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 Management

Attn: Ron Corcoran

1512 Crescent Drive, Suite 112

Carrollton, Texas 75006

STATE OF TEXAS

§

**COUNTY OF COLLIN** 

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THIRD AMENDMENT AND SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BARCELONA IN MCKINNEY

THIS THIRD AMENDMENT AND SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BARCELONA IN MCKINNEY (this "Supplement") is made and entered into as of the 29<sup>th</sup> day of July, 2019 by CTMGT BARCELONA, LLC, a Texas limited liability company ("Declarant").

#### PRELIMINARY STATEMENTS

- A. Declarant executed that certain Declaration of Covenants, Conditions and Restrictions for Barcelona in McKinney, dated April 22, 2014, recorded on April 23, 2014 as Document No. 20140423000391950 in the Official Public Records of Collin County, Texas, as amended by that certain First Amendment to Declaration of Covenants, Conditions and Restrictions for Barcelona in McKinney, dated September 3, 2014, recorded on September 4, 2014 as Document No. 20140904000958260 in the Official Public Records of Collin County, Texas, as amended by that certain Second Amendment and Supplement to the Declaration of Covenants, Conditions and Restrictions for Barcelona in McKinney, dated May 8, 2017, recorded on May 12, 2017 as Document No. 20170512000610230 in the Official Public Records of Collin County, Texas (as amended, the "Declaration").
- B. In accordance with the terms of the Declaration, including, without limitation, Section 14.1 and Section 14.2 thereof, the Declarant may, at any time and from time to time, add additional lands to the Property (as defined in the Declaration) upon the filing of a Supplemental Declaration (as defined in the Declaration), and Declarant may subject such additional lands to additional covenants and easements, and supplement, create exceptions to or otherwise modify the terms of the Declaration as it applies to such additional lands by such Supplemental Declaration.
- C. The Declarant desires to annex the 19.103 acres of real property as shown on **Exhibit A** and by the Record Plat of Barcelona Addition, Phase III, recorded or to be recorded in

the Official Public Records of Collin County, Texas (the "Phase III Land" or "Additional Land"), which Additional Land includes (without limitation) certain Common Properties as shown on the Plat attached hereto and incorporated herein by reference as **Exhibit A-1**. Lots to be developed with detached single-family homes (the "Detached Lots"), which Detached Lots are more specifically described and/or depicted by Plat on **Exhibit A-1** attached hereto and incorporated herein by reference. Declarant executes and records this Supplement as evidence of its approval of inclusion and annexation of the Additional Land into the Property subject to the Declaration and establish additional covenants, easements and/or modifications to certain terms of the Declaration with respect to the Phase III Lots within the Additional Land.

D. The Declarant intends that the Additional Land be considered Property for purposes of this Declaration, and that all of the terms, covenants, conditions, restrictions and obligations of the Declaration will apply to the Additional Land and Declarant desires to amend the Declaration to include such Additional Land within the Property and to subject the property to the terms, conditions, covenants, easements of the original Declaration and any modified or amended terms, conditions, covenants, and easements of the Declaration, or as may be more specifically set forth in the terms of this Supplement.

NOW, THEREFORE, Declarant does hereby adopt this Supplement as follows:

- 1. <u>Definitions</u>. Unless otherwise defined in this Supplement, all capitalized words or terms used herein shall be defined and have the meaning set forth in the Declaration as modified and amended hereby.
- Additional Land Subject to Declaration. In accordance with the provisions of the Declaration, including, without limitation, Section 14.1thereof, the Declarant does hereby amend the Declaration to include the Additional Land as part of the Property subject to the Declaration and the terms hereof, with such Additional Land developed or to be developed as Lots and/or Common Properties, in accordance with a Plat or Plats approved or to be approved and recorded in the Official Public Records of Collin Country, Texas. In this regard, the Declarant hereby adopts, establishes and imposes the covenants, conditions, restrictions, assessments, easements, liens and charges of the Declaration as they apply to Single-Family Detached Lots and Common Properties upon the Additional Land, as modified by this Supplement, and declares that Additional Land and all portions thereof are and shall be held, transferred, used, assigned, sold, conveyed and occupied subject to all such covenants, conditions, restrictions, assessments, easements, liens and charges as set forth in the Declaration with respect to Additional Land as set forth in this Supplement (and subject to modification to the applicable terms of the Declaration with respect to the Single-Family Detached Lots). Each Lot within the Additional Land shall be subject to the use restrictions and architectural controls as provided in the Declaration that apply to such Lots or as modified by this Supplement, and any residence or other improvement or structure constructed thereon. Exhibit A attached to the Declaration is hereby modified and amended to add to the land originally described on such *Exhibit A*, the Additional Land as if same was originally included in the Declaration.
- 3. <u>Amendments Applicable to Phase III Lots</u>. Notwithstanding Paragraph 2 above, the following amendments shall be made to the Declaration with respect to Phase III Lots within

the Additional Land and will be subject to the terms of the Declaration, as modified by the following:

