AFTER RECORDING RETURN TO:

Robert D. Burton, Esq. Winstead, PC 401 Congress Ave., Suite 2100 Austin, Texas 78701

FOURTH AMENDMENT TO DECLARATION OF CONDOMINIUM REGIME FOR PIAZZA ESCONDIDA CONDOMINIUMS

A Condominium Project located in El Paso County, Texas

Cross Reference to <u>Declaration of Condominium Regime for Piazza Escondida Condominiums</u> recorded as Document No. 20130084291 in the Official Public Records of El Paso County, Texas.

FOURTH AMENDMENT TO DECLARATION OF CONDOMINIUM REGIME FOR PIAZZA ESCONDIDA CONDOMINIUMS

This Fourth Amendment to Declaration of Condominium Regime for Piazza Escondida Condominiums (the "Amendment") is made by TONE VENTURES, L.L.C., a Texas limited liability company ("Declarant"), and is as follows:

RECITALS:

- A. Piazza Escondida Condominiums, a condominium regime (the "Regime"), located in El Paso County, Texas, was established pursuant to that certain Declaration of Condominium Regime for Piazza Escondida Condominiums, recorded as Document No. 20130084291 in the Official Public Records of El Paso County, Texas, as amended by that certain First Amendment to Declaration of Condominium Regime for Piazza Escondida Condominiums, recorded as Document No. 20140026989 in the Official Public Records of El Paso County, Texas, as amended by that certain Second Amendment to Declaration of Condominium Regime for Piazza Escondida Condominiums, recorded as Document No. 20150055049 in the Official Public Records of El Paso County, Texas, as amended by that certain Third Amendment to Declaration of Condominium Regime for Piazza Escondida Condominiums, recorded as Document No. 20170022026 in the Official Public Records of El Paso County, Texas (collectively, the "Declaration").
- **B.** Pursuant to *Provision A.3.3* of <u>Appendix "A"</u> to the Declaration, Declarant may modify the initial development plan to respond to perceived or actual changes and opportunities in the marketplace. Modifications may include, without limitation, the subdivision, or combination of Units, changes in the sizes, styles, configurations, materials and appearances of Units, and Common Elements.
- C. Pursuant to *Provision A.3.7 and A.3.8* of <u>Appendix "A"</u> to the Declaration, Declarant may amend the Declaration unilaterally and without the consent of other Owners or any mortgagee to create Units, General Common Elements and Limited Common Elements within the Property or subdivide, combine, or reconfigure Units or convert Units into Common Elements, in the exercise of statutory Development Rights.
- D. The Development Period is for a term of ten (10) years from the date the Declaration was recorded in the Official Public Records of El Paso County, Texas. The Declaration was recorded on November 13, 2013, and the Development Period is still in effect.
- **E.** The total number of Units within the Regime after giving effect to this Amendment is equal to thirty-one (31).

NOW THEREFORE, the Declaration is hereby amended as follows:

- 1. Reconfiguration of Units. In accordance with the rights reserved by the Declarant pursuant to *Provisions A.3.3, A.3.7 and A.3.8* of Appendix "A" to the Declaration, Declarant hereby reconfigures Unit C-13 into Units B-15 and B-25 comprised in Building B-5 (the "New Units") and into General Common Elements, as more particularly described on the New Plat and Plans (as defined below). The New Units are hereby classified as Residential Units.
- 2. Replacement of Attachment 1. Attachment 1 to the Declaration is hereby deleted in its entirety and the Plats and Plans attached hereto as Exhibit "A" (the "New Plats and Plans") are substituted in their place. The New Plats and Plans: (i) assign an identifying number to all Units; (ii) describe the portion of the limited common elements created or assigned to all Units; and (iii) include the information required by Section 82.059 of the Texas Uniform Condominium Act.
- 3. Replacement of Attachment 3. The Schedule of Allocated Interests, Common Interest Allocation and Common Expense Liability assigned to each Unit within the Regime, the removal of Unit C-13 and the addition of the New Units, is set forth on Exhibit "B", attached hereto. Exhibit "B", attached hereto, supersedes and replaces Attachment 3 attached to the Declaration.
- 4. <u>Miscellaneous</u>. Any capitalized terms used and not otherwise defined herein shall have the meanings set forth in the Declaration. Unless expressly amended by this Amendment, all other terms and provisions of the Declaration remain in full force and effect as written, and are hereby ratified and confirmed.

(SEAL)

BRIANNA CONCHA
Notary Public, State of Texas
Comm. Expires 08-05-2021
Notary ID 129512918

Notary Public Signature

CONSENT OF MORTGAGEE

Document No	lien holder of the deed of trust lien (the "Lien") recorded as of the Official Public Records of El Paso County, Texas, rewith, executes this Third Amendment to the Declaration idencing its consent to the Second Amendment and the the Lien to the Declaration, both on the condition that the Assessment Lien in all events. The undersigned makes not or implied, of any nature whatsoever, to any Owner with the terms and provisions of this Regime.
	PRINTED NAME: Robert D. KOTMRSKI TITLE: BRANCH PRESIDENT
STATE OF <u>FEXOS</u> COUNTY OF <u>E1 PAS</u> U	§
	vledged before me on this 2 day of November 2017 by by Dranch President of City Bank, a on behalf of said bank.
(seal) (seal) (seal) (seal) (seal) (seal) (seal)	Notary Mablic State of Texas

CONSENT OF MORTGAGEE

The undersigned, being the lien holder of the deed of trust lien (the "Lien") recorded as Document No. 20130090905 of the Official Public Records of El Paso County, Texas, securing a note of even date therewith, executes this Third Amendment to the Declaration solely for the purposes of (i) evidencing its consent to the Second Amendment and the Declaration, and (ii) subordinating the Lien to the Declaration, both on the condition that the Lien shall remain superior to the Assessment Lien in all events. The undersigned makes no representation or warranty, express or implied, of any nature whatsoever, to any Owner with respect to any Unit or the effect of the terms and provisions of this Regime.

Assessment Lien in all events. The undersigned makes no implied, of any nature whatsoever, to any Owner with he terms and provisions of this Regime.
BY: PATRICIA MARTINGE TITLE: SR. VICC. PRESIDENT
§ § §
wledged before me on this and and of Mou 2017 by Sewar Vice Hesident of First National Bank, anka on behalf of said bank.
Notary Public State of Texas

EXHIBIT "A"

