

Denton County
Juli Luke
County Clerk

Instrument Number: 151580

ERecordings-RP

DECLARATION

Recorded On: November 27, 2019 10:13 AM

Number of Pages: 4

" Examined and Charged as Follows: "

Total Recording: \$38.00

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

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Station: Station 25

Record and Return To:

Corporation Service Company



STATE OF TEXAS
COUNTY OF DENTON

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

Juli Luke
County Clerk
Denton County, TX

Courtesy / Providence / 139 / STE / AS

FOURTH AMENDMENT TO THE FIRST AMENDED DECLARATION
OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
PROVIDENCE VILLAGE 6C HOMEOWNERS ASSOCIATION

STATE OF TEXAS §
 § KNOW ALL BY THESE PRESENTS:
COUNTY OF DENTON §

THIS FOURTH AMENDMENT TO THE FIRST AMENDED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR PROVIDENCE VILLAGE 6C HOMEOWNERS ASSOCIATION (this "Fourth Amendment") is made this 25 day of November, 2019, by JABEZ DEVELOPMENT, L.P., a Texas limited partnership (the "Declarant").

WITNESSETH:

WHEREAS, Declarant prepared and recorded an instrument entitled "First Amended Declaration of Covenants, Conditions and Restrictions for Providence Village 6C" on February 6, 2017, as Instrument Number 2017-14907 of the Real Property Records of Denton County, Texas (the "Declaration"); and

WHEREAS, the Declaration was amended by that certain instrument entitled "First Amendment to the First Amended Declaration of Covenants, Conditions, and Restrictions for Providence Village 6C Homeowners Association" and recorded on August 17, 2017, as Instrument Number 2017-101550 of the Real Property Records of Denton County, Texas (the "First Amendment"); and

WHEREAS, the Declaration was amended by that certain instrument entitled "Second Amendment to the First Amended Declaration of Covenants, Conditions, and Restrictions for Providence Village 6C Homeowners Association" and recorded on October 6, 2017, as Instrument Number 2017-124142 of the Real Property Records of Denton County, Texas (the "Second Amendment"); and

WHEREAS, the Declaration was amended by that certain instrument entitled "Third Amendment to the First Amended Declaration of Covenants, Conditions, and Restrictions for Providence Village 6C Homeowners Association" and recorded on April 13, 2018, as Instrument Number 2018-41796 of the Real Property Records of Denton County, Texas (the "Third Amendment"); and

WHEREAS, Article 16, Section 16.2 of the Declaration provides that so long as Declarant owns at least one (1) Lot, the Declarant has the sole and exclusive authority to amend the Declaration; and

WHEREAS, Section 209.0041(h) of the Texas Property Code provides that a declaration may be amended only by a vote of 67% of the total votes in the association; and

WHEREAS, Section 209.0041(d) of the Texas Property Code provides that Section 209.0041 does not apply to the amendment of a declaration during the development period; and

WHEREAS, the Declarant still owns a Lot in the Property and the Property is currently in the Development Period as defined in Article 1, Section 1.1 of the Declaration; and

WHEREAS, Declarant has approved of the following amendment to the Declaration.

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. Article 11 of the Declaration is amended by adding a new Section 11.9 as follows:

11.9 CAPITALIZATION OF ASSOCIATION – WORKING CAPITAL.

(a) Each Owner (other than Declarant or Builder) of a Lot with a completed Residence thereon will pay a working capital contribution to the Association (the "Contribution") in an amount equal to Five Hundred and No/100 Dollars (\$500.00), which amount will be due immediately upon the transfer of title to the Lot. The Contribution shall apply to subsequent resales of a Lot. The Contribution may be increased without amendment to this Declaration, by the Board, by no more than twenty-five percent (25%) per year. The Board may transfer the funds to the Association's reserve fund account. The Contribution will be in addition to, not in lieu of, any other assessments or other charges levied in accordance with this Article and will not be considered an advance payment of such assessments.

(b) Notwithstanding the foregoing provision, the following transfers will not be subject to the requirement to pay the Contribution: (i) foreclosure of a deed of trust lien, tax lien, or the Association's assessment lien; (ii) transfer to, from, or by the Association; or (iii) voluntary transfer by an Owner to one or more co-owners, or to the Owner's spouse, child or parent. In the event of any dispute regarding the application of the Contribution to a particular Owner, the Board's determination regarding application of the exemption will be binding and conclusive without regard to any contrary interpretation of this Section.

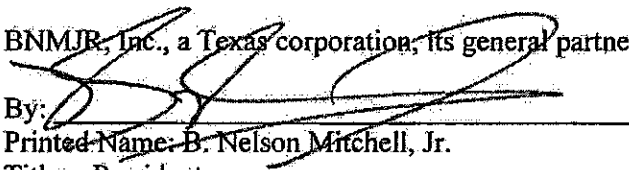
2. Except as modified by the First Amendment, Second Amendment, Third Amendment and this Fourth Amendment, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, this Fourth Amendment is hereby executed by a duly authorized representative of the Declarant on this 25 day of November, 2019.

DECLARANT:

JABEZ DEVELOPMENT, L.P., a Texas limited partnership

By: ~~BNMJR, Inc.~~, a Texas corporation, its general partner

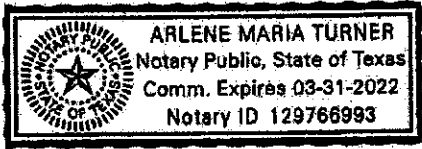
By: 
Printed Name: B. Nelson Mitchell, Jr.
Title: President

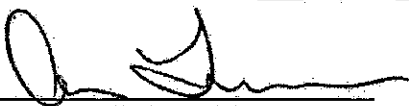
ACKNOWLEDGEMENT

STATE OF TEXAS §
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COUNTY OF TARRANT §

The foregoing instrument was acknowledged before me this 25 day of November, 2019, by B. Nelson Mitchell, Jr. President of BNMJR, Inc., a Texas corporation, general partner of **JABEZ DEVELOPMENT, LP**, a Texas limited partnership, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 25 day of Nov, 2019.




Notary Public in and for
the State of Texas

My Commission Expires: 3-31-22