- (i) "Basis and Amount of Annual Assessments. Section 10.3 of the Declaration is hereby modified and amended to add Lots in Phase III and does hereby subject Lots in Phase III to all the covenants, conditions and restrictions for the payment, collection, and increase of assessments as set forth in the original Declaration."
- (ii) "Assessments. Each Owner of a Lot within the Additional Land, by acceptance of a deed or other conveyance or transfer of legal title to a Lot, whether or not it shall be so expressed in any such deed or other conveyance or transfer, shall be deemed to have covenanted and agreed to pay to the Association, or to an independent entity or agency which may be designated by the Association to receive such monies, assessments as provided in the Declaration, and modified and amended by this Supplement. An assessment lien is created and reserved in favor of the Association to secure collection of the assessments as provided in the Declaration, as modified and amended by this Supplement. Until and unless otherwise determined by the Board of Directors of the Association, the annual assessment for Lots in the Additional Land shall be the same as that charged to all other Single Family Detached Lots within the Property."
- 4. <u>Design Guidelines</u>. " (i) The Declarant does hereby subject all Lots in Phase III to the Design Guidelines attached as <u>Exhibit "C"</u> to the original Declaration as it pertains to Single Family Lots and to continue the same minimum requirements set forth in the Design Guidelines and the Declaration notwithstanding, any amendment or modification which may be set forth hereto."
- 5. <u>Mailboxes.</u> "An address block shall he installed on the front facade of each residence and mailboxes for Phase III Lots shall be cluster mailboxes of a standardized design approved in writing by the Architectural Control Committee prior to installation and shall conform to any applicable requirements of the City, the United States Postal Service or other applicable governmental authority, and shall be constructed in accordance with applicable Design Guidelines and/or at the sole discretion of the Declarant."
  - "In the event that any cluster mailbox installed in the Subdivision requires maintenance, replacement or repairs, such maintenance, replacement and/or repairs shall be performed by the Association and the costs and expenses incurred by the Association in connection therewith shall be charged on a pro rata basis (based on the total number of mailbox units within such cluster mailbox) as a special individual assessment to the Owners with mailbox units within the cluster mailbox that has been maintained, repaired and/or replaced."

- 6. <u>Membership and Voting Rights</u>. Each Owner of a Lot within the Additional Land shall automatically be, and must remain, a Member of the Association so long as such person or entity is an Owner, as provided in the Declaration. Number of votes and voting rights shall be as set forth in the original Declaration.
- 7. No Other Effect. Except as expressly amended by this Supplement solely with respect to the Additional Land, the terms and provisions of the Declaration are not amended, modified or supplemented, and the Declaration, as amended hereby solely with respect to the Additional Land, is hereby supplemented and amended by the Declarant and the Additional Land is hereby affected by and included in the Property affected by such Declaration as set forth herein.
- 8. Severability. Invalidation of anyone provision of this Supplement by judgment or court order shall in no way affect any other provision of this Supplement or the remainder of this Supplement 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 Supplement a provision as similar in terms to such illegal, invalid, or unenforceable provision as may be possible and be legal, valid, and enforceable.
- 9. <u>Headings</u>. The headings contained in this Supplement are for reference purposes only and shall not in any way affect the meaning or interpretation of this Supplement.

REMAINDER OF PAGE LEFT BLANK - SIGNATURE PAGE FOLLOWS

#### **DECLARANT:**

## CTMGT BARCELONA, LLC,

a Texas limited liability company

By: CADG HOLDINGS, LLC,

a Texas limited liability company

By: MMM Ventures, LLC,

a Texas limited liability company,

Its Manager

By: 2M Ventures, LLC,

a Delaware limited liability company,

Its Manager

Mehrdad Moavedi

Manager

STATE OF TEXAS

§ §

**COUNTY OF COLLIN** 

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_\_, 2019, by Mehrdad Moayedi, the manager of 2M Ventures, LLC, a Delaware limited liability company, the manager of MMM Ventures, LLC, a Texas limited liability company, the manager of CADG Holdings, LLC, a Texas limited liability company, the sole member of CTMGT BARCELONA, LLC, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and as the act and deed of said limited liability companies, and in the capacity therein stated.