ATTACHMENT 1 TO THE DECLARATION OF CONDOMINIUM REGIME FOR PIAZZA ESCONDIDA CONDOMINIUMS

SEE SHEET 2 FOR ORIGINAL CERTIFICATION

EXHIBIT "B" ATTACHMENT 3 TO THE DECLARATION OF CONDOMINIUM REGIME FOR PIAZZA ESCONDIDA CONDOMINIUMS

COMMON INTEREST ALLOCATION AND COMMON EXPENSE LIABILITY

<u>Units</u>	Common Interest Allocation and Common Expense Liability		
Unit D11, Building D	3.542%		
Unit D12, Building D	4.349%		
Unit D21, Building D	2.263%		
Unit D22, Building D	2.340%		
Unit D23, Building D	2.463%		
Unit D24, Building D	2.212%		
Unit D31, Building D	2.254%		
Unit D32, Building D	2.566%		
Unit D33, Building D	2.204%		
Unit D34, Building D	2.465%		
Unit A11, Building A	2.832%		
Unit A12, Building A	1.884%		
Unit A13, Building A	2.406%		
Unit A14, Building A	2.246%		
Unit A15, Building A	2.194%		
Unit A21, Building A	4.059%		
Unit A22, Building A	3.379%		
Unit A23, Building A	3.566%		
Unit A24, Building A	3.611%		
Unit A25, Building A	3.209%		
Unit B-11, Building B-1	4.076%		
Unit B-12, Building B-2	2.034%		
Unit B-13, Building B-2	4.083%		
Unit B-14, Building B-4	3.948%		
Unit B-15, Building B-5	3.719%		
Unit B-21, Building B-1	3.635%		
Unit B-23, Building B-2	3.652%		
Unit B-24, Building B-4	3.620%		
Unit B-25, Building B-5	3.862%		
Unit C14, Building C	5.172%		
Unit C15, Building C	6.152%		

Total 100%

THE COMMON INTEREST ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL DECREASE AS ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

BUILDING LCE ALLOCATION

BUILDING LCE ALLOCATION – BUILDING D			
<u>Units</u>	Building LCE Allocation		
Unit D11, Building D	13.285%		
Unit D12, Building D	16.316%		
Unit D21, Building D	8.490%		
Unit D22, Building D	8.777%		
Unit D23, Building D	9.239%		
Unit D24, Building D	8.296%		
Unit D31, Building D	8.453%		
Unit D32, Building D	9.627%		
Unit D33, Building D	8.269%		
Unit D34, Building D 9.248%			

BUILDING LCE ALLOCATION – BUILDING A			
<u>Units</u>	Building LCE Allocation		
Unit A11, Building A	9.638%		
Unit A12, Building A	6.411%		
Unit A13, Building A	8.188%		
Unit A14, Building A	7.643%		
Unit A15, Building A	7.467%		
Unit A21, Building A	13.812%		
Unit A22, Building A	11.498%		
Unit A23, Building A	12.135%		
Unit A24, Building A	12.286%		
Unit A25, Building A	10.920%		

Total 100%

BUILDING LCE ALLOCATION – BUILDING B			
<u>Units</u>	Building LCE Allocation		
Unit B11, Building B-1	12.492%		
Unit B12, Building B-2	6.234%		
Unit B13, Building B-2	12.514%		
Unit B14, Building B-4	12.099%		
Unit B15, Building B-5	11.397%		
Unit B21, Building B-1	11.140%		
Unit B23, Building B-2	11.193%		
Unit B24, Building B-4	11.095%		
Unit B25, Building B-5	11.835%		

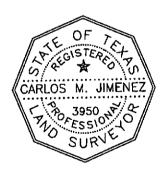
Total 100%

THE BUILDING LCE ALLOCATION ASSIGNED TO A PARTICULAR UNIT WILL NOT CHANGE IF ADDITIONAL UNITS ARE CREATED AND ADDED TO THE REGIME BY THE DECLARANT.

EXHIBIT "A" PIAZZA ESCONDIDA CONDOMINIUMS

[PLATS AND PLAN]
[CERTIFICATION OF SURVEYOR]

THE ATTACHED PLATS AND PLANS, ATTACHED HERETO AS "ATTACHMENT 1" CONTAIN THE INFORMATION REQUIRED BY SECTION 82.059 OF THE TEXAS UNIFORM CONDOMINIUM ACT, AS APPLICABLE.





DATED 09-12-17

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DATE: 09-12-17 FIELD: JM OFFICE: JR JOB # 17-LOCATED IN ZONE C PANEL # 480214-0039-B DATED 10-15-82

