

Courtesy  
#411-885-3

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

This Fourth Amendment ("Third Amendment") to the Declaration of Covenants, Conditions and Restrictions (the "Covenants") for Boulder Canyon Replat B is made by RVE Unit 18 Ltd., (the "Successor Declarant").

1. **Recitals.** Whereas, DVEP Land, LLC as Declarant filed the Covenants for Boulder Canyon Replat A (the "Subdivision") in the Real Property Records of El Paso County, Texas under Document No. 20140048055; and

Whereas, Declarant filed a First Amendment to the Covenants for the Subdivision in the Real Property Records of El Paso County, Texas under Document No. 20140058891 whereby Successor Declarant approved and ratified the Covenants; and

Whereas, the Subdivision was conveyed by Declarant to Successor Declarant by virtue of a Warranty Deed dated November 13, 2013 of record under Document No. 20130085969, Real Property Records of El Paso County, Texas; and

Whereas, the Successor Declarant has filed an Approval and Ratification of the Plat of the Subdivision 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 has filed a Second Amendment to the Covenants for the Subdivision dated December 31, 2014 under Document No. 20150003085, Real Property Records of El Paso County, Texas; and

Whereas, Successor Declarant has filed a Third Amendment to the Covenants for the Subdivision dated January 22, 2015 under Document No. 20150005040, Real Property Records of El Paso County, Texas; and

Whereas, Successor Declarant desires to further amend the Covenants for the Subdivision as provided herein;

**NOW, THEREFORE**, the Successor Declarant hereby amends the Covenants as follows:

2. **Maintenance and Repair of Retaining Wall.** The maintenance and repair of the retaining wall along the entire southern boundary of the Subdivision shall be the duty and obligation of the Association. The owners of Lots 31, 32, 39 and 40, Block 1 shall have no duty or obligation to maintain or repair the retaining wall.

3. **Easement for Repair of Retaining Wall.** Successor Declarant hereby reserves and retains a 10 foot easement along the southern boundary of Lots 31, 32, 39 and 40, Block 1 for the purpose of maintenance and repair of the retaining wall. The Association and any contractors, subcontractors or their

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agents or employees shall have the right to enter upon the easement at any time and from time to time for the purpose of maintenance and repair of the retaining wall.

**4. Assumption of Liability; Indemnification.** The Association assumes all liability and responsibility in the event any claims are made by any parties other than the owners of lots 31, 32, 39 and 40, Block 1, arising from the maintenance and repair of the retaining wall. The owners of Lots 31, 32, 39 and 40, Block 1 shall have no liability to any third party in the event the Association fails to timely or properly maintain and repair the retaining wall. The Association shall indemnify and hold harmless the owners of Lots 31, 32, 39 and 40, Block 1 from any such liability, claims, causes of action, costs or expenses arising from the maintenance and repair of the retaining wall.

**5. Entire Modification.** Except as expressly amended herein, all provisions of the First Amendment, Second Amendment, Third Amendment and the Covenants are hereby ratified and shall remain in full force and effect. This Amendment is made solely by the Successor Declarant pursuant to the provisions of Section 7.04 of the Declaration, with the approval of Desert View Construction, Inc., the current owner of the lots affected by this Amendment, and an affiliated company of Successor Declarant.


**6. Corrected Declaration.** This Corrected Fourth Amendment to Declaration of Covenants, Conditions and Restrictions for Boulder Canyon, Replat B, is made in substitution of a Fourth Amendment to Declaration of Covenants, Conditions and Restrictions for Boulder Canyon, Replat B dated October 26, 2015 filed under Document 20150075406 to include a provision that was inadvertently omitted which is included in this Corrected Declaration. Paragraph 4 relating to Assumption of Liability and Indemnification was omitted from the prior Fourth Amendment. Other than the inclusion of the provision for Assumption of Liability and Indemnification contained in paragraph 4, this Corrected Declaration is intended to restate in all respects the Fourth Amendment to Declaration previously filed.

IN WITNESS WHEREOF, the undersigned, being the Declarant, has executed this Fourth Amendment to Covenants to be effective this 30 day of October, 2015.

SUCCESSOR DECLARANT:

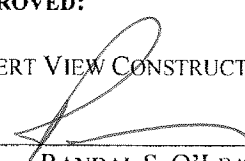
RVE UNIT 18, LTD.

BY: RVE UNIT 18 GP, LLC  
ITS GENERAL PARTNER

BY:   
RANDAL S. O'LEARY, PRESIDENT

APPROVED:


DESERT VIEW CONSTRUCTION, INC

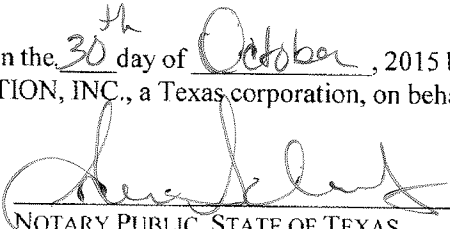
BY:   
RANDAL S. O'LEARY, PRESIDENT

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THE STATE OF TEXAS     )  
  )  
COUNTY OF EL PASO     )

This instrument was acknowledged before me on the 30<sup>th</sup> day of October, 2015 by Randal S. O'Leary, President of DESERT VIEW CONSTRUCTION, INC., a Texas corporation, on behalf of said entity.

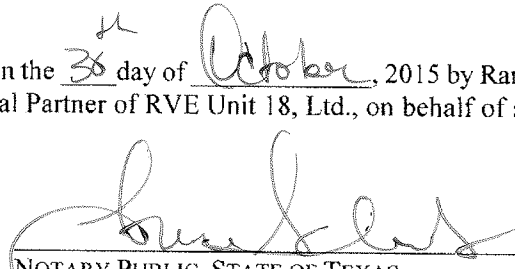
SEAL: 

  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF TEXAS     )  
  )  
COUNTY OF EL PASO     )

This instrument was acknowledged before me on the 30<sup>th</sup> day of October, 2015 by Randal S. O'Leary, President of RVE Unit 18 GP, LLC, General Partner of RVE Unit 18, Ltd., on behalf of said entity.

SEAL: 

  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

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**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*