



AFTER RECORDING RETURN TO:
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MONTECILLO

SUPPLEMENT TO
AMENDED AND RESTATED
POLICY MANUAL AND
FIRST AMENDMENT TO THE
AMENDED AND RESTATED BYLAWS

El Paso County, Texas

Cross-reference to (i) Montecillo Amended and Restated Master Covenant, recorded as Document No. 20160088513, in the Official Public Records of El Paso County, Texas; and (ii) Montecillo Amended and Restated Policy Manual, recorded as Document No. 20170050829, in the Official Public Records of El Paso County, Texas.

MONTECILLO

**SUPPLEMENT TO AMENDED AND RESTATED POLICY MANUAL AND
FIRST AMENDMENT TO THE AMENDED AND RESTATED BYLAWS**

This Supplement to Amended and Restated Policy Manual and First Amendment to the Amended and Restated Bylaws (the "Amendment") is made by Montecillo Owners Association, Inc., a Texas non-profit corporation (the "Association"), by and through its Board of Directors (the "Board") and is as follows:

RECITALS:

A. EPT MESA DEVELOPMENT, LP, a Delaware limited partnership (the "Declarant") executed and caused to be recorded that certain Montecillo Amended and Restated Master Covenant, recorded as Document No. 20160088513 in the Official Public Records of El Paso County Texas, as amended from time to time (the "Covenant").

B. The Association was created to administer the terms and provisions of the Covenant.

C. The Amended and Restated Bylaws of Montecillo Property Owners Association, Inc. (the "Bylaws"), were approved and adopted by Declarant on July 3, 2017, and recorded as Attachment 2 to the Montecillo Amended and Restated Policy Manual, recorded as Document No. 20170050829, in the Official Public Records of El Paso County, Texas (the "Policy Manual").

D. The Bylaws and other documents in the Policy Manual erroneously refer to the Association as "Montecillo Property Owners Association, Inc."

E. *Section 9.05* of the Bylaws states that the Bylaws may be amended by a majority vote of the Board of Directors. Pursuant to *Article 1* of the Covenant, the Rules and the Policy Manual may be amended by the Board from time to time; provided, however, that until expiration or termination of the Development Period, any amendment to the Rules and the Policy Manual must be approved in advance and in writing by the Declarant. The Development Period, as defined in the Covenant, is the seventy-five (75) year period beginning on the date the Covenant was Recorded. The Development Period is currently in effect.

F. The Board has approved this Amendment to correct the Association name and update certain accounting policies, as set forth herein.

NOW THEREFORE, the Bylaws are hereby amended and modified as follows:

1. **Name**. *Section 2.01* of the Bylaws is hereby deleted in its entirety and replaced with the following:

2.01 **Name**. The name of the Association shall be Montecillo Owners Association, Inc., a Texas non-profit corporation (hereinafter referred to as the

"Association") which shall be the property owner's association governing the Montecillo development (the "Development") located in El Paso County, Texas, and which is subject to that certain Montecillo Amended and Restated Master Covenant, recorded as Document No. 20160088513 in the Official Public Records of El Paso County Texas, as amended from time to time (the "Master Covenant"). Furthermore, any policy adopted pursuant to that certain Montecillo Amended and Restated Policy Manual, recorded as Document No. 20170050829, in the Official Public Records of El Paso County, Texas (the "Policy Manual"), under the name "Montecillo Property Owners Association, Inc." (the "Prior Name"), shall be understood to be that of the Montecillo Owners Association, Inc. Any reference to the Prior Name shall be considered, for the purposes of these Bylaws and the policies, rules and regulations administered by the Association, to be a reference to the name of the Association as given this *Section 2.01*.

2. **Accounts and Reports.** *Section 6.03(k)* of the Bylaws is hereby deleted in its entirety and replaced with the following:

(k) An annual report consisting of at least the following shall be made available to all Members after close of the fiscal year: (i) a balance sheet; and (ii) an operating (income) statement.

3. **Miscellaneous.** Any capitalized terms used and not otherwise defined herein shall have the meanings set forth in the Bylaws. Unless expressly amended by this Amendment, all other terms and provisions of the Bylaws remain in full force and effect as written, and are hereby ratified and confirmed.

[CERTIFICATION PAGE FOLLOWS]

ACKNOWLEDGMENT

The undersigned hereby certifies that s/he is the duly elected, qualified and acting President of Montecillo Owners Association, Inc., a Texas non-profit corporation (the "Association"), and that the foregoing Amendment attached hereto is a true and correct copy of the Supplement to Amended and Restated Policy Manual and First Amendment to the Amended and Restated Bylaws, and that the same was duly approved and adopted by the Board of Directors of the Association on the 9th day of January, 2023, to be effective upon the date this Amendment is recorded in the Official Public Records of El Paso County, Texas.

