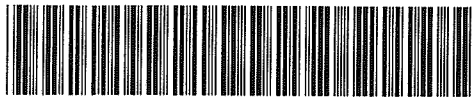


Denton County
Cynthia Mitchell
County Clerk
Denton, Tx 76202



70 2006 00137553

Instrument Number: 2006-137553

As

Recorded On: November 07, 2006

Memorandum

Parties: HERITAGE LAKES HOA

Billable Pages: 13

To

Number of Pages: 13

Comment:

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

Memorandum 64.00

Total Recording: 64.00

***** DO NOT REMOVE 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: 2006-137553

Receipt Number: 336345

Recorded Date/Time: November 07, 2006 02:37:07P

User / Station: J Smith - Cash Station 3

Record and Return To:

HENRY ODDO AUSTIN AND FLETCHER

1700 PACIFIC AVE STE 2700

DALLAS TX 75201



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

AFTER RECORDING, PLEASE RETURN TO:

Judd A. Austin, Jr.
Henry Oddo Austin & Fletcher, P.C.
1700 Pacific Avenue
Suite 2700
Dallas, Texas 75201

**THIRD SUPPLEMENTAL CERTIFICATE AND MEMORANDUM
OF RECORDING OF ASSOCIATION DOCUMENTS FOR
HERITAGE LAKES HOMEOWNERS ASSOCIATION, INC.**

STATE OF TEXAS §
 §
COUNTIES OF DENTON §

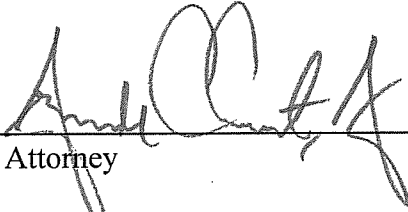
The undersigned, as attorney for the Heritage Lakes Homeowners Association, Inc. for the purpose of complying with Section 202.006 of the Texas Property Code and to provide public notice of the following resolutions and policies of the Board of Directors affecting the owners of property described on Exhibit B attached hereto, hereby states that the resolutions and policies attached hereto are true and correct copies of the following:

- (a) ***Resolution of the Board of Directors of the Heritage Lakes Homeowners Association, Inc. Pertaining to Enforcement of Sections 8.4 and 8.5 of the Heritage Lakes Declaration*** (Exhibit "A-1"); and
- (b) ***Resolution of the Board of Directors of the Heritage Lakes Homeowners Association, Inc. Pertaining to Enforcement of Section 8.9 of the Heritage Lakes Declaration*** (Exhibit "A-2").

All persons or entities holding an interest in and to any portion of property described on Exhibit B attached hereto are subject to the foregoing resolutions and policies until amended by the Board of Directors

IN WITNESS WHEREOF, the Heritage Lakes Homeowners Association, Inc. has caused this Third Supplemental Certificate and Memorandum of Recording of Association Documents to be filed with the office of the Denton County Clerk and supplements that certain Notice of Filing of Dedicatory Instruments for Heritage Lakes, filed on January 12, 2000, and recorded in Volume 4504, Page 2169, *et seq.* of the Real Property Records of Denton County, Texas, that certain Certificate and Memorandum of Recording of Association Documents for Heritage Lakes Homeowners Association, Inc. filed on September 16, 2002, and recorded in Volume 5171, Page 0895, *et seq.* of the Real Property Records of Denton County, Texas, that certain Certificate and Resolution of the Board of Directors of the Heritage Lakes Homeowners Association, Inc. with Respect to the Application of Payments filed on September 2, 2003, and recorded in Volume 5408, Page 0445, *et seq.* of the Real Property Records of Denton County, Texas, that certain First Supplemental Certificate and Memorandum of Recording of Association Documents for Heritage Lakes Homeowners Association, Inc. filed on December 4, 2003, and recorded as Instrument No. 2003-196514 in the Real Property Records of Denton County, Texas, and that certain Second Supplemental Certificate and Memorandum of Recording of Association Documents for Heritage Lakes Homeowners Association, Inc. filed on March 17, 2006, and recorded as Instrument No. 2006-0031084 in the Real Property Records of Denton County, Texas.

