color as the house trim, the color must follow the guidelines of Paragraph V, and it must be pre-approved by the ACC.
- 6.2 All front-facing storm doors must be a full glass door. The frames of the storm windows and storm doors must be of a color compatible with the exterior house colors and/or general use and appearance of the house. Paint colors must follow guidelines of Paragraph V, and must be pre-approved by the ACC.
- 6.3 All screens on the front door are to part of the metal frame of the storm door.

VII. Decks

- 7.1 Decks may not encroach into any utility easements unless the utility companies involved have granted written consent to such encroachment. It shall be the sole responsibility of the homeowner to secure said consent from the respective utility companies.
- 7.2 Decks shall be situated on a lot such that they do not affect drainage of the lot or any neighboring lot.
- 7.3 Decks should not be taller than eighteen (18") inches from the ground.
- 7.4 Decks must be constructed with standard deck building materials (cedar, pressure treated pine, oak or composite decking materials such as simulated wood decking that does not shrink, crack or weather with age).
- 7.5 If required by City of Denton ordinances, decks must have a permit from the City of Denton prior to construction.

VIII. Swimming Pools and Spas

- 8.1 Pools or spas may not encroach into any easement upon a homeowner's lot unless the utility companies involved have granted written consent to such encroachment. It shall be the sole responsibility of the homeowner to secure said consent for the respective utility companies.
- 8.2 Pools and spas must meet all building set back line and easement restrictions on recorded plat. Grade changes permanently affecting lot drainage is prohibited during construction of the pool.
- 8.3 Pools or spas may only be placed within the fenced-in portion of the property behind the residence and must comply with applicable city statutes and codes.
- 8.4 All pool and spa equipment and tools must be screened from view of other lots, streets and common area.
- 8.5 Above ground spas may be permitted if the spa is self-contained and designed to be mounted on an appropriate slab or support system and is not visible from other lots, streets or common areas.
- 8.6 Above ground pools are permitted in shielded area of a back yard with prior ACC approval due to drainage issues.
- 8.7 "Kiddie" type pools less than five (5) feet in diameter are authorized in front yard without ACC approval, but must be removed by sunset on the day of use.

IX. Antennas

- 9.1 The ACC's ability to regulate the use of television, radio or other electronic towers, aerials, antennae, satellite dishes or devices of any type for the reception or transmission of radio or television broadcast or other means of communication is regulated by the Telecommunications Act of 1996, as amended.
- 9.2 Only (a) one "dish" antenna that are one meter (39.37") or less in diameter designed to receive direct broadcast satellite service or to receive or transmit fixed wireless signals via satellite, (b) antenna that are one meter (39.37") or less in diameter designed to receive video programming service via broadband radio service or to receive or transmit fixed wireless signals and (c) antenna that are designed to receive local television signals (collectively, the "Permissible Antenna") are permitted to be installed on the dwelling unit.
- 9.3 To the extent that receipt of an acceptable signal would not be impaired, Permissible Antennas shall be installed behind the dwelling or on the side of the dwelling towards the rear, screen from the street to the extent reasonably practicable integrated with the dwelling and surrounding landscape.

X. Fences, Fence Extensions, Fence Modifications and Walls

- 10.1 No fence shall be shorter than six (6') feet but no taller than eight (8') feet from the ground pursuant to Article VII, Section 7.7(a) of the Declaration.
- 10.2 When a homeowner intends to rebuild, replace or repair an original or previously approved and erected fence to the same color scheme and height, with similar materials and construction details as used in the original fence or wall, the work may proceed without an application to the ACC. Any changes from the original or previously approved fence must be submitted for approval by the ACC before fence work can proceed.
- 10.3 Any staining or varnishing of fence other than previously approved and applied color must also be approved by the ACC.
- 10.4 No chain link or plastic fence shall be permitted on any lot.
- 10.5 Only masonry, brick and wood will be accepted. Wrought iron or wrought iron looking fences are allowed on those lots described in Article VII, Section 7.7(b) of the Declaration.
- 10.6 All retaining walls must be masonry, brick or wood.
- 10.7 All fences shall have the post and stringers on the interior of the fence and pickets must face the street.
- 10.8 Fences must be maintained in good condition with no loose or broken boards, rusty or squeaky hardware, or other unsightly, hazardous or noisy conditions.
- 10.9 Fences and walls must comply with the ordinances of the City of Denton.

