

Kaufman County
Laura Hughes
County Clerk

Instrument Number: 2023-0034448

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STATE OF TEXAS
COUNTY OF KAUFMAN

I hereby certify that this instrument was filed on the date and time stamped hereon by me
and was duly recorded in the Official Public Records of Kaufman County, Texas.

Laura A. Hughes

Laura Hughes, County Clerk

Recorded By: Leslie De La Rosa, Deputy

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.

Record and Return To:

SILVER STAR TITLE, LLC DBA SENDERA TITLE
1409 SUMMIT AVENUE
FORT WORTH, TX 76102



After recording, return to:
Walden Pond Residential Homeowners' Association, Inc.
c/o Essex Association Management, LP
1512 Crescent Drive, Suite 112
Carrollton, Texas 75006

STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF KAUFMAN §

**THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR WALDEN POND**

THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WALDEN POND (this “**Amendment**”) is made and entered by MM WALDEN POND, LLC, a Texas limited liability company, a Texas limited liability company (the “**Declarant**”), as of the 30 day of November, 2023.

WHEREAS, on February 20, 2023, Declarant executed that certain Declaration of Covenants, Conditions and Restrictions for Walden Pond, recorded on February 27, 2023, as Document No. 2023-0004883, and Volume 7989, Page 269 of the Official Public Records of Kaufman County, Texas, as modified and amended by that certain First Amendment to Declaration of Covenants, Conditions and Restrictions for Walden Pond, recorded under Document No. 2023-0017246, in the Official Public Records of Kaufman County, Texas, and that certain Second Amendment to Declaration of Covenants, Conditions and Restrictions dated November 26, 2023 and recorded on November 28, 2023 as Document No. 2023 - 0033040, and Volume 8303, Page 330 of the Official Public Records of Kaufman County, Texas (as modified and amended, the “**Declaration**”);

WHEREAS, in accordance with the terms of the Declaration, including, without limitation, Section 15.4 and Section B.3.4 of Appendix B of the Declaration, as Declarant during the Development Period, the Declarant may, without joinder of the other Owners or mortgagee, amend the Declaration or other Documents for any purpose by written consent evidenced in this Amendment, which Documents include (i) the Design Guidelines applicable to Walden Pond East Neighborhood attached as Appendix C-1 to the Declaration, (ii) the Design Guidelines applicable to Walden Pond South Neighborhood attached as Appendix C-2 to the Declaration, and (iii) the Design Guidelines applicable to Walden Pond West Neighborhood attached as Appendix C-3 to the Declaration.

WHEREAS, as of the date hereof, the Development Period has not yet expired;

WHEREAS, the Declarant desires to amend the Declaration as more specifically set forth in this Amendment.

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

1. Defined Terms. 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. Amendment – Walden Pond East. Declarant desires to modify and amend, and does hereby modify and amend Section 2.1.3 of **Exhibit C-1 “Design Guidelines - Walden Pond East Neighborhood”** to read in its entirety as follows:

“2.1.3 Exterior Materials. The front elevation of the Residence (excluding doors and windows) must be constructed of 100% brick and/or stone. The remaining exterior walls (excluding doors and windows) of each Residence constructed or placed on a Lot shall have the minimum City required coverage or a minimum of 70% brick and/or stone overall, and must otherwise be in compliance with this Declaration and these Design Guidelines. Approved secondary materials are cementitious material such as three-coat stucco system, cementitious siding, hardy-board or board and batten. Any other material must be approved by the Architectural Reviewer prior to use. Notwithstanding the foregoing, hardi-plank may be an acceptable form of masonry material for certain architectural design of Residences (i.e. farmhouse design) with prior written approval of the Architectural Reviewer. All doors on the front façade or elevation of a Residence shall be constructed of wood, iron, glass, and/or architectural fiberglass. All wood, hardboard or stucco used on the exterior of a Residence must be painted or stained in a color compatible with the exterior design and materials used in the exterior construction of such Residence, and as approved by the Architectural Reviewer.

“Materials other than those listed above may be appropriate for architectural trim and accent applications only including but not limited to: cornices and decorative brackets, frieze panels, decorative lintels, shutters, and porch or balcony railings and is subject to the approval of the Architectural Reviewer.”