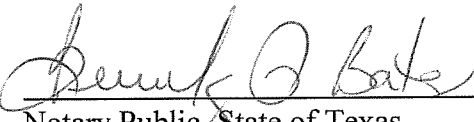
**HERITAGE LAKES HOMEOWNERS
ASSOCIATION, INC.**

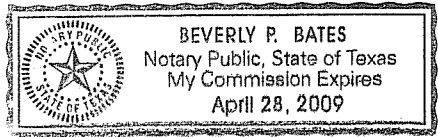
By: 
Its: Attorney

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Judd A. Austin, Jr., attorney for the Heritage Lakes Homeowners Association, Inc., known to me to be the person whose name is subscribed on the foregoing instrument and acknowledged to me that he executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND AFFIRMED SEAL OF OFFICE on this 2nd day of November, 2006.


Notary Public, State of Texas



RESOLUTION
BOARD OF DIRECTORS
OF THE
HERITAGE LAKES HOMEOWNERS ASSOCIATION
September 18, 2006

WHEREAS, the Declaration of Covenants, Conditions & Restrictions (CC&R's) of the Heritage Lakes Homeowners Association, Inc. under Article VIII USE RESTRICTIONS, Section 8.2 Lot Upkeep and Section 8.4 Lawns and Section 8.5 Failure to Maintain.

Section 8.4 Lawns states that...In this context, the word "Lot" shall include that portion of the property from the boundary of the Lot to the adjacent paved road surface. "Neat" shall require, at a minimum, that the lawn be regularly cut and fertilized, that mulched areas be regularly remulched and kept weeded and the bushes, hedges and other vegetation be regularly trimmed so that its appearance is in harmony with the neighborhood.....


Section 8.5 Failure to Maintain, If the Owner of a Lot shall fail to maintain his or her Lot as required hereby, either the Declarant or the Association, after giving such Owner at least ten (10) days written notice, shall be authorized to undertake such maintenance at the Owner's expense. Entry upon an Owner's Lot for such purpose shall not constitute trespass. If such maintenance is undertaken by the Association or Declarant, the charge therefore shall be secured by a lien on the Lot and added to and become part of the Lot assessment next due and payable by the Owner

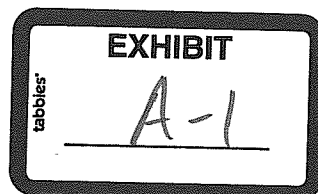
WHEREAS, from time to time, there have been Owner's of a Lot who do not maintain and care for such Lot to the condition required.

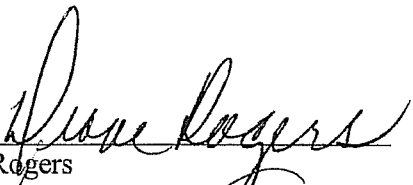
WHEREAS, the majority of the Board of Directors has agreed that on yard maintenance issues, SBB Management Company should send only the PC209. This letter will include notice that if the association has to maintain the yard, the Owner will be charged the cost to maintain the lawn plus \$100.00 administrative fee for self help landscape and maintenance violations.

NOW THEREFORE BE IT RESOLVED, that by action by unanimous consent of the Board of Directors the cost plus \$100.00 to be charged the Owner of any Lot requiring self help landscape and maintenance performed by the association, effective August 14, 2006.

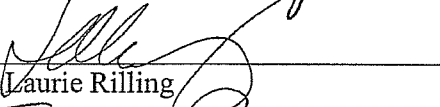
We, the undersigned members of the Board of Directors do hereby approve and adopt the above policy, effective September 18, 2006.


Barbie Chandler

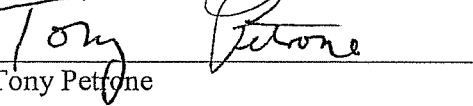




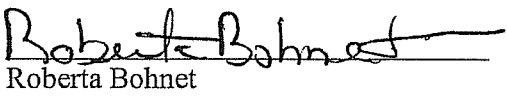
Diane Rogers



Dr. Laurie Rilling



Tony Petrone



Roberta Bohnet

Signed and Agreed to this day of _____, 2006

**RESOLUTION
BOARD OF DIRECTORS
OF THE
HERITAGE LAKES HOMEOWNERS ASSOCIATION**

Regarding Enforcement of Section 8.9 of the Declaration

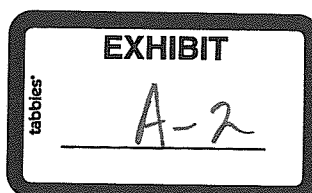
WHEREAS, Article VIII, Section 8.9 of the Declaration of Covenants, Conditions & Restrictions of the Heritage Lakes (the "*Heritage Lakes Declaration*"), entitled "Pets", reads, in pertinent part, as follows:

