



AFTER RECORDING RETURN TO:

William P. McLean  
McLean & Howard, L.L.P.  
Barton Oaks Plaza, Building II  
901 S. MoPac Expy., Suite 225  
Austin, Texas 78746

**FIRST AMENDMENT TO  
COMMUNITY DESIGN BOOK FOR  
CIMARRON HILLS**

This First Amendment to Community Design Book for Cimarron Hills (this **“Amendment”**) is made this 5<sup>th</sup> day of December, 2012 by **CIMARRON HILLS DEVELOPMENT, L. L. C.**, an Arizona limited liability company authorized to do business in Texas (the **“Declarant”**), and is as follows:

**RECITALS**

WHEREAS, Cimarron Hills, a master planned community located in Williamson County, Texas (the **“Community”**), was established pursuant to that certain Declaration of Covenants, Conditions and Restrictions for Cimarron Hills recorded as Document No. 2001007792 and corrected and re-recorded as Document No. 2001010234, Official Public Records of Williamson County, Texas (collectively the **“Original Declaration”**); and

WHEREAS, Declarant acquired its rights as Declarant under the Declaration pursuant to the Assignment of Declarant Rights recorded under Document No. 2012087326 in the Official Public Records of Williamson County, Texas; and

WHEREAS, pursuant to Article XVII, Section 2 of the Original Declaration, Declarant amended the Original Declaration by that certain First Amendment to Declaration of Covenants, Conditions and Restrictions for Cimarron Hills recorded as Document No. 2012087525, Official Public Records of Williamson County, Texas (the **“First Amendment”**), as corrected by that certain Correction First Amendment to Declaration of Covenants, Conditions and Restrictions for Cimarron Hills recorded as Document No. 2012103027, Official Public Records of Williamson County, Texas (the **“Correction Amendment”**) (the Original Declaration and First Amendment, as corrected by the Correction Amendment, are collectively referred to as the **“Declaration”**); and

WHEREAS, pursuant to Article VI, Section 2 of the Original Declaration, as amended by Section 3 of the First Amendment, Declarant has the sole and full authority to amend the Community Design Book prior to the Turnover Date; and

WHEREAS, Declarant has redeveloped the section of the Community known as the Fairway Homes at *Cimarron Hills* Phase 3, Section 2 (collectively the “Fairway Lots”) being all of the Lots described in the REVISED CIMARRON HILLS, Phase 3, Section 2, a Subdivision in Williamson County, Texas, as depicted on the map or plat thereof recorded in Document No. 2012098161 of the Plat Records of Williamson County, Texas (the “Plat”); and

WHEREAS, Declarant desires to amend the Community Design Book as set forth herein to provide design guidelines with respect to the contemplated construction of homesites within the Fairway Lots.

NOW THEREFORE, THE COMMUNITY DESIGN BOOK IS HEREBY AMENDED AS FOLLOWS:

1. Amendment of Community Design Book and Improvement Requirements. Section 10.9 of the Community Design Book is hereby deleted in its entirety and replaced with the following quoted provision, which shall apply to all Lots and Units located within the Community:

**“10.9 AMENDMENT OF COMMUNITY DESIGN BOOK AND IMPROVEMENT REQUIREMENTS**

Until the designated Turnover Date [as referenced in the CC&Rs], Declarant may, from time to time and at its sole discretion, amend or revise any portion of these Improvement Requirements. Declarant may delegate its authority to amend the Community Design Book to any DRC prior to the Turnover Date. Declarant’s delegation of authority as set forth in the preceding sentence may be a full or partial delegation of such authority and may be limited to certain specific areas within the Community. Subsequent to the Turnover Date, administrative changes may be made in like manner by the *Cimarron Hills* DRC; changes of a substantial nature may be recommended by the *Cimarron Hills* DRC for consideration by the Board of Directors of the *Cimarron Hills* Community Association.

Prior to undertaking any improvement on a homesite, each Owner, Architect, and General Contractor is responsible for obtaining a copy of the most current Community Design Book from the *Cimarron Hills* DRC or Developer.”

2. Fairway Lots Addendum. Exhibit “A”, which is attached hereto and incorporated herein, represents a new addendum to the Community Design Book that contains provisions which are applicable only to the Fairway Lots. Exhibit “A” is intended to supplement, modify and amend the Community Design Book with respect to the Fairway Lots only.

3. Interpretation of Amendment. Unless defined otherwise herein, all capitalized terms shall have the same meaning ascribed to such terms in the Declaration and Community Design Book. The provisions of this Amendment are hereby incorporated into and made a part

of the Community Design Book with respect to all Lots and Units within the Community. The terms and conditions of the Community Design Book, as amended by **Exhibit "A"** with respect to the Fairway Lots only, shall continue in full force and effect with respect to all Lots and Units within the Community.

*[SIGNATURE PAGE FOLLOWS]*

Unofficial Document

EXECUTED to be effective as of the date set forth above.

