

**FIFTH AMENDMENT  
TO THE DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS  
FOR THE VILLAGE AT FRISCO LAKES**

STATE OF TEXAS       §  
                                  §  
COUNTY OF DENTON   §

**KNOW ALL MEN BY THESE PRESENTS:**

**INTRODUCTORY PROVISIONS**

**WHEREAS**, the Declaration of Covenants, Conditions and Restrictions for The Village at Frisco Lakes was executed by Pulte Homes of Texas, L.P., as Declarant, and filed of record on March 27, 2006, as Instrument No. 2006-34621 in the Official Public Records of Denton County, Texas (the "**Village at Frisco Lakes Declaration**"); and

**WHEREAS**, the Villages at Frisco Lakes Declaration was amended by virtue of that certain First Amendment to the Declaration of Covenants, Conditions and Restrictions for The Village at Frisco Lakes, filed on January 22, 2008, and recorded as Instrument No. 2008-6641 of the Official Public Records of Denton County, Texas (the "**First Amendment**"); and

**WHEREAS**, the Villages at Frisco Lakes Declaration was amended by virtue of that certain Second Amendment to the Declaration of Covenants, Conditions and Restrictions for The Village at Frisco Lakes, filed on October 8, 2008, and recorded as Instrument No. 2008-109874 of the Official Public Records of Denton County, Texas (the "**Second Amendment**"); and

**WHEREAS**, the Villages at Frisco Lakes Declaration was amended by virtue of that certain Third Amendment to the Declaration of Covenants, Conditions and Restrictions for The Village at Frisco Lakes, filed on November 1, 2010, and recorded as Instrument No. 2010-9315 of the Official Public Records of Denton County, Texas (the "**Third Amendment**"); and

**FIFTH AMENDMENT TO THE DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR THE VILLAGE AT FRISCO LAKES**

**WHEREAS**, the Villages at Frisco Lakes Declaration was amended by virtue of that certain Fourth Amendment to the Declaration of Covenants, Conditions and Restrictions for The Village at Frisco Lakes, filed on February 28, 2011, and recorded as Instrument No. 2011-18186 of the Official Public Records of Denton County, Texas (the "**Fourth Amendment**"); and

**WHEREAS**, the Village at Frisco Lakes Declaration, the First Amendment, the Second Amendment, and the Third Amendment affect certain tracts or parcels of real property located in Denton County, Texas, more particularly described on Exhibit "A" attached hereto and incorporated herein by reference for all purposes (the "**Properties**"); and

**WHEREAS**, pursuant to and in accordance with the provisions of Article XXI, Section 21.1 of the Village at Frisco Lakes Declaration, Declarant has the right to amend the Village at Frisco Lakes Declaration, without joinder of any person, for any purpose; and

**WHEREAS**, Pulte Homes of Texas, L.P., ("**Declarant**") desires to amend certain provisions of the Village at Frisco Lakes Declaration as evidenced by its duly authorized representative's signature below.

**NOW, THEREFORE**, the Village at Frisco Lakes Declaration is hereby amended as follows:

(a) Section 6.4 is added to Article VI of the Village at Frisco Lakes Declaration shall read, in its entirety, as follows:

***6.4 Median and Monument Sign at Anthem Drive and Stonebrook Parkway. Notwithstanding any provision to the contrary contain in this Declaration, the Association shall have the sole obligation and responsibility for installing, maintaining, repairing and replacing the monument sign at the corner of Anthem Drive and Stonebrook Parkway. In addition, the Association shall be solely obligated and responsible for the installation, maintenance, repair and replacement of the landscaping and irrigation for***

*the median upon which the monument sign is to be located on the corner of Anthem Drive and Stonebrook Parkway.*

(b) Section 9.3 of Article IX of the Village at Frisco Lakes Declaration is hereby amended to read, in its entirety, as follows:

***9.3 Budgeting for Reserves; Supplemental Reserve/Operating Base Assessments Due Upon Transfer. The Board shall prepare, on an annual basis, reserve budgets which take into account the number and nature of replaceable assets, the expected life of each asset, and the expected repair or replacement cost of each asset. Such reserve budgets may also anticipate making additional capital improvements and purchasing additional capital assets. The Board shall include in the Base Assessments some reserve contributions to assist in meeting these projected needs, if any.***