No animals, livestock or poultry of any kind shall be raised, bred or kept on or in any Lot other than cats, dogs and other household pets,or become a nuisance to the neighborhood. No person owning or in custody of an animal shall allow it to stray or go upon another Lot without the consent of the Owner of such Lot. Dogs shall be on a leash when outside the Owner's Lot. Owners shall be required to clean up his or her dog or cat defecation on the Common Area and homeowner yard.

WHEREAS, from time to time, residents of Heritage Lakes allow their pet(s) to become a nuisance to the neighborhood through continued barking as evidenced by complaints from other residents, allow their pet(s) to stray or go upon the Properties without leash and allow their pet(s) to defecate on the Common Area.

WHEREAS, the majority of the Board of Directors has determined that when addressing violations of Article VIII, Section 8.9 of the Heritage Lakes Declaration, the enforcement process will commence in accordance with the *Animal Nuisance Complaints – Heritage Lakes* attached hereto as Exhibit A. Notwithstanding anything to the contrary contained in the Enforcement Policy previously adopted by the Board of Directors, upon receipt of an Affidavit signed by an Owner (also made a part of Exhibit A attached hereto), SBB Management Company should only issue a single notice of violation, said notice being the notice required under Section 209.006 of the Texas Property Code. This letter will include notice that if the Association receives further similar complaints pertaining to such owner or occupant's pet being a nuisance to the neighborhood, the Owner will be charged a fine of \$50.00 for each violation that is subsequently reported and documented within the six (6) month period starting from the date of the written notice set forth above.

NOW THEREFORE BE IT RESOLVED, that when addressing violations of Article VIII, Section 8.9 of the Heritage Lakes Declaration, the enforcement process will commence in accordance with the *Animal Nuisance Complaints – Heritage Lakes* attached hereto as Exhibit A. Notwithstanding anything to the contrary contained in the Enforcement Policy previously adopted by the Board of Directors, upon receipt of an Affidavit signed by an Owner (also made a part of Exhibit A attached hereto), SBB Management Company should only issue a single notice of violation, said notice being




the notice required under Section 209.006 of the Texas Property Code. This letter will include notice that if the Association receives further similar complaints pertaining to such owner or occupant's pet being a nuisance to the neighborhood, the Owner will be charged a fine of \$50.00 for each violation that is subsequently reported and documented within the six (6) month period starting from the date of the written notice set forth above.

BE IT FURTHER RESOLVED, that this Resolution shall become effective when the same has been published or disseminated to all Members of the Heritage Lakes Homeowners Association, Inc.


BE IT FURTHER RESOLVED, that this Resolution shall forthwith be filed of record with the office of the Denton County Clerk.


BE IT FURTHER RESOLVED, that to the extent the terms and conditions contained in this Resolution are not consistent or conflict with the Heritage Lakes Homeowners Association, Inc.'s Enforcement Policy, filed as Instrument No. 2003-196514 in the Real Property Records of Denton County, the terms, provisions and procedures contained herein shall control and be applicable.

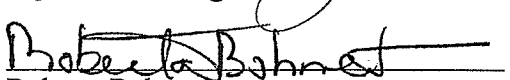
We, the undersigned members of the Board of Directors do hereby approve and adopt the above Resolution, effective _____.


Barbie Chandler

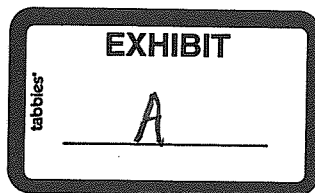

Diane Rogers


Tony Petrone


Dr. Laurie Rilling


Roberta Bohnet

Signed and Agreed on this date:



Animal Nuisance Complaints-HERITAGE LAKES

Affidavits

Prior to filing a formal complaint, we suggest that you first try to make contact with the owner of the animal made the subject of your complaint. Owners are oftentimes unaware that there is a problem. You may also contact the City of Frisco Animal Control department, (972) 292-5300 (ask for animal control), and request that it issue a warning notice to the offender. If this does not help, you can then call the SBB Management Company, (972) 960-2800 and advise management of the situation. Be sure to have the owner's address (you must have the EXACT address to ensure we make contact with the correct parties), a description of the animal involved, the nature of the complaint (i.e. barking, running loose, defecating etc.), and the dates, times and location of each occurrence. Management will then send you an affidavit for you to complete and sign in the presence of a notary public.