**DECLARANT:**

CIMARRON HILLS DEVELOPMENT, L.L.C.,  
an Arizona limited liability company

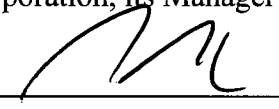
By: CIMARRON 2009, LLC,  
an Arizona limited liability company, its Sole Member

By: DT LIFESTYLE, L.L.C.,  
an Arizona limited liability company,  
fka DTR1B, L.L.C., its Sole Member

By: DTR1, L.L.C., an Arizona  
limited liability company, its Manager

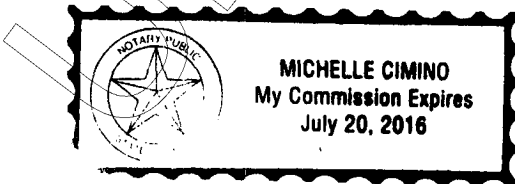
By: DESERT TROON LIMITED, L.L.C.,  
an Arizona limited liability company, its Manager

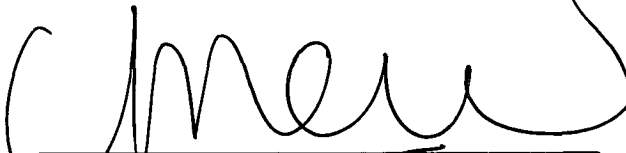
By: DT INVESTMENTS, INC.,  
an Arizona corporation, its Manager

By:   
Name: Gary S. Elbogen  
Title: Vice President

THE STATE OF TEXAS    §  
                                      §  
COUNTY OF WILLIAMSON   §

This instrument was acknowledged before me on this 5<sup>th</sup> day of December 2012,  
by Gary S. Elbogen as Vice President of DT Investments, Inc., an Arizona corporation, the  
manager of Desert Troon Limited, L.L.C., an Arizona limited liability company, the manager of  
DTR1, L.L.C., an Arizona limited liability company, the manager of DT Lifestyle, L.L.C. fka  
DTR1B, L.L.C., an Arizona limited liability company, the sole member of Cimarron 2009, LLC,  
an Arizona limited liability company, the sole member of Cimarron Hills Development, L.L.C.,  
an Arizona limited liability company, on behalf of said entities.



  
Notary Public, State of Texas

**EXHIBIT "A"**

**ADDENDUM TO COMMUNITY DESIGN BOOK  
APPLICABLE TO FAIRWAY LOTS**

1. It is contemplated that the Fairway Lots shall be sold to Builders in volume closings and that the Builders shall build multiple speculative homes on the Fairway Lots. The time period during which this is occurring shall be referred to herein as the "Buildout Stage". Declarant shall serve as the DRC for the Fairway Lots during the Buildout Stage or until Declarant determines, in its sole discretion to delegate such authority to the appointed committee of individuals that otherwise serves as DRC. During the Buildout Stage, the Design Review Procedures set forth in Chapter 7 and the Construction Procedures in Chapter 8 of the Community Design Book may be waived by Declarant and Declarant may determine, in its sole discretion, by letter agreement with each Builder or other documentation the materials, information, processes fees and deposits that are required in connection with the approval of the construction of homes by Builders on the Fairway Lots.

2. The rear setback line requirement set forth in Section 3.5 of the Community Design Book is hereby deleted in its entirety and replaced with the following quoted provision:

"Rear - 25', Rear if rear of lot is adjacent to Golf Course - 35' or by Variance if Applicable"

3. The first subparagraph of Section 3.7 of the Community Design Book is hereby deleted in its entirety and replaced with the following quoted provision:

"*Cimarron Hills* DRC prefers each homesite be accessed by a single driveway. Access drives must be located to preserve and protect important natural features, such as large or significant plant materials, trees, drainage ways, and rock outcroppings. The driveway must be designed to allow for two uncovered parking spaces, these spaces may be achieved by parking cars in tandem."

4. The first subparagraph of Section 3.8 of the Community Design Book is hereby deleted in its entirety and replaced with the following quoted provision:

"Driveway access and garage location lend significant shape to the design and placement of the home. One of the greatest contributors to negative feelings about residential subdivisions is the often-present row of garages oriented to the street with oversized driveways leading to them. Every effort must be made to keep this view from being prevalent at *Cimarron Hills*. Garage doors may face streets within the Fairway Homes at *Cimarron Hills* Phase 3 Section 2 of *Cimarron Hills* if the garage structure is set back from the property line of the house by at least a 20' front setback. Furthermore, all front facing garage doors shall provide adequate shadow, depth, and architectural diversity. Because of the geological compositions that exist within much of *Cimarron Hills*, driveways should be located where the least amount of cut or fill is required."

5. The subsection of Section 3.12 of the Community Design Book entitled "Runoff from Impervious Surfaces" is hereby deleted in its entirety. Instead, all construction on Lots shall occur

in accordance with Texas Commission on Environmental Quality standards and any other applicable laws or regulation related thereto. All other provisions of Section 3.12 of the Community Design Book shall remain in full force and effect.