XI. Holiday Decorations, Flag Poles and Bird Houses

- 11.1 Any planned decorative apparatus such as sculptures, elaborate birdbaths, permanently affixed vertical freestanding flag poles, fountains or other decorative embellishments, including swings, must be submitted to the ACC and approved before placement on front lawns, porches, sidewalks, or elsewhere where visible from the street in front of the house or from adjoining lots.
- 11.2 No permanent flag poles may be installed in the front or rear of the home unless the owner follows the U.S. Flag Code (USC §§1-10).
- 11.3 Pole mounted birdhouse shall not exceed ten (10) feet in height and are strictly prohibited in the front portion of the house. Any bird house must be in the back fenced portion of the dwelling and maintained in good condition and repair. Any planned birdhouse must be submitted to the ACC and approved before placement.
- 11.4 Christmas, holiday or other festive decorations of a temporary nature for generally recognized holiday may be implemented without ACC approval. Decorations should not be installed more than four (4) weeks prior to the respective holiday and must be removed within two (2) weeks after the respective holiday.

XII. Exterior Lighting

- 12.1 Exterior lighting shall be of a wattage and lumen count that will not disturb neighboring homeowners.
- 12.2 Exterior decorative lights, security lights, or floodlights must be aimed to provide light only to the homeowner's property and not shine on any neighboring property.
- 12.3 Mercury vapor, fluorescent, or sodium halide lights are not permitted.
- 12.4 Gas or electrical post lights may be erected. Such lights must be no taller than eight feet (8') in height and the illumination must be a low wattage only. Installation of this enhancement requires a city permit and ACC approval before construction begins.

XIII. Wind Turbines and Ventilators

- 13.1 No wind turbines or wind powered electrical generators will be allowed without specific approval of the ACC.
- 13.2 Attic ventilators must be finished to complement the roof or trim color and must be kept in good condition, lubricated, near silent and must not rust or be in a corroded or otherwise deteriorated condition.

XIV. Swing Sets, Playhouses, Trampolines and Forts

- 14.1 A swing set or swing set section of a swing/fort combination unit shall not be taller than eight feet (8').
- 14.2 A child's playhouse/fort may have a roof no higher than twelve feet (12') nor a platform no higher than six feet (6') from the ground.
- 14.3 A swing set or play set is permitted in a backyard only and must not be visible from the street.

XV. Garage Conversions and Carports

- 15.1 No garage or portion thereof shall be converted to a living space.
- 15.2 Carport extension are not permitted.

XVI. Window Air Conditioners

- 16.1 No window units or wall type air conditioners shall be attached to any front wall or window of the house, pursuant to Article VII, Section 7.12(l) of the Declaration.

XVII. Signage, Advertisements, and Billboards

- 17.1 No billboards, posters or advertising device of any kind shall be displayed for public view on any lot.
- 17.2 Signs that give notice of a homes security system are permitted if not larger than one (1) square foot. Window stickers that give notice of a home security system are also permitted.
- 17.3 Signs larger than five (5) square feet and of a size typically used by real estate industry for residential homes are permissible for the purposes of advertising the residence home for sale. Signs advertising for rent or lease are prohibited.
- 17.4 Political signs advocating the election of one or more political candidates, the sponsorship of a political party, or the sponsorship of an issue or proposal may be placed upon a lot, provided that such a shall not be placed more than six (6) weeks prior to the election to which they pertain and be removed within ten (10) days after the day the election has concluded and the signs are not larger than four feet (4') by six feet (6').
- 17.5 School spirit signs are permissible if they are maintained in good condition and not larger then the size typically used by the real estate industry for residential homes.