It is EXTREMELY important that you follow the directions. *Failure to do so may result in management not pursuing enforcement measures.* Also, be aware that once enforcement measures have commenced based on your affidavit, you may be required to appear at a board meeting should the owner wish to contest the enforcement measures. Affidavits must be completely filled out. Fines will only be levied if and when the violations are supported by Affidavits

Affidavits must contain the following information:

1. Affiant's Name- Your Name
2. Affiant's Address
3. Affiant's Phone
4. Date of Statement - Date you filled the statement out (not violation date)
5. Owner's Address (Name is not required but helps if you do know it)
6. Animal Description (Describe the animal(s) best you can)
7. SPECIFIC DATES - this is a MUST, enforcement measures will NOT be issued without a specific dates of violation (simply writing "everyday" or "daily" is NOT acceptable). You must show that the animal(s) in question show a pattern of nuisance. Remember, dogs are allowed to "Alert" or "Watchdog" bark.
8. SPECIFIC TIMES - this is a MUST, enforcement measures will NOT be pursued without a specific times of violation - (leaving a time out or writing "all day long" are NOT acceptable). List starting AND ending times and be sure to notate AM or PM.
9. A full description of the violation. Who, What, When, Where and How.
10. Affiant's signature in the presence of a Notary Public.

HERITAGE LAKES

ANIMAL NUISANCE AFFIDAVIT AND LOG SHEET

AFFIANT'S NAME _____

ADDRESS _____

PHONE # (HOME) _____ **(WORK)** _____

DATE OF STATEMENT _____ **TIME** _____

STATEMENT:

ANIMAL OWNER'S NAME (IF KNOWN): _____

ADDRESS _____

DESCRIPTION OF ANIMAL (S) CREATING NUISANCE (SPECIES, COLOR, SIZE OF EACH) and DESCRIPTION OF CONDUCT MADE THE BASIS OF THE COMPLAINT

DATE: _____ **BEGIN TIME:** _____ **END TIME:** _____

DATE: _____ **BEGIN TIME:** _____ **END TIME:** _____

DATE: _____ **BEGIN TIME:** _____ **END TIME:** _____

DATE: _____ **BEGIN TIME:** _____ **END TIME:** _____

DATE: _____ **BEGIN TIME:** _____ **END TIME:** _____

SIGNATURE OF AFFIANT

DATE

STATE OF TEXAS §

§

COUNTY OF DENTON §

Subscribed and sworn to before me on this the _____ day of _____, 200__, by _____.

Notary Public, State of Texas

EXHIBIT B

Those tracts and parcels of real property located in the City of Frisco, Denton County, Texas and more particularly described as follows:

- (a) Lots 1 through 22, Block A; Lots 1 through 24, Block C; Lots 1 through 22, Block D; Lots 1 through 13, Block E; Lots 1 through 5, Block F; Lots 2 through 24, Block V; Lots 1 through 24, Block W and Lots 2 through 4, Block X of **HERITAGE LAKES, PHASE 1**, an Addition to the City of Frisco, Denton County, Texas, according to the map or plat thereof recorded in Cabinet Q, Slides 40 and 41 of the Plat Records of Denton County, Texas; and the Certificate of Correction of Error filed July 19, 1999, Volume 4383, Page 1734 of the Real Property Records of Denton County, Texas; and
- (b) Tracts 3 and 4 in Block X of **HERITAGE LAKES, PHASE 1**, an Addition to the City of Frisco, Denton County, Texas, according to the replat thereof recorded in Cabinet U, Page 552 of the Plat Records of Denton County, Texas; and the Certificate of Correction of Error filed July 19, 1999, Volume 4383, Page 1734 of the Real Property Records of Denton County, Texas; and
- (c) Lots 12A and 12B in Block X of the Replat of Lot 12 in Block X of **HERITAGE LAKES, PHASE 1**, an Addition to the City of Frisco, Denton County, Texas, according to the map or plat thereof recorded in Cabinet U, Slide 552 of the Plat Records of Denton County, Texas; and
- (d) Lot 1 and Lots 6 through 9, Block X of **HERITAGE LAKES, PHASE 1**, an Addition to the City of Frisco, Denton County, Texas, according to the map or plat thereof recorded in Cabinet Q, Page 40 of the Plat Records of Denton County, Texas; and Certificate of Correction of Error, filed July 19, 1999, recorded in Volume 4383, Page 1734 of the Real Property Records of Denton County, Texas; and
- (e) Lots 1 through 30, Block R; Lots 1 through 32, Block S; Lots 17 through 32, Block T; Lots 16 through 41, Block U of **HERITAGE LAKES, PHASE 2**, an Addition to the City of Frisco, Denton County, Texas, according to the map or plat thereof recorded in Cabinet S, Slides 118 and 119 of the Plat Records of Denton County, Texas; and
- (f) Lots 1 through 12, Block Q; Lots 42 through 52, Block U of **HERITAGE LAKES, PHASE 2**, an Addition to the City of Frisco, Denton County, Texas,

