

Nancy E. Rister

Nancy E. Rister, County Clerk

2013 Mar 05 01:16 PM

Fee: \$ 24.00 Pages: 3

Williamson County Texas

**SECOND AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR CIMARRON HILLS**

TO WITHDRAW PROPERTY FROM COMMUNITY

This Second Amendment to Declaration of Covenants, Conditions and Restrictions for Cimarron Hills to Withdraw Property from Community ("Amendment to Withdraw Property") is made this 1st day of March, 2013 (the "Effective Date") by **Cimarron Hills Development, LLC**, 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 Declaration of Covenants, Conditions and Restrictions for Cimarron Hills, recorded at Document No. 2001007792, corrected and re-recorded as Document No. 2001010234, Official Public Records of Williamson County, Texas, and amended by the First Amendment to Declaration of Covenants, Conditions and Restrictions for Cimarron Hills, recorded at Document No. 2012087525, Official Public Records of Williamson County, Texas (collectively, the "Declaration");

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

WHEREAS, pursuant to Article XVII, Section 2 of the Declaration, prior to the Turnover Date (as defined in the Declaration), Declarant may amend the Declaration in its sole and absolute discretion;

WHEREAS, the Turnover Date has not occurred; and

WHEREAS, in exercise of its rights under XVII, Section 2 of the Declaration, Declarant desires to amend the Declaration to withdraw from the definition of "Property" in the Declaration the lot known as Block E, Lot 2, Cimarron Hills P.U.D. Phase One Section Six a subdivision recorded in Document No. 2001028392 such lot being referred to herein as the "Withdrawn Property".

AMENDMENT

NOW THEREFORE, THE DECLARATION IS HEREBY AMENDED AS FOLLOWS:

1. The "Property" as described in Exhibit "A" to the Declaration shall exclude the Withdrawn Property. Furthermore, after the Effective Date of this Amendment to Withdraw Property, the Withdrawn Property may not be added to or annexed into the Property or otherwise made subject to the provisions of the Declaration.

2. Any capitalized terms used and not otherwise defined herein shall have the meanings set forth in the Declaration. Unless expressly amended by this Amendment, all other

terms and provisions of the Declaration remain in full force and effect as written, and are hereby ratified and confirmed.

[signature page follows]

EXECUTED to be effective as of the Effective Date set forth above.

DECLARANT:

CIMARRON HILLS DEVELOPMENT, LLC, an Arizona limited liability company

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

By: DT LIFESTYLE, LLC,
an Arizona limited liability company,
fka DTR1B, LLC, its sole member

By: DTR1, LLC,
an Arizona limited liability company,
its Manager

By: DESERT TROON LIMITED, LLC,
an Arizona limited liability company,
its Manager

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

By: [Signature]
Gary S. Elbogen, Vice President

THE STATE OF ARIZONA

COUNTY OF Maricopa

This instrument was acknowledged before me on this 1st day of March, 2013, by Gary S. Elbogen as Vice President of DT Investments, Inc., an Arizona limited liability company, the Manager of Desert Troon Limited, LLC, an Arizona limited liability company, the Manager of DTR1, LLC, an Arizona limited liability company, the Manager of DT Lifestyle, LLC, an Arizona limited liability company, fka DTR1B, LLC, the Sole Member of Cimarron 2009, LLC, an Arizona limited liability company, the Sole Member of Cimarron Hills Development, LLC, an Arizona limited liability company, on behalf of said entities.



DEANNE C. HAGEY
Notary Public - Arizona
Maricopa County
Expires 01/31/2017

[Signature]
Notary Public, State of Arizona