XVIII. Security Doors and Windows and Window Tint

- 18.1 Security treatments of doors and windows must be approved by the ACC prior to the installation.
- 18.2 The use of "burglar bars," steel wrought iron bars, or similar fixtures on the exterior of windows or doors is prohibited.
- 18.3 ACC approval is not required for the addition of screen doors that are not located on the front of the house if the material matches or is similar to the existing doors on the house and if the color is complimentary to the existing doors on the house.
- 18.4 Windows shall be of clear glass or tinted glass of bronze, gray, smoke, blue color or builder installed Low E windows. The use of reflective glass, aluminum foil, newspaper, or reflective tinting is prohibited.

XIX. Awnings and Overhangs

- 19.1 Awnings and overhangs must be approved by the ACC prior to the installation and generally expressive of the community's character. The ACC will only accept application for backyard awnings and overhangs. Front yard awnings and overhangs are prohibited.

XX. Shutter Guidelines

- 20.1 Homeowners must submit an ACC request for all shutter installations.
- 20.2 Shutters must not be made of plastic, metal or vinyl.
- 20.3 Shutters must be made of wood or wood composite.
- 20.4 Shutters must be stained a natural wood color or painted to compliment the dwelling.
- 20.5 No bright primary colors are allowed.
- 20.6 Shutters that discolor, warp or fade must be maintained or removed
- 20.7 Masonry specific hardware must be used to attach the shutter to the home
- 20.8 The shutter height must be similar to the height of the window.
- 20.9 Only one shutter per each side of a window.
- 20.10 If applicable, shutters must be stained or painted within 60 days of installation.
- 20.11 Contractor bids, digital pictures and sample material must be submitted with application.

XXI. Landscaping

- 21.1 All homes must have a minimum of one tree in the front yard no smaller than two and one half (2.5) caliper at all times.
- 21.2 All homes must maintain a minimum of eight (8) five (5) gallon shrubs at all times.
- 21.3 Landscaping must be maintained to enhance the look of the home.

XXII. Mailboxes

- 22.1 All mailboxes should remain as installed by developer.
- 22.2 Group mailboxes must be made from stone/masonry, duet mailboxes must be made of brick that matches one of two homes using the mailbox.
- 22.3 Other types of mailboxes are prohibited
- 22.4 Additions to boxes, such as planters, require an ACC form and approval.

XXIII. Miscellaneous

- 23.1 The ACC may grant variances when circumstances require deviation from these guidelines.
- 23.2 These guidelines shall not be interpreted to constitute the approval of construction permits, all of which shall be submitted to the City of Denton.
- 23.3 The ACC may at times request copies of all information submitted to the City of Denton for permit(s).

- 23.4 ACC approval does not override city codes or statues or existing deed restrictions, which must be complied with at all times. Applicable building permits must be obtained prior to construction.
- 23.5 All significant landscaping improvements need ACC approval.
- 23.6 Clotheslines are prohibited. The drying of clothes in full public view is prohibited pursuant to Article VII, Section 12(r) of the Declaration.
- 23.7 P.O.D.s or similar storage contains are allowed with ACC approval and are limited to one week and must be positioned in driveway and cannot block public access.

XXIV. Parking, Commercial and Recreational vehicles

- 24.1 Trailers, Recreational vehicles and boats must be kept in the garage, at a storage unit, or parked behind a fence or other screening structure and not visible from the street. Sidewalks are not allowed to be blocked at any time per Article VII, Section 12(b) of the Declarations.
- 24.2 Cars not inspected or legal to drive area not allowed to be parked on the street at any time per Article VII Section 12(b) of the Declarations.
- 24.3 Commercial vehicles are not permitted to be parked overnight. Commercial vehicle are allowed if all business logos and any identifying marks can be covered with magnetic panels or removed per Article VII Section 12(c).
- 24.4 Visitor recreational vehicles are permitted. HO should contact Management Company to notify and give details about length of time.
- 24.5 Wrecked, damaged or inoperable vehicles may not be parked in public view longer than one week.
- 24.6 Homeowners are encouraged to park their cars in the driveway. This measure is to allow maximum visibility while driving for children and animals.
- 24.7 Working on vehicles (cars, trucks, motorcycles, etc.) must be done in your garage or out of public view