[SEAL]

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

Notary Public, State of Texas

#### EXHIBIT A

## **LEGAL DESCRIPTION OF PHASE III LOTS**

STATE OF TEXAS § COUNTY OF COLLIN §

WHEREAS CTMGT Barcelona, LLC is the owner of a tract of land located in the GEORGE F. LUCAS SURVEY, ABSTRACT NO. 540, McKinney, Collin County, Texas and being all of a tract of land described in Deed to CTMGT Barcelona, LLC, recorded in Instrument No. 20180411000445000, Official Public Records, Collin County, Texas and being part of a tract of land described in Deed to CTMGT Barcelona, LLC, recorded in Instrument No. 20120618000720610, O.P.R.C.C.T. and being more particularly described as follows:

BEGINNING at a 1/2—inch iron rod with a yellow plastic cap stamped "RPLS 5674" set in the South line of Silverado Trail, a called 100—foot right—of—way, at the northwest corner of Barcelona Addition Phase II, an Addition to the City of McKinney, Collin County, Texas according to the Plat thereof recorded in Cabinet 2017, Slide 349, Map Records, Collin County, Texas (M.R.C.C.T.);

THENCE southerly and westerly, along the westerly lines of said Addition, the following thirteen (13) courses and distances:

South  $00^{\circ}38'55"$  East, a distance of 140.00 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5674" set for corner in the north line of Palo Alto Street, a  $50-foot\ right-of-way$ ;

South  $89^{\circ}21'05"$  West, along said north right—of—way line, a distance of 24.04 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5674" set for corner;

South  $00^{\circ}29'06"$  East, leaving said north right—of—way line, a distance of 50.00 feet to a 1/2—inch iron rod with a yellow plastic cap stamped "RPLS 5674" set for corner in the south right—of—way line of said Palo Alto Street;

North 89°21'05" East, along said south right—of—way line of said Palo Alto Street, a distance of 20.00 feet to a 1/2—inch iron rod with a yellow plastic cap stamped "RPLS 5674" set for corner;

South  $00^{\circ}38'55$ " East, a distance of 312.66 feet to a 5/8-inch iron rod with a plastic cap stamped "BLS" found for corner;

South 26°14'59" West, a distance of 188.36 feet to a 1/2—inch iron rod found for corner in the northeast right—of—way line of Viejo Street, a 50—foot right—of—way;

North 63°45'01" West, along said northeast right—of—way line, a distance of 110.00 feet to a 1/2—inch iron rod with a yellow plastic cap stamped "RPLS 5674" set for corner;

North  $18^{\circ}45'01"$  West, leaving said northeast right—of—way line and along a transitional right—of—way corner clip, a distance of 14.14 feet to a 1/2—inch iron rod with a yellow plastic cap stamped "RPLS 5674" set for corner in the southeast right—of—way line of Querida Avenue, a 50—foot right—of—way line;

North 26°14'59" East, along said southeast right—of—way line, a distance of 23.00 feet to a 1/2—inch iron rod with a yellow plastic cap stamped "RPLS 5674" set for corner;

North 63°45'01" West, leaving said southeast right—of—way line, a distance of 50.00 feet to a 1/2—inch iron rod with a yellow plastic cap stamped "RPLS 5674" set for corner in the northwest right—of—way line of said Querida Avenue;

South 26°14'59" West, along said northwest right—of—way line, a distance of 29.62 feet to a 1/2—inch iron rod with a yellow plastic cap stamped "RPLS 5674" set for corner;

North 63°45'01" West, leaving said northwest right—of—way line, a distance of 120.00 feet to a 1/2—inch iron rod with a yellow plastic cap stamped "RPLS 5674" set for corner;

South 26°14'59" West, a distance of 310.51 feet to a 1/2—inch iron rod with a yellow plastic cap stamped "RPLS 5674" set at the east corner of Lot 13, Block D of Barcelona Addition, an Addition to the City of McKinney, Collin County, Texas according to the Plat thereof recorded in Cabinet 2014, Slide 463, M.R.C.C.T.;

THENCE westerly, along the northerly line of sad Barcelona Addition, the following six (6) courses and distances:

North 63°45'01" West, a distance of 120.00 feet to a 5/8—inch iron rod with a plastic cap stamped "MADDOX SURVEYING RPLS 5430" found for corner in the southeast right—of—way line of Casa Grande Lane, a 50—foot right—of—way;

North 26°14'59" East, along said southeast right—of—way line of Casa Grande Lane, a distance of 20.00 feet to a 1/2—inch iron rod with a yellow plastic cap stamped "RPLS 5674" set for corner;

North 63'45'01" West, leaving said southeast right—of—way line of Casa Grande Lane, a distance of 50.00 feet to a 1/2—inch iron rod with a yellow plastic cap stamped "RPLS 5674" set for corner in the northwest right—of—way line of Casa Grande Lane;