according to the map or plat thereof recorded in Cabinet S, Page 118 of the Plat Records of Denton County, Texas; and

- (g) Lots 1 through 40, Block B; Lots 6 through 13, Block F; Lots 1 through 16, Block G; Lots 1 through 8, Block H; Lots 1 through 16, Block T; Lot 1 in Block V and Lots 1 through 16, Block Y of **HERITAGE LAKES, PHASE 3**, an Addition to the City of Frisco, Denton County, Texas, according to the map or plat thereof recorded in Cabinet U, Page 9 of the Plat Records of Denton County, Texas; and
- (h) Lots 1 through 18, Block I; Lots 1 through 16, Block J; Lots 1 through 23, Block K; Lots 1 through 22, Block L; Lots 5 through 12, Block M; and Lots 45 through 75, Block P of **HERITAGE LAKES, PHASE 4 AND 5**, an Addition to the City of Frisco, Denton County, Texas, according to the map or plat thereof recorded in Cabinet U, Page 884 of the Plat Records of Denton County, Texas; and
- (i) Tract 2 and Tract 3, Block P of **HERITAGE LAKES, PHASE 4 AND 5**, an Addition to the City of Frisco, Denton County, Texas, according to the map or plat thereof recorded in Cabinet U, Page 884 of the Plat Records of Denton County, Texas; and
- (j) Lot 1R, Block Q of **HERITAGE LAKES, PHASE 2**, an Addition to the City of Frisco, Denton County, Texas, according to the map or plat thereof recorded in Cabinet S, Slide 118 of the Plat Records of Denton County, Texas; and
- (k) Lot 11, Block X; Tract 1, Block A; Tract 1, Block V; Tract 1, Block W; and Tract 1, Block X of **HERITAGE LAKES, PHASE 1**, an Addition to the City of Frisco, Denton County, Texas, according to the map or plat thereof recorded in Cabinet Q, Slides 40 and 41 of the Plat Records of Denton County, Texas; and the Certificate of Correction of Error filed July 19, 1999, Volume 4383, Page 1734 of the Real Property Records of Denton County, Texas; and
- (l) Tract 1, Block B; Tract 1R, Block F; Tract 2, Block V; and Tract 1, Block Y of **HERITAGE LAKES, PHASE 3**, an Addition to the City of Frisco, Denton County, Texas, according to the map or plat thereof recorded in Cabinet U, Page 9 of the Plat Records of Denton County, Texas; and
- (m) All right, title and interest in and to the walls and landscape borders situated therein, and the private streets, alleys, roads or other common areas located

within any of the above described Phases of Heritage Lakes owned by the **HERITAGE LAKES HOMEOWNERS ASSOCIATION, INC.**, either by conveyance, transfer or dedication.

- (n) Lots 1 through 20, Block I; Lots 1 through 16, Block J; Lots 1 through 23, Block K; Lots 1 through 22, Block L; Lots 1 through 19, Block M; Lots 1 through 16, Block N; Lots 1 through 22, Block O; Lots 1 through 75, Block P; and Tracts 1 through 3, Block P of **HERITAGE LAKES, PHASE 4 & 5**, an Addition to the City of Frisco, Denton County, Texas, according to the map or plat thereof recorded in Cabinet U, Pages 884 and 885 of the Map or Plat Records of Denton County, Texas.