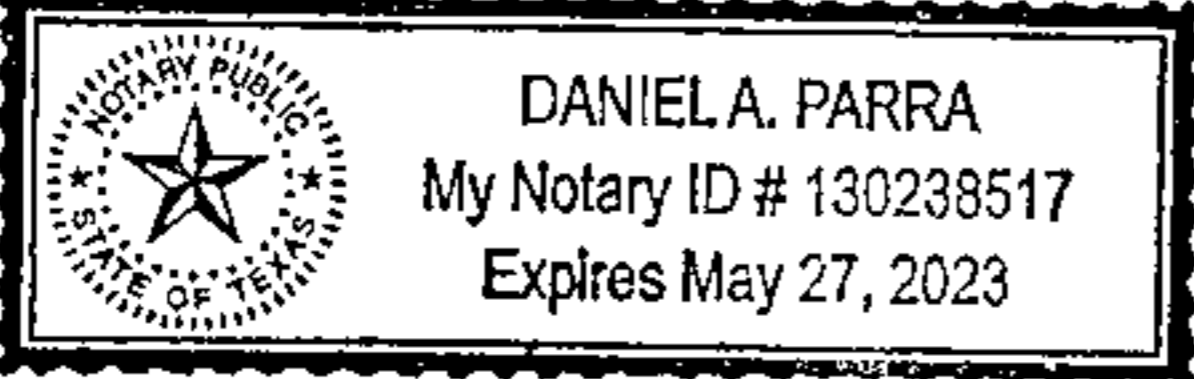
IN WITNESS WHEREOF, the undersigned has executed this certificate on the 9th day of January, 2023.

MONTECILLO OWNERS ASSOCIATION, INC.,
a Texas non-profit corporation

By: [Signature]
Printed Name: [Signature]
Title: President

STATE OF TEXAS §
 §
COUNTY OF El Paso §

This document was acknowledged before me on the 9th day of January, 2023, by Kelli C. Galt, President of Montecillo Owners Association, Inc., a Texas non-profit corporation, on behalf of said non-profit corporation.

(seal) 

[Signature]
Notary Public, State of Texas


ACKNOWLEDGED AND AGREED:

DECLARANT:

EPT MESA DEVELOPMENT, LP,
a Delaware limited partnership

By: EPT Mesa Development Management, LLC,
a Delaware limited liability company, its General Partner

By: EPT Land Management, LLC,
a Texas limited liability company, its Manager

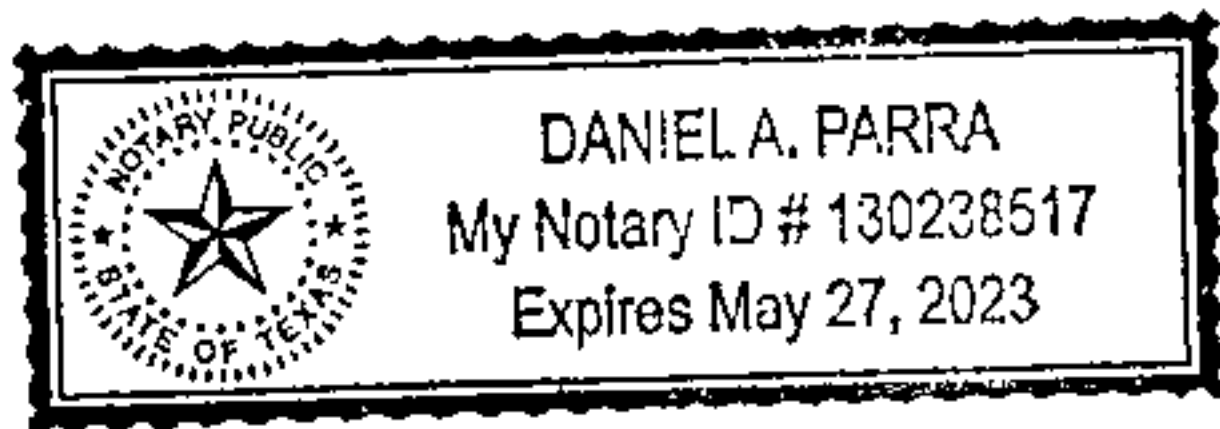

By: _____
Printed Name: Richard Aguilar
Title: Manager

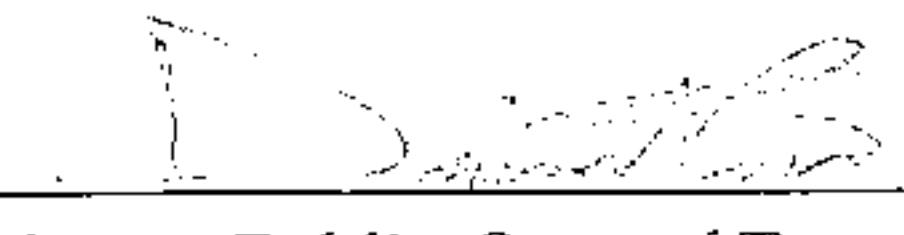
THE STATE OF TEXAS §

COUNTY OF EL PASO §

This instrument was acknowledged before me on this 11th day of January, 2023, by Richard Aguilar, Manager of EPT Land Management, LLC, a Texas limited liability company, Manager of EPT Mesa Development Management, LLC, a Delaware limited liability company, General Partner of EPT MESA Development, LP, a Delaware limited partnership, on behalf of said limited liability companies and limited partnership.

(seal)





Notary Public, State of Texas

Doc # 20230003250
#Pages 5 #NFPages 1
01/13/2023 12:12 PM
Filed & Recorded in
Official Records of
El Paso County
Delia Briones
County Clerk
Fees \$42.00

eRecorded

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



Delia Briones

EL PASO COUNTY, TEXAS