6. The second paragraph of Section 3.14 of the Community Design Book is hereby deleted in its entirety. All other provisions of Section 3.14 of the Community Design Book shall remain in full force and effect.

7. The second subparagraph of Section 5.4 of the Community Design Book is hereby deleted in its entirety and replaced with the following quoted provision:

“One of the first goals of all Owners and their Architects should be to create the highest quality home in the minimum space possible consistent with the satisfaction of the Owner’s need for space. The minimum square footage of living area for homes located in The Fairway Homes at Cimarron Hills: Phase 3, Section 2 is one thousand eight hundred (1800) square feet. Declarant has the right to reduce the minimum square footage in the designated non-custom lots areas. For the purposes of this section, living area is defined as habitable space that is heated and/or cooled, other than garages and below grade basements with no walls exposed to the exterior greater than 6 feet in height.”

8. The second paragraph of Section 5.9 of the Community Design Book is hereby deleted in its entirety and replaced with the following quoted provision:

“All building facades must include a significant degree of texture/depth such as that provided by stone and rock, stucco, rough-sawn wood and brick. All exterior finish materials including stucco on all building walls, foundations, site walls and screen walls must be continued down to a maximum of twelve (12) inches of exposed foundation. Drop masonry ledges are required. Underpinning is an acceptable wall surface to meet the twelve (12) inch exposed foundation requirement. Care should be taken to select the proper color of underpinning to compliment the stone selections per residence. Where code restricts the continuance of any major wall material below grade then the wall(s) must be detailed to include the introduction of stone, rock or brick down below finished grade.”

9. The fourth paragraph of Section 5.14 of the Community Design Book is hereby deleted in its entirety and replaced with the following quoted provision:

“Garage doors must relate to the remainder of the home’s design elements and materials. Garage door materials are approved for The Fairway Homes at Cimarron Hills; Phase 3 Section 2 of Cimarron Hills by the DRC. Doors should be the same color of wood accents through the use of stain and generally should not call attention to them. Double garage doors 16’ to 18’ in width are permitted as well as single garage doors 9’ in width. Refer to Section 3.8 for more information. Garages for homes will be allowed to orient directly to the street. No more than 2 garage stalls will be allowed directly adjacent to each other. The third door must occur in a secondary building plane, offset by a minimum of 2 feet from the primary wall. No more than 3 doors will be permitted in an elevation. A maximum of four (4) stalls will be allowed.”

10. The second paragraph of Section 6.7 of the Community Design Book is hereby deleted in its entirety and replaced with the following quoted provision:

“Traditional vertical illuminated flag poles of a scale comparable to an adjoining structure will be allowed in the Fairway Homes at *Cimarron Hills*, Phase 3 Section 2. Any flag pole installed shall, upon the sale or change in use of said structure, be removed and comply with the existing rules related to flagpoles and exterior sculpture listed above.”

11. Section 6.9 of the Community Design Book is hereby deleted in its entirety and replaced with the following quoted provision:

“Basketball Goals and play structures will not be allowed in The Fairway Homes at *Cimarron Hills* Phase 3 Section 2 due to the limited width of the lots.”

12. Section 9.3 of the Community Design Book is hereby deleted in its entirety and replaced with the following quoted provision:

“The Construction Activity Zone is the area in which all activities related to building a home must occur. No construction activity may take place outside of this area at any time. It is established during the Design phase of the project and then reviewed at the Pre-Construction meeting. Five (5) foot chain link fence, or other construction fencing as approved by Developer, which must be installed and maintained along sides of property abutting golf course property or homesites owned by others Failure by the owner to maintain vegetation protection fencing will likely result in fines and possible corrective action. For more information on the Construction Activity Zone and Fines, please refer to Chapter 3.10 *SITE PLANNING, Construction Activity Zone*.

During construction, homesites along the driving range must have a 6' height chain link temporary construction fencing, or other construction fencing as approved by Developer, at the rear of the property that abuts to the driving range during construction. This fence shall be for the complete length of lots along driving range tract.”

13. The third paragraph of Section 9.9 of the Community Design Book is hereby deleted in its entirety and replaced with the following quoted provision:

“All concrete washouts, from both trucks and mixers, must occur within the building envelope of the homesite, or other location previously approved by Developer, in a location where it will ultimately be concealed by a structure or covered by paving. Washout in road rights-of-way, setbacks, natural areas or on adjacent properties is strictly prohibited.”

**FILED AND RECORDED**  
**OFFICIAL PUBLIC RECORDS 2012103028**

*Nancy E. Rister*

12/12/2012 12:25 PM

MARIA \$40.00

NANCY E. RISTER, COUNTY CLERK  
WILLIAMSON COUNTY, TEXAS

Unofficial Document

② Cimarron Hills Development LLC  
103 Cimarron Trail West  
Georgetown, TX 78628