

**FIRST AMENDMENT TO THE SECOND SUPPLEMENTAL  
NOTICE OF FILING OF DEDICATORY INSTRUMENTS  
FOR  
GENTLE CREEK ESTATES  
[First Amendment to the Covenant Enforcement and Fining Policy]**

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

**THIS FIRST AMENDMENT TO THE SECOND SUPPLEMENTAL NOTICE OF FILING OF DEDICATORY INSTRUMENTS FOR GENTLE CREEK ESTATES** (this "First Amendment to the Second Supplement") is made this 5<sup>th</sup> day of January, 2018 by Gentle Creek Estates Homeowners Association, Inc. (the "Association").

**WITNESSETH:**

**WHEREAS**, Prosper Land Company, Ltd. ("Declarant") recorded an instrument entitled "Fourth Amended and Restated Declaration of Covenants, Conditions and Restrictions for a Development in Eight Phases, Gentle Creek Estates, in the Town of Prosper, Collin County, Texas" on or about April 15, 2014, as Instrument No. 20140415000362020 of the Real Property Records of Collin County, Texas (the "Declaration"); and

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

**WHEREAS**, Section 202.006 of the Texas Property Code provides that a property owners' association must file each dedicatory instrument governing the association that has not been previously recorded in the real property records of the county in which the property is located; and

**WHEREAS**, Section 202.006(b) of the Texas Property Code, effective January 1, 2012, provides that a dedicatory instrument has no effect until the instrument is filed in accordance with this section; and

**WHEREAS**, on or about August 8, 2016, the Association recorded the Supplemental Notice of Filing of Dedicatory Instruments for Gentle Creek Estates" as Instrument No. 20160808001030340 of the Real Property Records of Collin County, Texas (the "First Supplement"); and

**WHEREAS**, on or about November 15, 2016, the Association recorded the Second Supplemental Notice of Filing of Dedicatory Instruments for Gentle Creek Estates" as Instrument No. 20161115001553350 of the Real Property Records of Collin County, Texas (the "Second Supplement"); and

WHEREAS, the Association desires to amend the Second Supplement with the dedicatory instrument entitled "First Amendment to the Covenant Enforcement and Fining Policy" attached hereto as *Exhibits "A"* and incorporated herein by reference pursuant to and in accordance with Section 202.006 of the Texas Property Code.

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

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

GENTLE CREEK ESTATES HOMEOWNERS  
ASSOCIATION, INC., a Texas non-profit corporation

By: *David Garner*

Printed Name: David Garner

Title: Board President

ACKNOWLEDGMENT

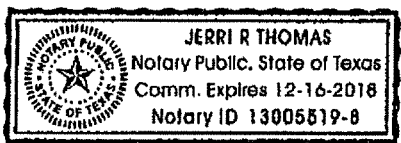
STATE OF TEXAS       §  
                                  §  
COUNTY OF COLLIN   §

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, \_\_\_\_\_ of Gentle Creek Estates Homeowners Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed on behalf of said corporation.

2017.8       SUBSCRIBED AND SWORN TO BEFORE ME on this 5<sup>th</sup> day of January.

*Jeri R Thomas*  
Notary Public, State of Texas

12-16-18  
My Commission Expires



*Exhibit "A"*

First Amendment to the Covenant Enforcement and Fining Policy

GENTLE CREEK ESTATES HOME OWNERS ASSOCIATION, INC.

**FIRST AMENDMENT TO THE COVENANT ENFORCEMENT AND FINING POLICY**

WHEREAS, the Board of Directors (the "Board") of Gentle Creek Estates Homeowners Association, Inc. (the "Association") finds there is a need to amend the Covenant Enforcement and Fining Policy adopted on or about November 14, 2016 ("Enforcement Policy") in order to increase the fine penalties the Association, through the Board, may levy against an Owner in violation of the Governing Documents as the Enforcement Policy defines the term.

NOW, THEREFORE, IT IS RESOLVED that through this First Amendment to the Covenant Enforcement and Fining Policy ("First Amendment") the Board hereby amends the Enforcement Policy as follows:

1. Section XI of the Enforcement Policy is hereby amended by deleting that section in its entirety and replacing it with the following:

**XI. Application of Fines or Special Assessments for Non-Compliance** - Subject to the provisions of the Enforcement Policy and/or the Governing Documents, the imposition of fines will be as follows:

a. **Curable Violations.** In the event the Owner has not cured the Violation within the requested time period (or in the case of a recurring Violation in which the Violation has re-occurred) and a fine will be levied as follows:

**First Fine: \$50**

**Second Fine: \$100** levied ten (10) days after the 1<sup>st</sup> fine if the Violation continues

**Third Fine: \$200** levied ten (10) days after the 2<sup>nd</sup> fine if the Violation continues

**Subsequent Fines:** If the Violation continues ten (10) days after the third fine, the Board may impose a daily per diem fine in an amount deemed reasonable by the Board to be assessed each day the Violation continues but not to exceed \$200 per day.

There is no limit as to the number of fines that may be assessed by the Board for a Violation that the Owner has failed or refused to correct.

2. Except as amended and modified by this First Amendment, the Enforcement Policy shall remain in full force and effect.

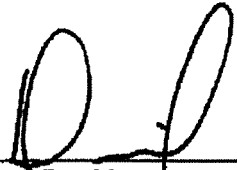
IT IS FURTHER RESOLVED that this First Amendment is effective upon adoption hereof, to remain in force and effect until revoked, modified or amended by the Board of Directors, and shall be filed of record with the Collin County Clerk's Office.

This is to certify that the foregoing resolution was adopted by a majority of the entire Board of Directors at a meeting of same held on \_\_\_\_\_, 2017, and has not been

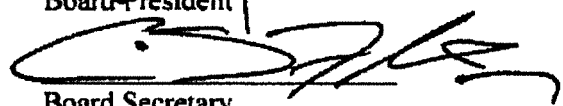


modified, rescinded or revoked.

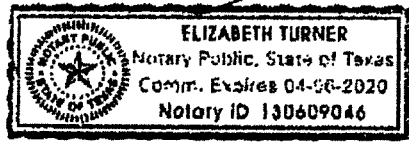
DATE: 12/15/17

  
Board President

DATE: 12/15/17

  
Board Secretary

*December 15, 2017.*



*Elizabeth Turner*  
Notary Public, State of Texas

Filed and Recorded  
Official Public Records  
Stacey Kemp, County Clerk  
Collin County, TEXAS  
01/08/2018 12:25:31 PM  
\$42.00 SCAPELA  
20180108000030560



*Stacey Kemp*