RECORDED IN VOL: 1 PAGE 36 , PLAT RECORDS, EL PASO COUNTY, TX

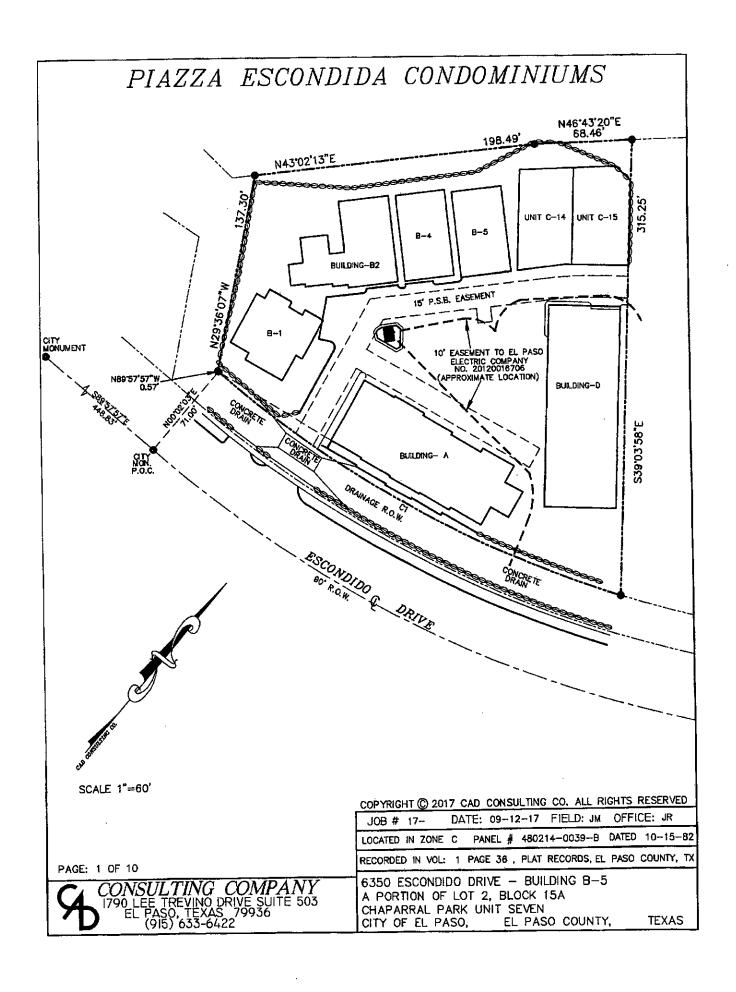
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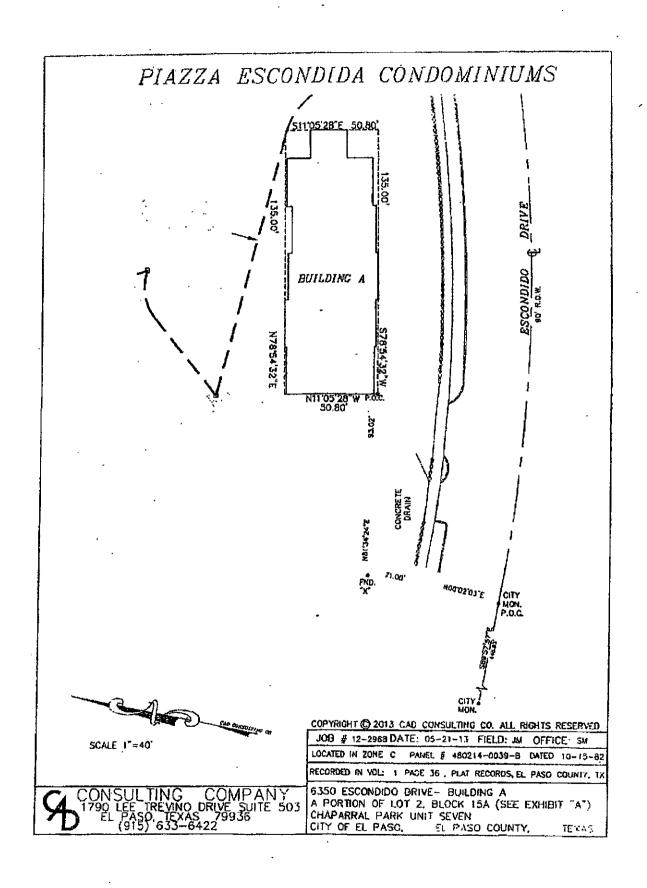
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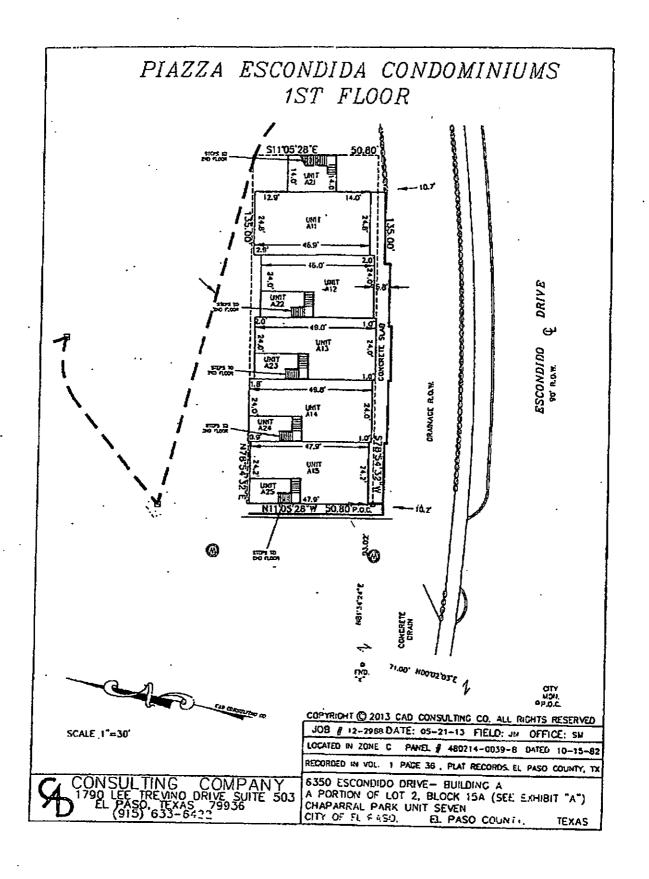
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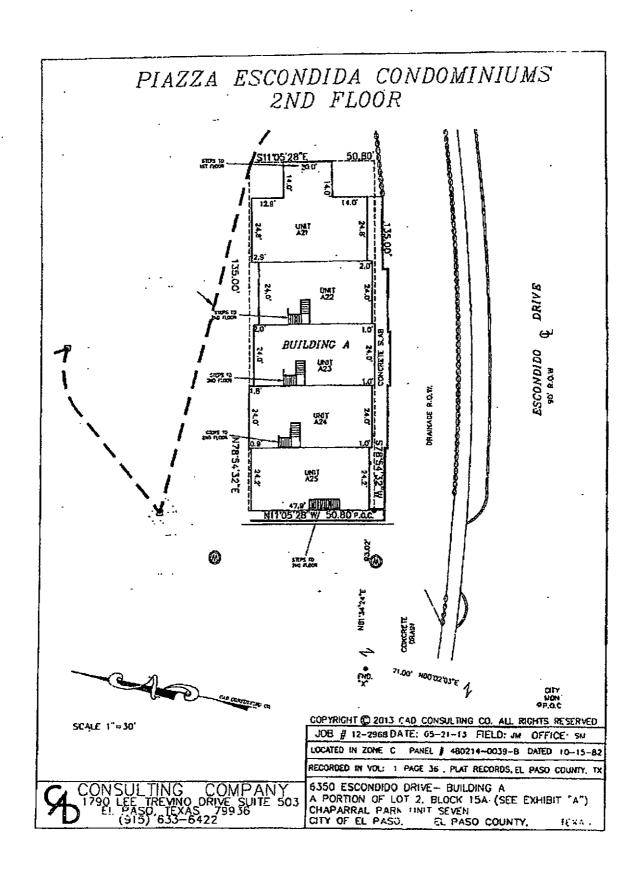
PAGE: 2 OF 10

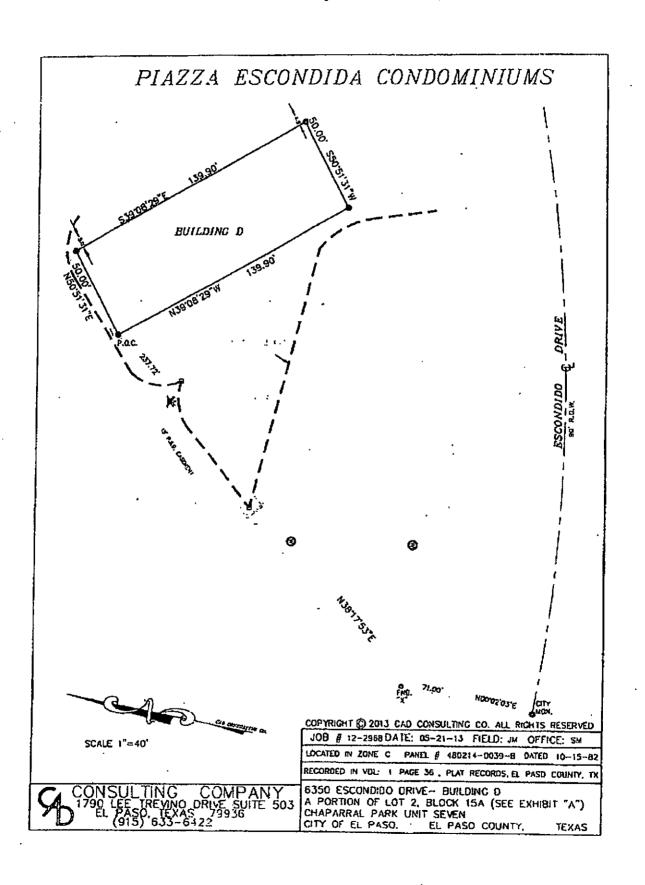
CONSULTING COMPANY
1790 LEE TREVINO DRIVE SUITE 503
EL PASO, TEXAS 79936
(915) 633-6422

