

17402149-17402151
411-SBS-3 Pages

**FIFTH AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR
BOULDER CANYON, REPLAT B**

This Fifth Amendment ("Fifth Amendment") to the Declaration of Covenants, Conditions and Restrictions for Boulder Canyon Replat B (as amended, the "Declaration") is made by RVE Unit 18 Ltd., (the "Successor Declarant"). Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Declaration.

Whereas, DVEP Land, L.L.C., as Declarant, filed the Declaration of Covenants, Conditions and Restrictions for Boulder Canyon Replat A in the Real Property Records of El Paso County, Texas under Document No. 20140048055; and

Whereas, Declarant and Successor Declarant filed a First Amendment to the Declaration of Covenants, Conditions and Restrictions for Boulder Canyon, Replat A in the Real Property Records of El Paso County, Texas under Document No. 20140058891 whereby Successor Declarant approved and ratified the Declaration; and

Whereas, Boulder Canyon Replat A was conveyed by Declarant to Successor Declarant by virtue of a Warranty Deed dated November 12, 2013 under Document No. 20130085969, Real Property Records of El Paso County, Texas; and

Whereas, Successor Declarant filed an Approval and Ratification of the Plat of Boulder Canyon Replat A dated September 10, 2014 under Document No. 20140058890, Real Property Records of El Paso County, Texas; and

Whereas, Successor Declarant has filed a Replat of the Subdivision known as Boulder Canyon Replat B; and

Whereas, Successor Declarant filed a Second Amendment to the Declaration of Covenants, Conditions and Restrictions for Boulder Canyon, Replat B, dated December 31, 2014 under Document No. 20150003055 in the Real Property Records of El Paso County, Texas; and

Whereas, Successor Declarant filed a Third Amendment to the Declaration of Covenants, Conditions and Restrictions for Boulder Canyon, Replat B, dated January 22, 2015 in the Real Property Records of El Paso County, Texas under Document No. 20150005040; and

Whereas, Successor Declarant filed a Corrected Fourth Amendment to the Declaration of Covenants, Conditions and Restrictions for Boulder Canyon, Replat B, in the Real Property Records of El Paso County, Texas under Document No.

20150076771 whereby Successor Declarant included the provision for Assumption of Liability and Indemnification; and

Whereas, Successor Declarant desires to further amend the Declaration.

The Successor Declarant hereby amends the Declaration to provide as follows:

After the Declarant Control Period, also known as the Development Period, the Directors of the Association shall have the power to promulgate rules and regulations for the enforcement of the terms and provisions of the Declaration, as well as the power to assess and collect fines for the violation of the rules and regulations.

Except as expressly amended herein, all provisions of the Declaration, as amended, are hereby ratified and shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned, being the Successor Declarant, has executed this Fifth Amendment to Declaration of Covenants, Conditions and Restrictions for Boulder Canyon Replat B to be effective this 24 day of July, 2017

SUCCESSOR DECLARANT:

RVE UNIT 18, LTD.

BY: RVE UNIT 18 GP, LLC
ITS GENERAL PARTNER

BY:  _____

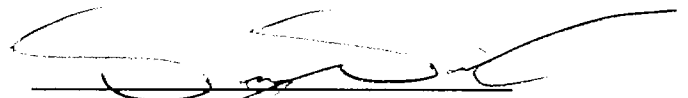
Name: Patrick Woods

Title: General Vice President

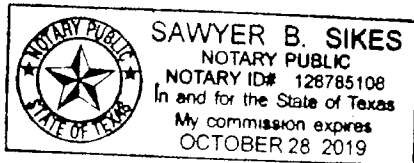
STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before on this 24 day of July, 2017 by Patrick Woods, Senior Vice President of RVE UNIT 18 GP, LLC, a limited liability company in its capacity as General Partner of RVE UNIT 18, LTD., a limited partnership, on behalf of said limited partnership.

Notary's Official Seal:



Notary Public in and for the State
of Texas



Doc # 20170054271
#Pages 3 #NFPages 1
7/26/2017 9:22 AM
Filed & Recorded in
Official Records of
El Paso County
Delia Briones
County Clerk
Fees \$34.00

eRecorded

I hereby certify that this instrument was filed on the date and time stamped
hereon by me and was duly recorded by document number in the Official
Public Records of Real Property in El Paso County.



EL PASO COUNTY, TEXAS

Delia Briones