*The Board may adopt resolutions regarding the expenditure of reserve funds, including policies designating the nature of assets for which reserve funds may be expended. Such policies may differ for general Association purposes. So long as Declarant owns any portion of the Properties or has the right to annex property pursuant to Section 10.01, neither the Association nor the Board shall adopt, modify, limit or expand such policies without the Declarant's prior written consent.*

*Upon the sale of a Lot from the Declarant to a purchaser, a Supplemental Reserve/Operating Base Assessment shall be collected from the purchaser of the Lot and shall be payable to the Association at closing.*

*The amount of any such Supplemental Reserve/Operating Base Assessment shall be One Thousand Five Hundred and No/100 Dollars (\$1,500.00). Of this amount, Five Hundred No/100 Dollars (\$500.00) shall be allocated to the funding of capital reserves and improvements, and One Thousand and No/100 Dollars (\$1,000.00) shall be allocated to the general operating fund of the Association.*

The terms and provisions of the Village at Frisco Lakes Declaration, the First Amendment, the Second Amendment, the Third Amendment, and the Fourth Amendment, except as modified herein, are hereby declared to be in full force and effect with respect to the Properties. The

Properties shall continue to be held, occupied, sold and conveyed subject to the terms and conditions of the Village at Frisco Lakes Declaration, the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, and now this Fifth Amendment, which shall run with title to the Properties, and are binding on all parties having any right, title or interest in and to the Properties or any part thereof, including their heirs, representatives, successors, transferees and assigns, and shall inure to the benefit of each Owner thereof.

IN WITNESS WHEREOF, the Declarant has caused this Fifth Amendment to the Declaration of Covenants, Conditions and Restrictions for The Village at Frisco Lakes to be filed of record with the office of the Denton County Clerk.

**DECLARANT:**

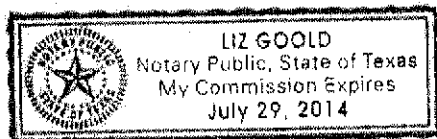
**PULTE HOMES OF TEXAS, L.P.,**  
a Texas limited partnership

By: PN I, Inc.,  
its General Partner

By: [Signature]  
Its: SCOTT BRYSON  
VP OF FINANCE

STATE OF TEXAS §  
  §  
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 18th day of January, 2012, by Scott Bryson, VP of Finance of PN I, Inc., as general partner of Pulte Homes Texas, L.P., on behalf of said limited partnership.



[Signature]  
Notary Public, State of Texas

**EXHIBIT "A"**

**Land Initially Submitted**

**THIS STAMP IS FOR SCANNING  
PURPOSES ONLY.**

## EXHIBIT A: FOR Z# \_\_\_\_\_, - TRACT 1

BEING A TRACT OF LAND LYING AND BEING SITUATED IN THE D. BLANTON SURVEY, ABSTRACT NUMBER 1456, A. SPARKS SURVEY, ABSTRACT NUMBER 1491, M.E.P. & P. R.R. SURVEY, ABSTRACT NUMBER 919, DAVID E. LAWHORN SURVEY, ABSTRACT NUMBER 727, B.B.B. & C. R.R. COMPANY SURVEY, ABSTRACT NUMBER 171 & 179, AND THE A. SMITH SURVEY, ABSTRACT NUMBER 1194, AND BEING A PORTION OF THOSE TRACTS OF LAND CONVEYED TO PULTIE HOMES OF TEXAS, L.P., ACCORDING TO THE DEED FILED OF RECORD IN DENTON COUNTY CLERK FILE NUMBER 2004-118342, DEED RECORDS OF DENTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** AT A POINT FOR THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT AT THE "T" INTERSECTION OF HACKBERRY AND ROSE ROADS;

**THENCE** ALONG SAID CURVE TO THE LEFT, HAVING A DELTA ANGLE OF 45°07'44", A RADIUS OF 1500.00 FEET, AN ARC LENGTH OF 1181.47 FEET, A CHORD BEARING OF NORTH 67°08'38" EAST, AND A CHORD LENGTH OF 1151.17 FEET TO A POINT FOR A CORNER;

**THENCE,** NORTH 44°34'46" EAST, A DISTANCE OF 843.57 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE RIGHT;

**THENCE** ALONG SAID CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 61°38'51", A RADIUS OF 3000.00 FEET, AN ARC LENGTH OF 3227.86 FEET, A CHORD BEARING OF NORTH 75°24'12" EAST, AND A CHORD LENGTH OF 3074.40 FEET TO A POINT FOR A CORNER;

