



**SECOND AMENDMENT**  
*to*  
**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**  
*for*  
**MCCRARY MEADOWS**

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THE STATE OF TEXAS       §  
  §  
COUNTY OF FORT BEND   §

This Second Amendment to Declaration of Covenants, Conditions and Restrictions for McCrary Meadows is executed by Ventana Development McCrary, Ltd., as Developer, to be effective as provided below.

**RECITALS:**

WHEREAS, Ventana Development McCrary, Ltd., a Texas limited partnership, Developer, caused the instrument entitled "Declaration of Covenants, Conditions and Restrictions for McCrary Meadows" (the "Declaration") to be recorded in the Official Public Records of Real Property of Fort Bend County, Texas, under Clerk's File No. 2016009332, which instrument imposed all of the covenants, conditions, restrictions, and easements set forth in the Declaration on:

McCrary Meadows, Section One (1), a subdivision in Fort Bend County, Texas according to the map or plat thereof recorded under Film Code No. 20150182 of the Plat Records of Fort Bend County, Texas;

and

WHEREAS, by instrument entitled "Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for McCrary Meadows [McCrary Meadows, Sections Two (2) and Three (3)]", Developer annexed McCrary Meadows, Sections Two (2) and Three (3), subdivisions in Fort Bend County, Texas according to the maps or plats thereof recorded under Film Code Nos. 20170146 and 20170169, respectively, of the Plat Records of Fort Bend County, Texas, and subjected the property comprising McCrary

Meadows, Sections Two (2) and Three (3), to the provisions of the Declaration and the jurisdiction of McCrary Meadows Homeowner's Association, Inc.; and

WHEREAS, the Declaration was previously amended by Developer by instrument entitled "First Amendment to Declaration of Covenants, Conditions and Restrictions for McCrary Meadows" recorded in the Official Public Records of Real Property of Fort Bend County, Texas under Clerk's File No. 2016122005; and

WHEREAS, Article II, Section 2.6, of the Declaration provides that the Declaration may be amended by Developer without the joinder of any other party as long as Developer owns a Lot in the Subdivision and the amendment to the Declaration is not inconsistent with the residential character of the Subdivision; and

WHEREAS, Developer still owns a Lot in the Subdivision and this amendment is inconsistent with the residential character of the Subdivision.

NOW, THEREFORE, Developer hereby further amends the Declaration as follows:

1. Article II, Section 2.16, entitled "Landscaping", paragraph (a), is amended to read as follows:

(a) Yard Trees

All Native Texas Trees which exist in the front yard of a Lot prior to the construction of a residential dwelling on the Lot and which are four inches (4") in caliper when measured twelve inches (12") above grade must be preserved and protected during construction of the residential dwelling. Attached hereto as Exhibit "A" and incorporated herein is a list of the trees deemed to be Native Texas Trees. A minimum number of Native Texas Trees is required in the front yard of each Lot depending upon the width of the Lot, as set forth below. If there are no Native Texas Trees in the front yard of a Lot or fewer Native Texas Trees than the required minimum, the Builder is required to plant as many Native Texas Trees in the front yard of the Lot as are necessary to comply with

the applicable minimum at the time of substantial completion of the residential dwelling on the Lot. For a corner Lot, a minimum number of Native Texas Trees is also required in the side yard adjacent to the side street. All Native Texas Trees planted in a Lot by a Builder must be a minimum of four inches (4") in caliper when measured twelve inches (12") above grade. In addition, all Native Texas Trees planted by a Builder must have a minimum height of ten feet (10') above grade and a minimum spread of five feet (5'). However, Native Texas Trees which exceed the minimum requirements relating to size are encouraged. The yard tree requirements are as follows:

#### YARD TREE REQUIREMENTS

Lot Width	# of Yard Trees Required	# of Street Trees Required
50' or less	1 Native Texas Tree	0
Greater than 50' but less than 65'	2 Native Texas Trees	0
65 or greater'	3 Native Texas Trees	0
All Corner Lots	Add a Minimum of 2 Native Texas Trees in side yards, if room is allowed between build line and curb. Architectural Review Committee approval is needed for a variance.	0

2. Article II, Section 2.16, entitled "Landscaping", paragraphs (b)(1) and (2), are amended to read as follows:

(1) At least ten (10) foundation shrubs with a minimum container size of five (5) gallons must be installed in the front yard of a Lot that has a width of less than sixty feet (60'). At least fifteen (15) foundation shrubs with a minimum container size of five (5) gallons must be installed in the front yard of a Lot that has a width of sixty feet (60') or greater.

(2) At least one (1) vertical foundation accent shrub with a minimum container size of ten (10) gallons must be installed in the front yard of a Lot that has a width of less than sixty feet (60'). At least two (2) vertical foundation accent shrubs with a minimum container size of ten (10) gallons must be installed in the front yard of a Lot that has a width of sixty feet (60') or greater.

This amendment to the Declaration is deemed to be a part of and will be interpreted in accordance with the Declaration. All provisions of the Declaration not amended hereby are hereby ratified and confirmed in each and every particular, and continue in full force and effect.

*[The remainder of this page was intentionally left blank.]*

IN WITNESS WHEREOF, the undersigned has executed this instrument on the date set forth below, to be effective upon recording in the Official Public Records of Real Property of Fort Bend County, Texas.

Executed on the 25 day of October, 2017.

**DEVELOPER:**

**VENTANA DEVELOPMENT MCCRARY, LTD.,  
a Texas limited partnership**

By: **McCrary Meadows, L.L.C.,  
General Partner**

By:   
Paul Grover, General Partner

THE STATE OF TEXAS     §  
  §  
COUNTY OF FORT BEND   §

BEFORE ME, the undersigned notary public, on this 25 day of October, 2017 personally appeared Paul Grover, General Partner of McCrary Meadows, L.L.C., General Partner to Ventana Development McCrary, Ltd., a Texas limited partnership, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed.



  
Notary Public in and for the State of Texas

**EXHIBIT "A"**

Big Tooth Maple  
Cherry Laurel  
Cypress, Bald  
Cypress, Montezuma  
Elm, Cedar  
Elm, Lacebark  
Escarpment Black Cherry  
Oak, Blackjack  
Oak, Bur  
Oak, Chinquapin  
Oak, Escarpment Live  
Oak, Lacey  
Oak, Southern Live  
Oak, Monterey  
Oak, Shumard  
Oak, Texas Red  
Pecan  
Pine  
Soapberry  
Texas Ash