South 26°14'59" West, along said northwest right—of—way line of Casa Grande Lane, a distance of 29.57 feet to a 5/8—inch iron rod with a plastic cap stamped "MADDOX SURVEYING RPLS 5430" found for corner;

North 63°45'01" West, leaving said northwest right—of—way line of Casa Grande Lane, a distance of 40.00 feet to a 1/2—inch iron rod with a yellow plastic cap stamped "RPLS 5674" set for corner;

South 89°21'05" West, a distance of 535.12 feet to a 1/2—inch iron rod with a yellow plastic cap stamped "RPLS 5674" set for corner in the east line of Harvest Bend Addition, an Addition to the City of McKinney, Collin County, Texas according to the Plat thereof recorded in Cabinet P, Slide 521, M.R.C.C.T.;

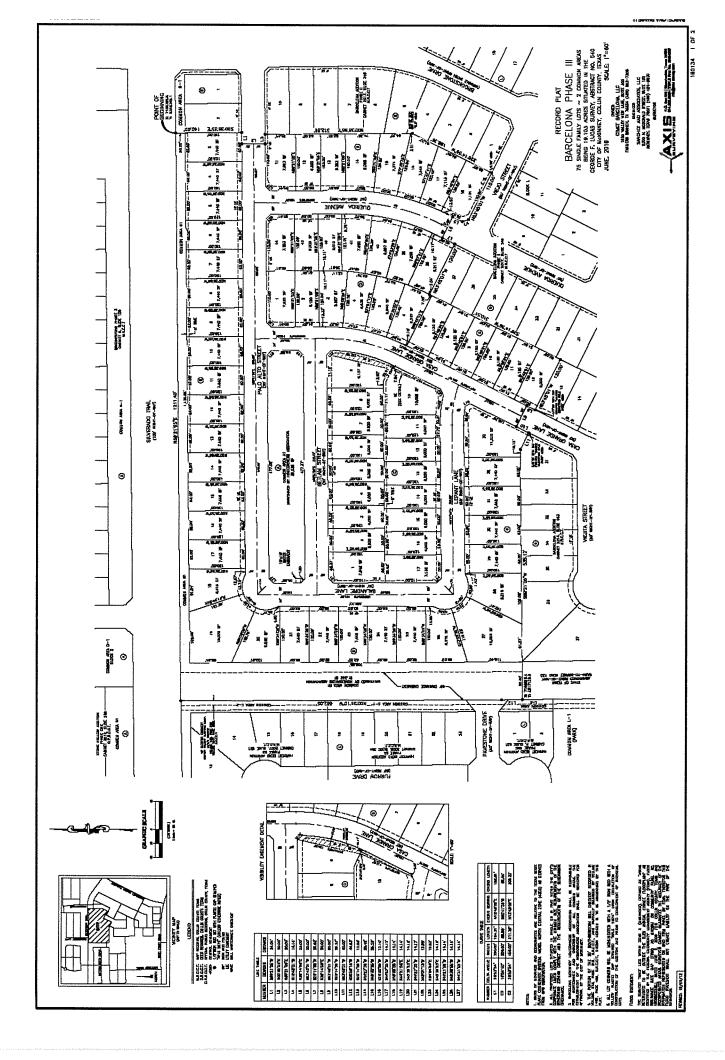
THENCE North 00'56'18" West, along the east line of said Harvest Bend Addition, a distance of 44.83 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "RPLS 5674" set for corner;

THENCE North 00°26'10" West, along said east line of Harvest Bend Addition and along the east line of Harvest Bend Addition Phase 2A, an Addition to the City of McKinney, Collin County, Texas according to the Plat thereof recorded in Cabinet 2006, Slide 384, M.R.C.C.T. and along the east line of Harvest Bend Addition Phase 2B, an Addition to the City of McKinney, Collin County, Texas according to the Plat thereof recorded in Cabinet 2007, Slide 621, M.R.C.C.T., a distance of 682.05 feet to a 1/2—inch iron rod with a yellow plastic cap stamped "RPLS 5674" set for corner in said south right—of—way line of Silverado Trail;

THENCE North 89°21'05" East, along said south right—of—way line of Silverado Trail, a distance of 1,211.40 feet to the POINT OF BEGINNING and containing 832,140 square feet or 19.103 acres of land, more or less.

# EXHIBIT A-1

# PLAT (UNRECORDED) BARCELONA PHASE III LOTS



RECORD PLAT
BARCELONA PHASE III
78 SINGE RAWY DONA - 2 COMING MECS
BONG 19-100 ACRES SITURED WITHER
COROSE F. LUGGS SURPER, MESTRAY TRAKE
DITY OF MEMORY, CICLUM COUNTY, TRAKE
JUNE, 2018
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