**THENCE,** SOUTH 73°46'22" EAST, A DISTANCE OF 1070.19 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE LEFT;

**THENCE** ALONG SAID CURVE TO THE LEFT HAVING A DELTA ANGLE OF 16°36'29", A RADIUS OF 3000.00 FEET, AN ARC LENGTH OF 869.59 FEET, A CHORD BEARING OF SOUTH 82°04'37" EAST, AND A CHORD LENGTH OF 866.55 FEET TO A POINT FOR A CORNER;

- THENCE, NORTH 89°37'09" EAST, A DISTANCE OF 501.66 FEET TO A POINT FOR CORNER IN THE CURVING WEST LINE OF F.M. HIGHWAY 423;
- THENCE ALONG THE WEST LINE OF SAID F.M. HIGHWAY AND SAID CURVE TO THE LEFT HAVING A DELTA ANGLE OF 4°03'21", A RADIUS OF 5774.57 FEET, AN ARC LENGTH OF 408.76 FEET, A CHORD BEARING OF SOUTH 03°34'32" EAST, AND A CHORD LENGTH OF 408.67 FEET TO A POINT FOR A CORNER;
- THENCE, SOUTH 05°36'12" EAST, A DISTANCE OF 1148.90 FEET TO A POINT FOR CORNER A THE BEGINNING OF A CURVE TO THE RIGHT;
- THENCE ALONG SAID CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 2°48'07", A RADIUS OF 5684.58 FEET, AN ARC LENGTH OF 278.00 FEET, A CHORD BEARING OF SOUTH 04°12'09" EAST, AND A CHORD LENGTH OF 277.97 FEET TO A POINT FOR A CORNER;
- THENCE, SOUTH 42°03'26" WEST, A DISTANCE OF 119.00 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 00°59'27" EAST, A DISTANCE OF 62.00 FEET TO A POINT FOR CORNER;
- THENCE, NORTH 89°34'48" EAST, A DISTANCE OF 83.99 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE RIGHT;
- THENCE ALONG SAID CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 2°36'16", A RADIUS OF 5684.61 FEET, AN ARC LENGTH OF 258.41 FEET, A CHORD BEARING OF SOUTH 00°00'39" WEST, AND A CHORD LENGTH OF 258.38 FEET TO A POINT FOR A CORNER,
- THENCE, SOUTH 01°18'48" WEST, A DISTANCE OF 737.20 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 07°01'26" WEST, A DISTANCE OF 100.50 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 01°18'48" WEST, A DISTANCE OF 100.00 FEET TO A POINT FOR CORNER;

- THENCE, SOUTH 04°23'51" EAST, A DISTANCE OF 100.50 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 01°18'48" WEST, A DISTANCE OF 908.80 FEET TO A POINT FOR CORNER;
- THENCE, WEST, LEAVING THE WEST LINE OF SAID F.M. HIGHWAY, A DISTANCE OF 976.74 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 39°58'45" WEST, A DISTANCE OF 126.03 FEET TO A POINT FOR CORNER;
- THENCE, NORTH 79°52'24" WEST, A DISTANCE OF 100.33 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 36°26'32" WEST, A DISTANCE OF 245.67 FEET TO A POINT FOR CORNER;
- THENCE, NORTH 28°54'57" WEST, A DISTANCE OF 204.99 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 16°56'39" WEST, A DISTANCE OF 135.65 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 08°44'03" EAST, A DISTANCE OF 151.41 FEET TO A POINT FOR CORNER;
- THENCE, NORTH 85°57'48" WEST, A DISTANCE OF 367.25 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 41°31'39" WEST, A DISTANCE OF 113.53 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 73°01'04" WEST, A DISTANCE OF 497.61 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 43°15'58" WEST, A DISTANCE OF 252.15 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 86°41'56" WEST, A DISTANCE OF 224.54 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 25°29'00" WEST, A DISTANCE OF 196.54 FEET TO A POINT FOR CORNER;



