

Denton County
Juli Luke
County Clerk

Instrument Number: 41351

ERecordings-RP

CORRECTION

Recorded On: April 22, 2024 01:44 PM

Number of Pages: 4

" Examined and Charged as Follows: "

Total Recording: \$37.00

***** 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:

Document Number: 41351
Receipt Number: 20240422000469
Recorded Date/Time: April 22, 2024 01:44 PM
User: Kerry H
Station: Station 4

Record and Return To:

Simplifile



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

**AFFIDAVIT OF CORRECTION OF TYPOGRAPHICAL OR OTHER
MINOR ERROR**

[Texas Property Code, Section 5.028]

Prepared by: Essex Association Management, L.P.

Each undersigned Affiant, jointly and severally, being first duly sworn, hereby swears or affirms that the Declaration of Covenants, Conditions and Restrictions (the "CC&R's") recorded on the 5th day of April 2015 as Document Number 2015-33553, Denton County Clerks, by Villas of Riverwalk Homeowner's Association, Inc. contained the following *typographical or other minor error*:

The minimum fence height under the Article 2 and Section 2.2 on page 11 of the CC&R's contained the following typographical error(s) as shown in the underlined portion below:

Article 2 Section 2.2 (I) on or about the 6th sentence.

"If approved, no storage building shall exceed six feet (6') in height or the applicable governmental requirements pertaining to the height of such Structure(s), whichever is less, and shall be screened from view from adjacent Lots, Common Areas, and adjacent Streets using either (A) live evergreen screening plants which are a minimum of six feet (6') in height at installation, spaced no more than eighteen inches (18") apart, edge to edge, or (B) an opaque fence or wall at least six feet (6') high, constructed of masonry, stone or wooden materials consistent with materials used on the primary Residence, or otherwise approved in writing by the ACC."

"WHEREAS, the following verbiage shall replace the underlined portion containing typographical or other errors as shown above:

Article 2 Section 2.2 (I) on or about the 6th sentence.

"If approved, no storage building shall exceed six feet (6') in height or the applicable governmental requirements pertaining to the height of such Structure(s), whichever is less, and shall be screened from view from adjacent Lots, Common Areas, and adjacent Streets using either (A) live evergreen screening plants which are a minimum of six feet (6') in height at installation, spaced no more than eighteen inches (18") apart, edge to edge, or (B) an opaque fence or wall at least eight feet (8') high, constructed of masonry, stone or wooden materials consistent with materials used on the primary Residence, or otherwise approved in writing by the ACC."

The minimum fence height under the Article 2 and Section 2.2 on page 11 of the CC&R's contained the following typographical error(s) as shown in the underlined portion below:

Exhibit A Section 2.3.2 and 2.3.3

2.3.2 Fences Facing Street (front or side): All fencing on such Lots that are facing a street shall be constructed of cedar, board-on-board with steel posts, a 2" x 4" continuous cap and 1" x 4" ledger strip/band. Steel posts shall not be visible from the Street or any Common Area adjacent to a Lot. The maximum fence height is six feet (6').

2.3.3 Standard Side and Rear Yard Fences: Side and rear yard fences not facing the street shall be no less than 6' in height from grade, and shall be constructed of cedar with steel posts which shall not be visible from the Street or any Common Area adjacent to a Lot. Fence planks shall be at least 5/8" thick and maintain at least one inch (1") gap between the ground and wood to prevent rotting or decay. Vertical posts spacing should be no more than eight feet (8') on center or less and set in concrete post footings of a minimum of 24" deep footings for six foot (6') high fences, Cedar top caps, spruce leger strips 1" x 4" and board-on-board construction are required. All portions of the fence that are viewable from the street shall be stained with the color specified above at Section 2.3.1.

"WHEREAS, the following verbiage shall replace the underlined portion containing typographical or other errors as shown above:

Exhibit A Section 2.3.2 and 2.3.3

2.3.2 Fences Facing Street (front or side): All fencing on such Lots that are facing a street shall be constructed of cedar, board-on-board with steel posts, a 2" x 4" continuous cap and 1" x 4" ledger strip/band. Steel posts shall not be visible from the Street or any Common Area adjacent to a Lot. The maximum fence height is eight feet (8').

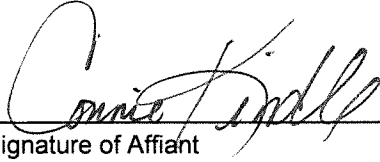
2.3.3 Standard Side and Rear Yard Fences: Side and rear yard fences not facing the street shall be no less than 8' in height from grade, and shall be constructed of cedar with steel posts which shall not be visible from the Street or any Common Area adjacent to a Lot. Fence planks shall be at least 5/8" thick and maintain at least one inch (1") gap between the ground and wood to prevent rotting or decay. Vertical posts spacing should be no more than eight feet (8') on center or less and set in concrete post footings of a minimum of 24" deep footings for eight foot (8') high fences, Cedar top caps, spruce leger strips 1" x 4" and board-on-board construction are required. All portions of the fence that are viewable from the street shall be stained with the color specified above at Section 2.3.1.

Affiant is knowledgeable of the agreement and the intention of the parties in this regard. Affiant is the (check one)

- Drafter of original instrument being corrected
- Closing attorney for transaction involving instrument being corrected
- Attorney for grantor/mortgagor named above in instrument being corrected
- Owner of the property described in instrument being corrected
- Other (Explain: Declarant / Developer of the Association named herein).

[SIGNATURE PAGE FOLLOWS THIS PAGE]

Executed this 22nd day of April, 2024 to be effective as of the original recording date of the Declaration.



Signature of Affiant

Connie Kindle, Authorized Representative
Print or Type Name and Title


On behalf of Essex Association Management, L.P., It's Managing Agent
On behalf of Villas of Riverwalk Homeowner's Association, Inc.

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

Before me, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared Connie Kindle, Authorized Representative, Essex Association Management, L.P., on behalf of Villas at Riverwalk Homeowner's Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, in the capacity therein stated.

Given under my hand and seal of office this 22nd day of April, 2024.

[SEAL]



Notary Public, State of Texas