3. Amendment Walden Pond South. Declarant desires to modify and amend, and does hereby modify and amend Section 2.1.3 and Section 2.2.2 of **Exhibit C-2 “Design Guidelines - Walden Pond South Neighborhood”** to read in their entirety as follows:

(a) **“2.1.3 Exterior Materials. The front elevation of the Residence (excluding doors and windows) must be constructed of 100% brick and/or stone. The remaining exterior walls (excluding doors and windows) of each Residence constructed or placed on a Lot shall have the minimum City required coverage or a minimum of 80% masonry overall, and must otherwise**

be in compliance with this Declaration and these Design Guidelines. No material on the exterior of any building or other improvement except approved hardboard or stucco, shall be stained or painted without the prior written approval of the Architectural Reviewer. Notwithstanding the foregoing, hardi-plank may be an acceptable form of masonry material for certain architectural design of Residences (i.e. farmhouse design) with prior written approval of the Architectural Reviewer. All doors on the front façade or elevation of a Residence shall be constructed of wood, iron, glass, and/or architectural fiberglass. All wood, hardboard or stucco used on the exterior of a Residence must be painted or stained in a color compatible with the exterior design and materials used in the exterior construction of such Residence, and as approved by the Architectural Reviewer.

“Materials other than those listed above may be appropriate for architectural trim and accent applications only including but not limited to: cornices and decorative brackets, frieze panels, decorative lintels, shutters, and porch or balcony railings and is subject to the approval of the Architectural Reviewer.”

(b) “2.2.2 Trees: At least two (2) shade tree(s) of a minimum 3-caliper inch, each and at least one (1) ornamental tree (no caliper inch requirement) shall be planted within each Lot within the property for which a building permit has been issued. The Association shall maintain all landscaping required by the City within Common Areas of the Subdivision. All trees installed on a Lot or Common Areas to meet the landscaping requirements set forth herein or promulgated by the City for such Lot shall be selected from approved shade trees under any applicable Governmental Requirements. Trees located on corner Lots which may impede line of sight must maintain a canopy a minimum of nine (9) feet above grade. Owner shall promptly tend to any trees on an Owner’s Lot upon signs of distress in trees or of need for trimming.”

4. Amendment – Walden Pond West. Declarant desires to modify and amend, and does hereby modify and amend Section 2.1.3 of Exhibit C-3 “**Design Guidelines - Walden Pond West Neighborhood**” to read in its entirety as follows:

“2.1.3 Exterior Materials. The front elevation of the Residence (excluding doors and windows) must be constructed of 100% brick and/or stone. The remaining exterior walls (excluding doors and windows) of each Residence constructed or placed on a Lot shall have the minimum City required coverage or a minimum of 80% masonry overall, and must otherwise be in compliance with this Declaration and these Design Guidelines. Approved secondary materials are cementitious material such as three-coat stucco system, cementitious siding, hardy-board or board and batten. Any other material must be approved by the Architectural Reviewer prior to use. No material on the exterior of any building or other improvement except approved hardboard or stucco, shall be stained or painted without the prior written approval of the Architectural Reviewer. All doors on the front façade or elevation of a Residence shall be constructed of wood, iron, glass, and/or architectural fiberglass. All wood, hardboard or stucco used on the exterior of a Residence must be painted or stained in a color compatible with the

exterior design and materials used in the exterior construction of such Residence, and as approved by the Architectural Reviewer.

“Materials other than those listed above may be appropriate for architectural trim and accent applications only including but not limited to: cornices and decorative brackets, frieze panels, decorative lintels, shutters, and porch or balcony railings and is subject to the approval of the Architectural Reviewer.”

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

6. 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.

7. Headings. 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:

MM WALDEN POND, 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

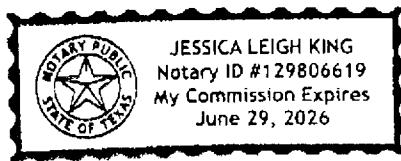
By: Mehrdad Moayed
Mehrdad Moayed, Manager

STATE OF TEXAS §
COUNTY OF Dallas §

BEFORE ME, the undersigned authority, on this day personally appeared Mehrdad Moayed, 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 MM WALDEN POND, LLC, a Texas limited liability company, 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 company(ies) and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this 30th day of
November, 2023

[SEAL]



Jessica King
Notary Public, State of Texas