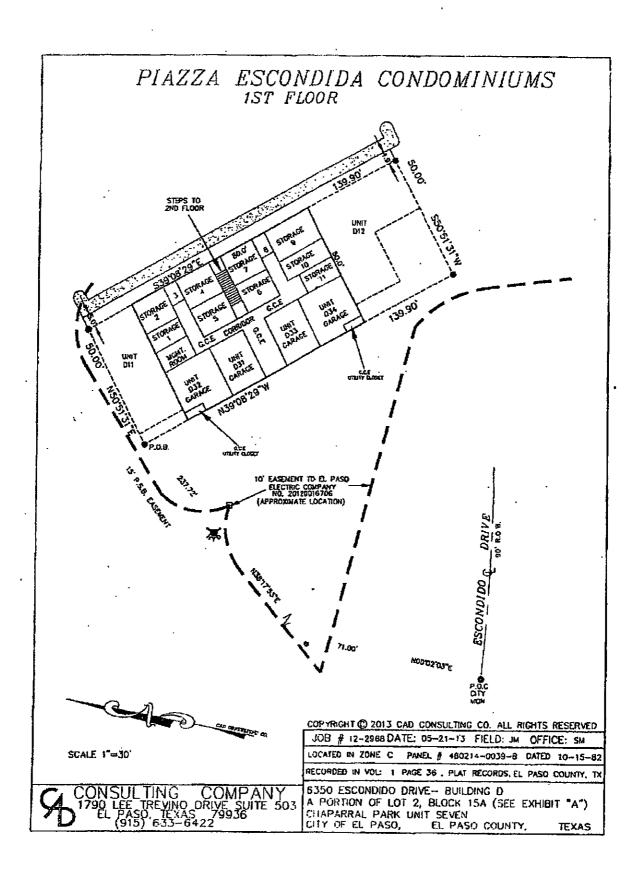


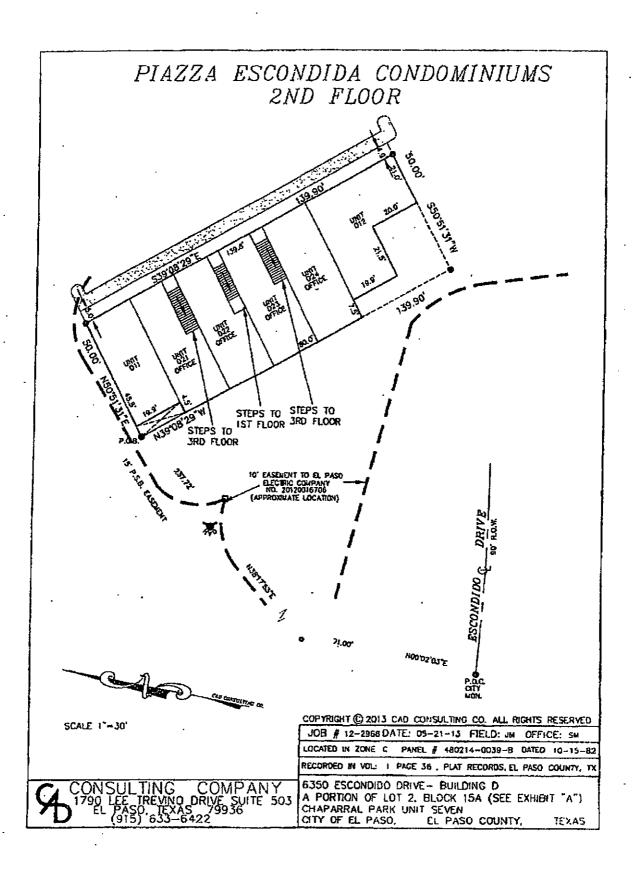


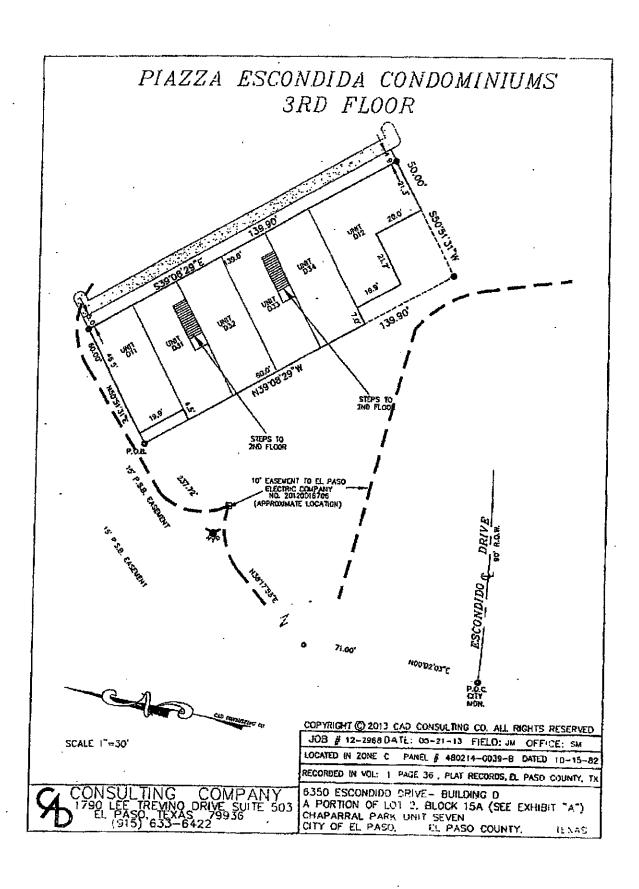


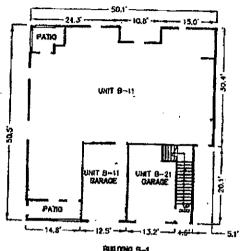




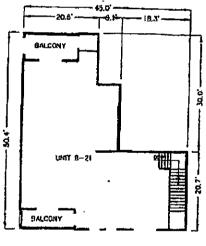








BURLOING 5-1 FIRST FLOOR



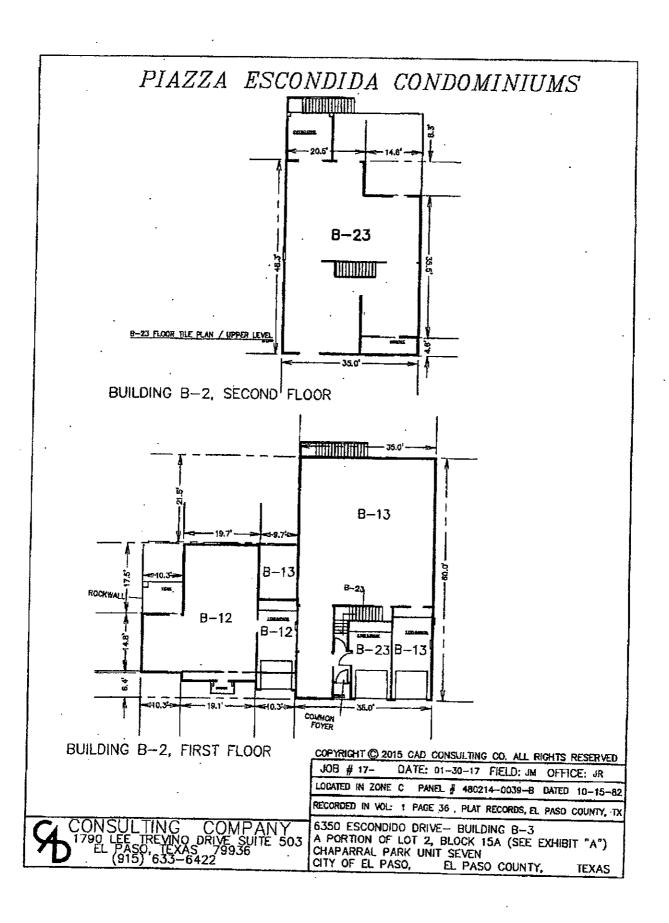
SUILDING 9-1 ECONO FLOOR

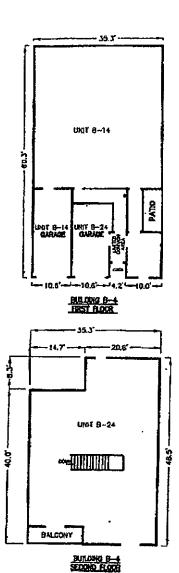
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JOB # 12-2968 DATE: 06-08-15 FIELD: JM OFFICE: SM LOCATED IN ZONE C PANEL # 480214-0039-8 DATED ID-15-82 RECORDED IN VOL: 1 PAGE 36 , PLAT RECORDS, EL PASO COUNTY, TX

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(915) 633-6422

