

**SECOND AMENDMENT TO THE SECOND SUPPLEMENTAL AND THIRD  
SUPPLEMENTAL  
NOTICE OF FILING OF DEDICATORY INSTRUMENTS  
FOR  
GENTLE CREEK ESTATES**

**[Second Amendment to the Covenant Enforcement and Fining Policy; ACC Guidelines]**

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

**THIS SECOND AMENDMENT TO THE SECOND SUPPLEMENTAL AND  
THIRD SUPPLEMENTAL NOTICE OF FILING OF DEDICATORY INSTRUMENTS  
FOR GENTLE CREEK ESTATES** (this "Second Amendment to the Second Supplement and  
Third Supplement") is made this 23<sup>rd</sup> day of April, 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**, on or about January 8, 2018, the Association recorded the "First Amendment to the Second Supplemental Notice of Filing of Dedicatory Instruments for Gentle Creek Estates" as Instrument No. 20180108000030560 of the Real Property Records of Collin County, Texas (the "First Amendment to the Second Supplement"); and

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

**NOW, THEREFORE**, the dedicatory instruments attached hereto as **Exhibit "A"** are a true and correct copies of the originals and are 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 Second Amendment to the Second Supplement and Third 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: [Signature]

Printed Name: DAVID GARNER

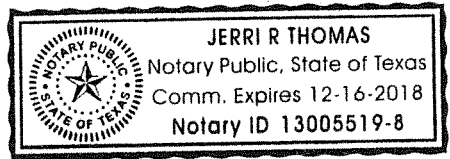
Title: President

**ACKNOWLEDGMENT**

STATE OF TEXAS §  
  §  
COUNTY OF COLLIN §

**BEFORE ME**, the undersigned authority, on this day personally appeared David Garner, President 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.

**SUBSCRIBED AND SWORN TO BEFORE ME** on this 23<sup>rd</sup> day of April, 2018.



[Signature]  
Notary Public, State of Texas  
December 16, 2018  
My Commission Expires

*Exhibit "A"*

Second Amendment to the Covenant Enforcement and Fining Policy

ACC Guidelines

**Second Amendment to the Covenant Enforcement and Fining Policy  
and the  
ACC Guidelines  
have been separated into two documents**

**Recording documentation has been kept attached to both documents.**

**GENTLE CREEK ESTATES HOME OWNERS ASSOCIATION, INC.**

**SECOND 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*") and the First Amendment to the Covenant Enforcement and Fining Policy ("*First Amendment*") adopted on or about January 5, 2018, in order to create a specific fine the Board may levy against an Owner in violation of the Governing Documents' requirement that an Owner submit plans to the Committee and obtain the Committee's prior written approval before commencing any construction.

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

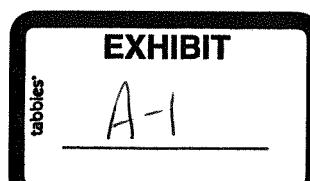
1. Section XI of the *Enforcement Policy* is hereby amended by adding new Subsection (b) to Article XI which states as follows:

b. **ACC Violation.** In the event an Owner fails to comply with Article X, Section 10.02, of the Declaration by not submitting plans to the Architectural Control Committee ("*Committee*") and obtaining the Committee's prior written approval of the plans before commencing any action or activity whatsoever on the Lot, including, but not limited to, work, construction, painting, staining, landscaping, or any other changes, modifications, or construction, the Board may levy an initial fine of up to \$500.00 upon the Owner at the Board's sole and absolute discretion. If the Owner fails to cure the violation within twenty (20) days after the initial fine is levied by submitting plans to the Committee, the Board may levy subsequent fines up to \$500.00 per fine for every subsequent twenty (20) day period the Owner fails to submit plans to the Committee.

In the event the Committee denies the Owners plans and demands that the Owner cure the unapproved action or activity the Owner performed on the Owner's Lot, the Board may begin levying fines pursuant to the fining schedule established in Subsection (a) of Article XI of the *Enforcement Policy* in the event the Owner fails to cure the unapproved action.

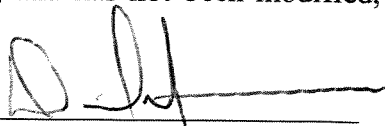
2. Except as amended and modified by the *First Amendment* and this *Second Amendment*, the *Enforcement Policy* shall remain in full force and affect.

**IT IS FURTHER RESOLVED** that this *Second 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.

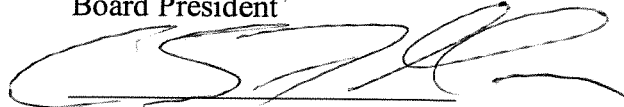


This is to certify that the foregoing resolution was adopted by a majority of the entire Board of Directors at a meeting of same held on April 9th, 2018, and has not been modified, rescinded or revoked.

DATE: 4/9/2018

  
Board President

DATE: 4/9/2018

  
Board Secretary

