NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

After recording, return to:
Barcelona in McKinney Homeowner's Association, Inc.
c/o Essex Association Management, L.P.
Attention: Ron Corcoran
1512 Crescent Drive, Suite 112
Carrollton, Texas 75006

STATE OF TEXAS \$ \$ KNOW ALL PERSONS BY THESE PRESENTS: \$

## FOURTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BARCELONA IN MCKINNEY

THIS FOURTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BARCELONA IN MCKINNEY HOMEOWNER'S ASSOCIATION, INC. (this "Amendment") is made and entered by CTMGT BARCELONA, LLC a Texas limited liability company (the "Declarant"), as of the 4<sup>th</sup> day of January, 2019.

WHEREAS, on April 22, 2014, Declarant executed that certain Declaration of Covenants, Conditions and Restrictions for Barcelona in McKinney Homeowner's Association, Inc. recorded on April 23, 2014 as Document No. 20140423000391950, in the Official Public Records of Collin County, Texas (the "Original Declaration"), as amended, modified and supplemented by that certain First Amendment to Declaration of Covenants, Conditions and Restrictions for Barcelona in McKinney dated September 3, 2014 and recorded on September 4, 2014 as Document No. 20140904000958260 in the Official Public Records of Collin County, Texas (the "First Amendment"), and as further amended, modified and supplemented by that certain Second Amendment and Supplement to Declaration of Covenants, Conditions and Restrictions for Barcelona in McKinney dated May 8, 2017 and recorded on May 12, 2017 as Document No. 20170512000610230 in the Official Public Records of Collin County, Texas (the "Second Amendment and Supplement"), and as further amended, modified and supplemented by that certain Third Amendment to Declaration of Covenants, Conditions and Restrictions for Barcelona in McKinney dated March 1, 2018 and recorded on March 2, 2018 as Document No. 20180302000260390 in the Official Public Records of Collin County, Texas (the "Third Amendment"; the Original Declaration as so amended, modified and supplemented, by the First Amendment, Second Amendment and Supplement and Third Amendment is herein referred to as the "Declaration"), which Declaration encumbers the real property described therein with the covenants, conditions and restrictions set out there in (the "Property"); and

WHEREAS, the Declaration was filed less than five (5) year prior to this Fourth Amendment and pursuant to Section 7.1.1 of the Declaration, the Declarant has the right at any

time and from time to time to amend the Declaration by an instrument in writing duly signed, acknowledged, and filed for record in Collin County, Texas;

WHEREAS, Declarant has determined it is necessary to amend this Declaration and clarify certain portions of the Declaration as necessary or to correct technical or typographical errors;

NOW, THEREFORE, the Declarant does hereby amend the Declaration as follows:

- 1. <u>Defined Terms</u>. Unless otherwise defined in this Amendment or the context otherwise requires, each term used in this Amendment with its initial letter capitalized which has been specifically defined in the Declaration shall have the same meaning herein as given to such term in the Declaration.
- 2. <u>Amendments to Declaration</u>. The Declaration is hereby modified and amended in the following respects:
- (a) Section 2.5(b) of the Declaration is hereby modified and amended to add the following sentence to the end of the second paragraph:

"The Board of Directors, at their sole discretion, may enact additional rules governing the parking of vehicles on the street and may enact rules to enforce towing for any abandoned, illegally parked, non-operational, or unauthorized vehicle left on the street without the express written permission of the Board for more than twenty-four (24) hours."

(b) Section 2.5(e) of the Declaration is hereby modified and amended to add the following verbiage at the end of the second sentence:

"All trash and recycle containers or bins must be stored out of public view at all times with the exception of trash or recycle pickup days at which time containers or bins may be placed at the street for pickup anytime during the day prior to the designated pickup day. Trash and recycle containers or bins must be retrieved from the street and returned to their storage areas out of public view by the end of the designated pickup day. No trash is allowed to be outside a container unless properly stored in a trash bag and tightly sealed and only if the container is too full to otherwise accommodate the additional bag(s) of trash. Any trash strewn over the yard or street in front of a residence shall be promptly picked up and disposed of."

(c) Section 2.10 of the Declaration is hereby modified and amended to insert the following sentence at the end of the paragraph as follows:

"Without the express written consent of the Architectural Control Committee, household bricks may not be utilized as any kind of landscape border or tree well border within the front or side yards of a Lot so long as any portion of the Lot is visible to the public."

(d) Section 5.1 of the Declaration is hereby modified and amended to add the following verbiage to the end of the second sentence:

"Trees, shrubs, landscaping and all landscaped areas must be maintained in an aesthetically pleasing manner and kept free of weeds and encroaching grass."

Page 2

Section 5.1 of the Declaration is hereby further modified and amended to delete and replace in its entirety the last sentence as follows:

"Grass shall not be permitted to grow to a height greater than five inches (5") upon any Lot."

(e) Section 8.3.2 of the Declaration is hereby modified and amended to delete the third sentence in its entirety and replace with the following:

"Each time a meeting is called, whether regular or special, the presence at the meeting of the Members, in person or by proxy, entitled to cast at least twenty percent (20%) of all of the votes of the Association's Members, without regard to class, shall constitute a quorum."

No Other Effect. Except as expressly modified, amended and supplemented by this Amendment, the terms and provisions of the Declaration and Design Guidelines are not amended, modified or supplemented, and the Declaration and the Design Guidelines, as modified, amended and supplemented hereby, are hereby amended as provided herein.

- 3. Severability. Invalidation of anyone provision of this Amendment by judgment or court order shall in no way affect any other provision of this Amendment or the remainder of this Amendment which shall remain in full force and effect. Furthermore, in lieu of each such illegal, invalid, or unenforceable provision, there shall be added automatically as a part of this Amendment a provision as similar in terms to such illegal, invalid, or unenforceable provision as may be possible and be legal, valid, and enforceable.
- 4. <u>Headings</u>. The headings contained in this Amendment are for reference purposes only and shall not in any way affect the meaning or interpretation of this Amendment.

REMAINDER OF PAGE LEFT BLANK - SIGNATURE PAGE FOLLOWS

EXECUTED to be effective as of the date written above.

## **DECLARANT:**

CTMGT BARCELONA, LLC a Texas limited liability company

By: CADG Holdings, LLC

a Texas limited liability company

its Sole Member

By: MMM Ventures, LLC

a Texas limited liability company

its: Manager

By: 2M Ventures, LLC

a Delaware limited liability company

its: Manager

Name: Mehrdad Moavedi

Its: Manager

STATE OF TEXAS

Ş

COUNTY OF DALLAS

Before me, \_\_\_\_\_\_\_\_, a Notary Public, on this day personally appeared Mehrdad Moayedi, Manager of 2M Ventures, LLC, as Manager of MMM Ventures, LLC, as Manager of CADG Holdings, LLC, as Sole Member of CTMGT Barcelona, LLC, a Texas limited liability company on behalf of said company.

Given under my hand and seal of office this 2 day of 2019.

[SEAL]

TREVOR KOLLINGER
Notary Public, State of Texas
Comm. Expires 01-05-2021
Notary ID 130950327

Notary Public, State of Texas

Printed name of Notary

My Commission Expires: \_01 05-21

\20190204

Page 4



Filed and Recorded Official Public Records Stacey Kemp, County Clerk Collin County, TEXAS 02/08/2019 12:35:14 PM \$38.00 TBARNETT 20190208000137130

Spacificap