6350 ESCONDIDO DRIVE- BUILDING B-1 A PORTION OF LOT 2. BLOCK 15A (SEE EXHIBIT "A") CHAPARRAL PARK UNIT SEVEN CITY OF EL PASC. EL PASO COUNTY, TEXAS





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JOB # 12-2968 DATE: 06-08-15 FIELD: JM OFFICE: SM

LOCATED IN ZONE C PANEL # 480214-0039-8 DATED 10-15-82

RECORDED IN VOL: 1 PAGE 36. PLAT RECORDS. EL PASO COUNTY, TX

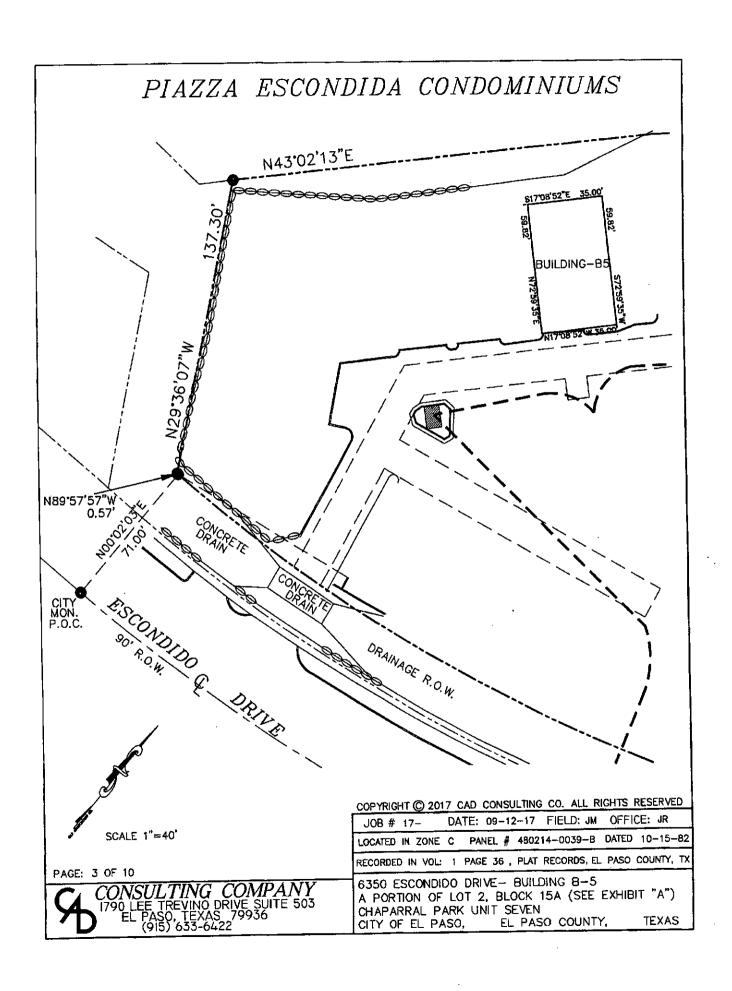
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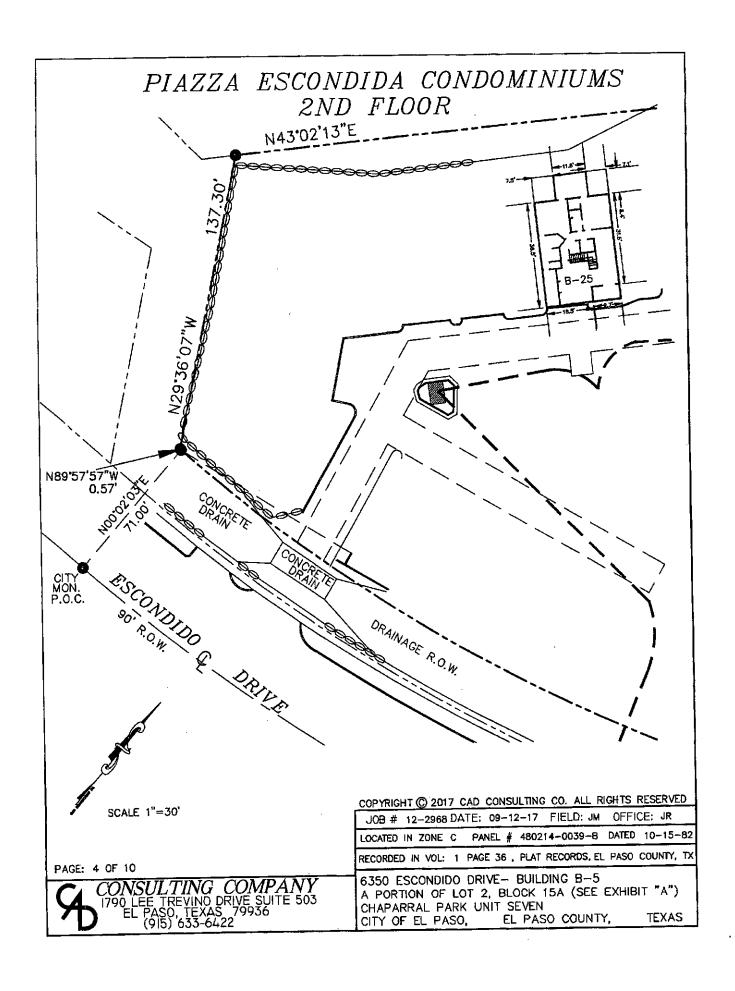
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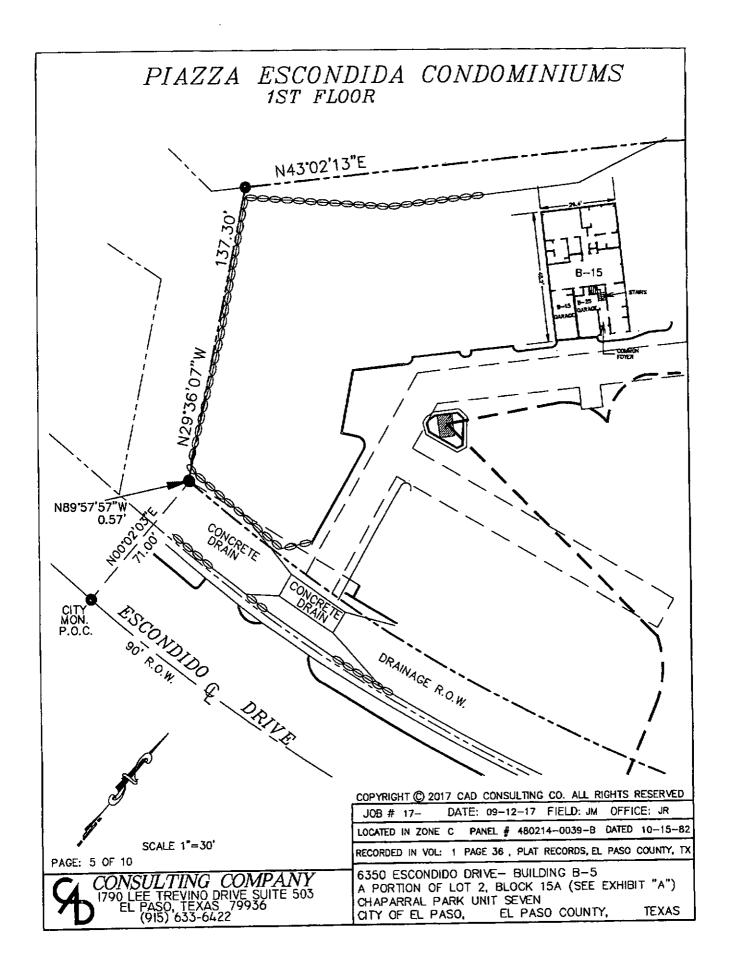
CHAPARRAL PARK UNIT SEVEN