- THENCE, SOUTH 36°27'50" WEST, A DISTANCE OF 212.21 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 04°38'07" WEST, A DISTANCE OF 102.70 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 65°26'31" WEST, A DISTANCE OF 184.58 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 53°52'11" WEST, A DISTANCE OF 205.67 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 67°28'29" WEST, A DISTANCE OF 314.41 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 77°20'45" WEST, A DISTANCE OF 211.45 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 82°20'51" WEST, A DISTANCE OF 423.37 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 68°33'53" WEST, A DISTANCE OF 112.29 FEET TO A POINT FOR CORNER;
- THENCE, NORTH 01°38'47" WEST, A DISTANCE OF 24.43 FEET TO A POINT FOR CORNER;
- THENCE, NORTH 79°31'27" WEST, A DISTANCE OF 1169.59 FEET TO A POINT FOR CORNER;
- THENCE, NORTH 46°44'44" EAST, A DISTANCE OF 1170.60 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 84°36'17" WEST, A DISTANCE OF 1099.63 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 58°37'10" WEST, A DISTANCE OF 361.11 FEET TO A POINT FOR CORNER;
- THENCE, NORTH 08°32'24" WEST, A DISTANCE OF 2051.07 FEET TO A POINT FOR CORNER;
- THENCE, NORTH 01°52'51" WEST, A DISTANCE OF 199.24 FEET TO A POINT FOR CORNER;

- THENCE, NORTH 00°58'32" WEST, A DISTANCE OF 936.34 FEET TO A POINT FOR CORNER;
- THENCE, NORTH 89°53'13" WEST, A DISTANCE OF 501.00 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 02°49'00" EAST, A DISTANCE OF 939.00 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 03°26'06" EAST, A DISTANCE OF 233.00 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 10°23'05" EAST, A DISTANCE OF 1398.27 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 16°55'46" WEST, A DISTANCE OF 130.07 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 67°32'45" WEST, A DISTANCE OF 1301.42 FEET TO A POINT FOR CORNER;
- THENCE, NORTH 26°35'44" WEST, A DISTANCE OF 800.64 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 28°16'16" WEST, A DISTANCE OF 1000.68 FEET TO A POINT FOR CORNER;
- THENCE, NORTH 71°25'42" WEST, A DISTANCE OF 299.96 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 25°38'10" WEST, A DISTANCE OF 470.96 FEET TO A POINT FOR CORNER IN THE EAST LINE OF SARATOGA ADDITION, AN ADDITION TO DENTON COUNTY, TEXAS, RECORDED IN CABINET C, PAGE 36, PLAT RECORDS OF DENTON COUNTY, TEXAS;
- THENCE, NORTH 00°41'09" WEST, ALONG THE EAST LINE OF SAID ADDITION, A DISTANCE OF 1571.87 FEET TO A POINT FOR CORNER AT THE NORTHEAST CORNER OF THE REPLAT OF SARATOGA ADDITION, SECTION TWO, AN ADDITION TO DENTON COUNTY, TEXAS, AS RECORDED IN CABINET M, PAGE 335, PLAT RECORDS OF DENTON COUNTY, TEXAS;

THENCE, SOUTH 89°30'54" WEST, ALONG THE NORTH LINE OF SAID ADDITION, A DISTANCE OF 619.20 FEET TO A POINT FOR CORNER IN THE EAST LINE OF LARIAT;

THENCE, NORTH 01°15'26" WEST, ALONG A PORTION OF LARIAT TO THE INTERSECTION OF HACKBERRY ROAD, AND CONTINUEING GENERALLY ALONG THE CENTER OF HACKBERRY ROAD, A DISTANCE OF 2634.65 FEET TO A POINT FOR THE INTERSECTION OF THE CENTER OF SAID ROAD, AND FOR A CORNER OF THIS TRACT;

THENCE, NORTH 89°42'30" EAST, GENERALLY ALONG THE CENTER OF SAID ROAD, A DISTANCE OF 2646.30 FEET TO THE POINT OF BEGINNING, AND CONTAINING 973.64 ACRES OF LAND, MORE OR LESS.

THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTEREST IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

**EXHIBIT "B"**

**Land Subject to Annexation**

ALL THOSE TRACTS OR PARCELS OF LAND located within 2 miles of the property described on Exhibit "A".

**THIS STAMP IS FOR SCANNING  
PURPOSES ONLY.**

\*\*\*\* Electronically Filed Document \*\*\*\*

Denton County  
Cynthia Mitchell  
County Clerk

Document Number: 2012-6192  
Recorded As : ERX-AMENDMENT

Recorded On: January 20, 2012  
Recorded At: 03:16:46 pm  
Number of Pages: 13

Recording Fee: \$64.00

Parties:  
Direct- PULTE HOMES OF TEXAS LP  
Indirect-

Receipt Number: 865618  
Processed By: Matthew Ivory

\*\*\*\*\* 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.



THE 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.

*C. Mitchell*  
County Clerk  
Denton County, Texas