

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

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

This Second Amendment to Community Design Book for Cimarron Hills (this "**Amendment**") is made this 6th day of August, 2014 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 Original Declaration pursuant to the Assignment of Declarant Rights recorded under Document No. 2012087326, 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**"), and by that certain Second Amendment to Declaration of Covenants, Conditions and Restrictions for Cimarron Hills recorded as Document No. 2013019699, Official Public Records of Williamson County, Texas (the "**Second Amendment**") (the Original Declaration, First Amendment, as corrected by the Correction Amendment, and Second 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, the Turnover Date has not occurred; 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, Plat Records of Williamson County, Texas; and

WHEREAS, pursuant to Article VI, Section 2 of Declaration, Declarant amended the Community Design Book by adding an Exhibit "A" to provide design guidelines with respect to the contemplated construction of homesites within the Fairway Lots, as set forth in that certain First Amendment to Community Design Book for Cimarron Hills recorded as Document No. 2012103028, Official Public Records, Williamson County, Texas; and

WHEREAS, Declarant desires to further amend the Community Design Book as set forth herein to provide additional 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. Section 2 of Exhibit "A" attached to the Community Design Book is hereby modified to include the following quoted provision:

"The side 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:

"Side – 5.5', or aggregate of no less than 11' between the eaves of homes on adjacent Lots, or by Variance as applicable."

2. 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" and as further amended herein 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]

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: [Signature]  
Name: Gary S. Elbogen  
Title: Vice President

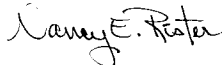
THE STATE OF ARIZONA   §  
                                          §  
COUNTY OF MARICOPA   §

This instrument was acknowledged before me on this 6<sup>th</sup> day of August, 2014, 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.

[Signature]  
Notary Public, State of Arizona



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Nancy E. Rister, County Clerk  
8/8/2014 11:00 AM

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Williamson County Texas

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