CITY OF EL PASO, EL PASO COUNTY, TEXAS

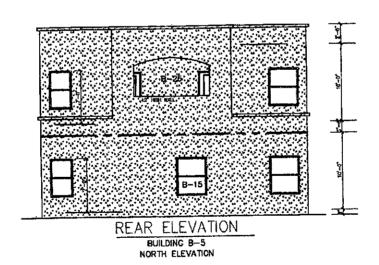
CONSULTING COMPANY
1790 LEE TREVING DRIVE SUITE 503
EL PASO 1533-6422











SCALE 1"=20"

PAGE: 6 OF 10

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(915) 633-6422

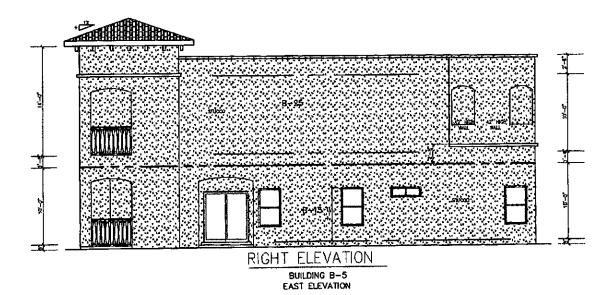
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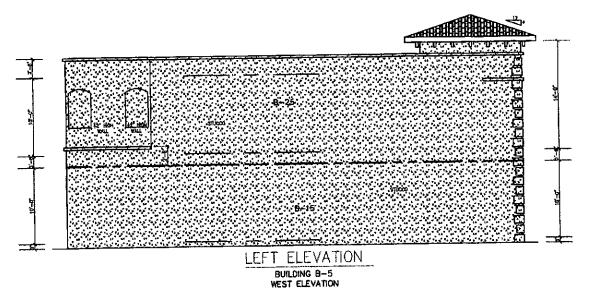
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LOCATED IN ZONE C PANEL # 480214-0039-B DATED 10-15-82

RECORDED IN VOL: 1 PAGE 36, PLAT RECORDS, EL PASO COUNTY, TX

6350 ESCONDIDO DRIVE- BUILDING B-5
A PORTION OF LOT 2, BLOCK 15A (SEE EXHIBIT "A")
CHAPARRAL PARK UNIT SEVEN
CITY OF EL PASO, EL PASO COUNTY, TEXAS





SCALE 1"=20"

PAGE: 7 OF 10

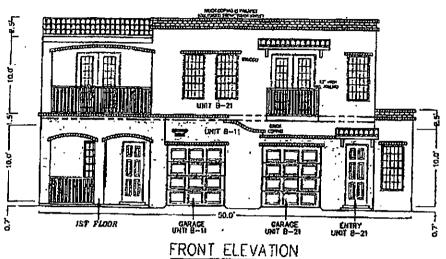
CONSULTING COMPANY 1790 LEE TREVINO DRIVE SUITE 503 EL PASO, TEXAS 79936 (915) 633-6422 COPYRIGHT (2017 CAD CONSULTING CO. ALL RIGHTS RESERVED

JOB # 17- DATE: 09-12-17 FIELD: JM OFFICE: JR

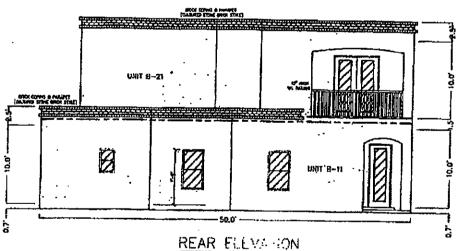
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6350 ESCONDIDO DRIVE— BUILDING B-5 A PORTION OF LOT 2, BLOCK 15A (SEE EXHIBIT "A") CHAPARRAL PARK UNIT SEVEN CITY OF EL PASO, EL PASO COUNTY, TEXAS



BUILDING B-1



SUILDING 8-1

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JOB # 12-2968 DATE: 06-08-15 FIELD: JM OFFICE: SM

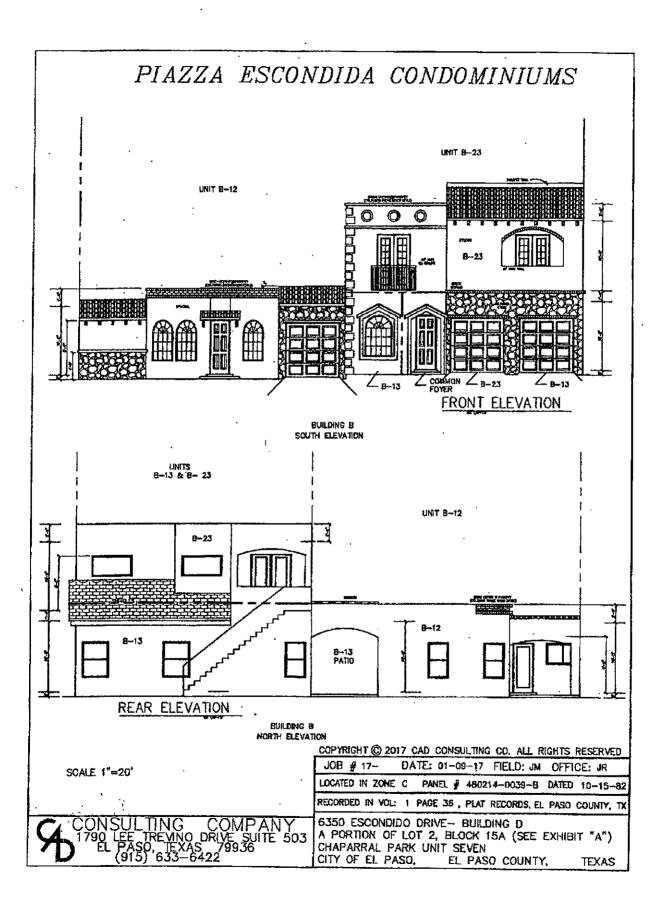
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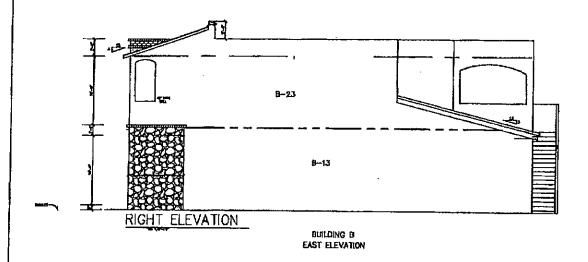
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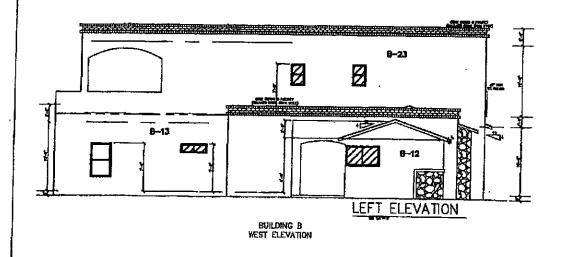
SCALE 1"=10" CONSUL 6350 ESCONDIDO DRIVE - BUILDING 8-1

A PORTION OF LOT 2, BLOCK 15A (SEE EXHIBIT "A")
CHAPARRAL PARK UNIT SEVEN
CITY OF EL PASO. EL PASO COUNTY, TEXAS TEXAS

PIAZZA ESCONDIDA CONDOMINIUMS UNIT R-21 · LEFT ELEVATION BUILDING B-1 UNIT B-21. UNUT 8-11 R.G. **LIVATION** BUILDING B-1 COPYRIGHT (2) 2015 CAD CONSULTING CO. ALL RIGHTS RESERVED JOB # 12-2988 DATE: 06-08-15 FIELD: JM OFFICE: SM LOCATED IN ZONE C PANEL # 480214-0039-B DATED 10-15-82 RECORDED IN VOL: 1 PAGE 36 . PLAT RECORDS, EL PASO COUNTY, TX SCALE 1"=10" TING COMPANY TREVINO DRIVE SUITE 503 50. TEXAS 79936 633-6422 6350 ESCONDIDO DRIVE - BUILDING 8-1 A PORTION OF LOT 2, BLOCK 15A (SEE EXHIBIT "A") CHAPARRAL PARK UNIT SEVEN CITY OF EL PASO, EL PASO COUNTY,







SCALE 1"=20"

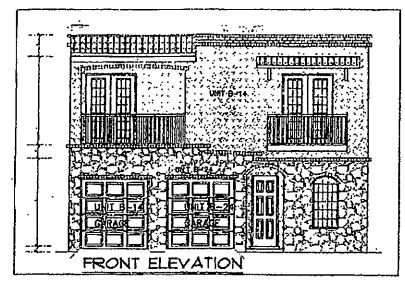
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JOB # 17-DATE: 05-21-13 FIELD: JM OFFICE: JR

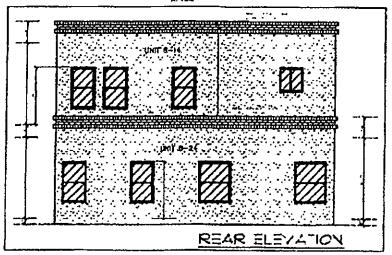
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RECORDED IN VOL: 1 PAGE 36; PLAT RECORDS, EL PASO COUNTY, TX

6350 ESCONDIDO DRIVE- BUILDING D A PORTION OF LOT 2, BLOCK 15A (SEE EXHIBIT "A")
CHAPARRAL PARK UNIT SEVEN
CITY OF EL PASO, EL PASO COUNTY, TEXAS



BUILDING 8-4



BUILDING 8-4

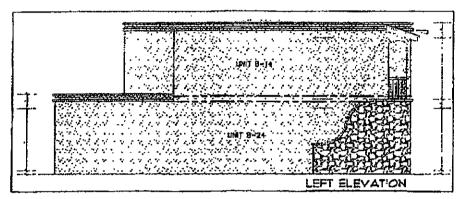
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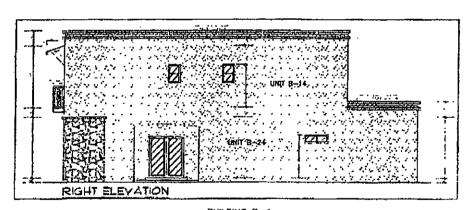
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CONSULTING COMPANY
1790 LEE TREVINO DRIVE SUITE 503
EL PASO. 133-6427
179936

6350 ESCONDIDO DRIVE - BUILDING B-4 A PORTION OF LOT 2, BLOCK 15A (SEE EXHIBIT "A") CHAPARRAL PARK UNIT SEVEN CITY OF EL PASO. EL PASO COUNTY. TEXAS



BUILDING B-4



BUILDING B-4

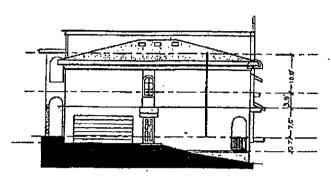
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JOB # 12-2968 DATE: 08-08-15 FIELD; JM OFFICE; SM LOCATED IN ZONE C PANEL # 480214-0039-8 OATED 10-15-82 RECORDED IN VOL: 1 PAGE 36 , PLAT RECORDS, EL PASO COUNTY, TX

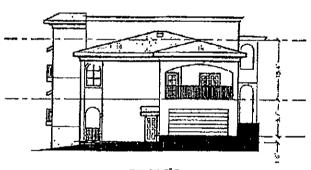
6350 ESCONDIDO DRIVE— BUILDING B~4
A PORTION OF LOT 2, BLOCK 15A (SEE EXHIBIT "A")
CHAPARRAL PARK UNIT SEVEN
CITY OF EL PASO. EL PASO COUNTY, TEXAS

CONSULTING COMPANY 1790 LEE TREVING DRIVE SUITE 503 EL PASO, TEXAS 79936 (915) 633-6422

PIAZZA ESCONDIDA CONDOMINIUMS IST FLOUR GARAGE UNIT 033 GARAGE UNIT 031 GARAGE UNIT D34 BUILDING D WEST ELEVATION BUILDING D EAST ELEVATION COPYRIGHT @ 2013 CAD CONSULTING CO. ALL RIGHTS RESERVED JOB # 12-2968 DATE: 05-21-13 FIELD: JM OFFICE: SM SCALE 1"=20" LOCATED IN ZONE C PANEL # 480214-0039-8 DATED 10-15-82 RECORDED IN VOL: 1 PAGE 36 , PLAT RECORDS, EL PASO COUNTY, TX CONSULTING COMPANY 1790 LEE TREVINO DRIVE SUITE 503 EL PASO TEXAS 79936 (915) 633-6422 6350 ESCONDIDO DRIVE- BUILDING D A PORTION OF LOT 2, BLOCK 15A (SEE EXHIBIT "A") CHAPARRAL PARK UNIT SEVEN CITY OF EL PASO. EL PASO COUNTY. 1EKAS



BUILDING D NORTH ELEVATION



BUILDING D SOUTH ELEVATION

SCALE 1"=20"

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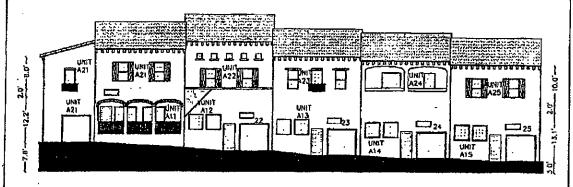
JOB # 12-2968 DATE: 05-21-13 FIELD: JM OFFICE: SM

LOCATED IN ZONE C PAREC # 430214-0039-8 DATED 10-15-82

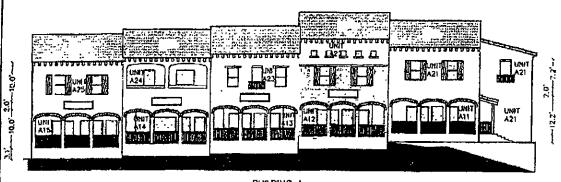
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CONSULTING COMPANY:
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EL PASO TEXAS 79936
(915) 633-6422

6350 ESCONDIDO DRIVE- BUILDING D A PORTION OF LOT 2, BLOCK 15A (SEE EXHIBIT "A") CHAPARRAL PARK UNIT SEVEN CITY OF EL PASO. EL PASO COUNTY, IFXAS



BUILDING A NORTH ELEVATION



BUILDING A SOUTH ELEVATION

SCALE | =20

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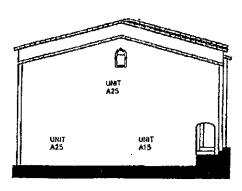
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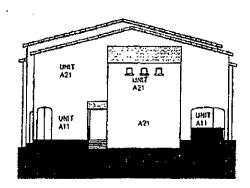
6350 ESCONDIDO DRIVE - BUILDING D

A PORTION OF LOT 2, BLOCK 15A (SEE EXHIBIT A")
CHAPARRAL PARK UNIT SEVEN
CHY OF EL PASO. EL PASO COUNTY, 1EXAS

TING COMPANY
TREVINO DRIVE SUITE 503
0 TEXAS 79936
1 633-6422



BUILDING A WEST ELEVATION



BUILDING A EAST ELEVATION

SCALE 1"=20"

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JOB # 12-2968 DATE, 05-21-13 FIELD: JM OFFICE: SA

LOCATED IN ZONE C PANEL # 480214-0039-8 DATED 10-15-82 RECORDED IN VOL. 1 PAGE 36 , PLAT RECORDS, EL PASO COUNTY, TX

6350 ESCONDIDO DRIVE - BUILDING D

A PORTION OF LOT 2, BLOCK 15A (SEE EXHIBIT "A")
CHAPARRAL PARK UNIT SEVEN
CITY OF EL PASO. EL PASO COUNTY, TEXAS TEX.3

GENERAL NOTES

Also, for your information we will request certain notes be included on the plat. An example of typical notes requested are as follows:

- 1) All improvements and land reflected on the plat are designated as general common elements, save and except portions of the regime designated as limited common elements or units: (i) in the Declaration of Condominium Regime for Plazza Escondida Condominiums (the "Declaration") or (ii) on the plats and plans of the regime.
- 2) Ownership and use of condominium units is subject to the rights and restrictions contained in the Declaration of condominium regime for Piazza Escondida.
- 3) The property is subject to special rights reserved by the Declarant in the Declaration. Pursuant to such provisions, among other things, Declarant has reserved the right to (1) complete or make improvements indicated on the plat and plans; (ii) exercise any development right permitted by the Texas Uniform Condominium Act (the "Act") and the Declaration, including the addition of real property the regime, which property may be added as units, general common elements and/or limited common elements; (iii) make the property part of a larger condominium or planned community; (iv) use units owned or leased by Declarant as models, storage areas, and offices for the marketing, management, maintenance, customer service, construction, and leasing of the property; and (v) appoint or remove any Declarant—appointed officer or director of the Association during the Declarant Control Period (as defined in the Declaration) consistent with the Act. For purposes of promoting, identifying, and marketing the property, Declarant has reserved an easement and right to place or install signs, banners, flags, display lighting, potted plants, exterior decorative items, seasonal decorations, temporary window treatments, and seasonal landscaping on the property, including items and locations that are prohibited to other owners. Declarant has also reserved an easement and right to maintain, relocate, replace, or remove the items listed in the foregoing sentence from time to time. Declarant has reserved an easement and right of ingress and egress in and through the common elements (as defined in the Declaration) and units owned or leased by Declarant for purposes of constructing, maintaining, managing, and marketing the property, and for discharging Declarant's obligations under the Act and the Declaration.

LEGEND

0	= ELECTRIC BOX
G.C.E.	= GENERAL COMMON ELEMENT
**	= FIRE HYDRANT
	= CONCRETE
666666	= ROCKWALL

		CI	URVE T	ABLE		
CURVE	LENGTH	RADIUS	TANGENT	CHORD	BEARING	DELTA
CI	324.89	778.81	164.84	322.54	N78'04'57"E	23'54'06"

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JOB # 17- DATE: 09-12-17 FIELD: JM OFFICE: JR

LOCATED IN ZONE C PANEL # 480214-0039-B DATED 10-15-82

RECORDED IN VOL: 1 PAGE 36 , PLAT RECORDS, EL PASO COUNTY, TX

TEXAS

PAGE: 9 OF 10

CONSULTING COMPANY 1790 LEE TREVINO DRIVE SUITE 503 EL PASO, TEXAS 79936 (915) 633-6422 6350 ESCONDIDO DRIVE - BUILDING B-5 A PORTION OF LOT 2, BLOCK 15A CHAPARRAL PARK UNIT SEVEN CITY OF EL PASO, EL PASO COUNTY, Doc # 20170082509 #Pages 40 #NFPages 1 11/2/2017 4:19 PM Filed & Recorded in Official Records of El Paso County Delia Briones County Clerk Fees \$182.00

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.

Dela Brince



EL PASO COUNTY, TEXAS