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**MILL CREEK LANDING  
AMENDMENT TO DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS**

THE STATE OF TEXAS                    §  
   §            KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF MONTGOMERY           §

This Amendment to the Declaration of Covenants, Conditions and Restrictions for Mill Creek Landing, is executed on the date hereinafter set forth by the Board of Directors of Mill Creek Landing Homeowner's Association (the "Association").

**WITNESSETH:**

**WHEREAS**, on August 30, 1979 MILL RIDGE, INC. ("Developer") executed that certain Declaration of Covenants, Conditions and Restriction for Mill Creek Landing, Section One ("Original Restrictions"), filed for record under Clerk's File No. 79-31508, in Volume 1152, Page 337, of the Deed Records of Montgomery County, Texas; and

**WHEREAS**, the Developer adopted the Original Restrictions for Mill Creek Landing, Sections Two and Three by instruments filed under Clerk's File Nos. 82-57615 and 82-57616, in the Official Public Records of Real Property of Montgomery County, Texas: and,

**WHEREAS**, the Original Restrictions provided in Article VI, Paragraph 14, thereof that the Board of Directors of the Association may, upon majority vote, change the Original Restrictions in whole or in part; and

**WHEREAS**, the Board of Directors for the Association amended the Original Restrictions, *in whole*, on December 21, 1999, which amended restrictions is filed of record under Clerk's File No. 99-104889, in the Official Public Records of Montgomery County, Texas; and the Board of Directors again amended the restrictions, *in whole*, on December 19, 2009, which amended restrictions is filed of record under Clerk's File No. 2009-116231 of the Official Public Records of Montgomery County, Texas, and became effective January 1, 2010 (collectively the "Amended Restrictions"); and

**WHEREAS**, the Amended Restrictions provide in Article IV, Paragraph 16, thereof that the Board of Directors of the Association may, upon majority vote, change the Amended Restrictions in whole or in part; and

**WHEREAS**, despite the Board's authority to amend the Amended Restrictions, the Board put the proposed amendments contained herein to a vote of the membership in November of 2017, and the owners of a majority of the Lots in the Subdivision expressed a desire and have voted at the

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Association's annual meeting held on November 16, 2017, to further amend the Amended Restrictions; and

**NOW, THEREFORE**, the Board of Directors of the Mill Creek Landing Homeowner's Association adopts, reaffirms and ratifies the following amendment and modification to the Amended Restrictions and declares that such amendment shall become effective when this instrument is filed for record in the Official Public Records of Montgomery County, Texas:

1. Article II, Homeowners' Association, is amended by adding the following paragraph:

The preferred method of communication between Board of Directors and the Association membership shall be via electronic mail, unless a member specifically requests to be communication via United States Postal Service. Each member shall be responsible for maintaining a valid email address and/or mailing address on file with the Association.

2. Article IV, paragraph 6, of the Amended Restrictions is amended to read as follows:

**Approval of Construction Documents, etc.** An Architectural Control Committee ("ACC") shall be created each year, consisting of 3 of the 5 Board of Directors, and randomly drawn at the first Board of Directors meeting after election. Plans for the residence, all outbuildings such barns, garages, sheds and servant houses, and privacy fences to be constructed upon any Lot must be submitted to the Board of Directors and approved by the ACC before construction of any such structure or fence commences. A scale drawing that shows the location of any and all existing and proposed structures upon the Lot shall be included within the plans submitted to the Board of Directors. The exterior of residences and servant houses must be completed within six (6) months of the commencement of construction. Outbuildings other than servant houses must be completed within three (3) months. A trash receptacle of suitable size shall be in place on all construction sites from the commencement to the completion of construction.

The ACC shall have fourteen (14) days in which to approve or deny a request when submitted to the Board. In the event of a request for a variance, the ACC's decision shall be posted to the Mill Creek Landing HOA website for notification to the Association members, and there shall be a thirty (30) day appeal period in which the member(s) may protest the variance decision. The appeal process shall be completed within fourteen (14) days from the date of the protest, with both sides making its case for/against the variance. At the end of the fourteen (14) day appeal process, the five (5) elected Board of Directors shall vote on the appeal and the Board members' vote shall be final.

3. Article IV, paragraph 7, of the Amended Restrictions is amended to read as follows:

**Leash Requirement for Dogs and Restrictions Regarding Number and Types of Animals Permitted** – Except for participation in educational projects such as 4H and FFA, and then only for the time of participation, hogs, goats, or other animals generally considered undesirable in a residential subdivision shall not be raised, bred or kept on any property within Mill Creek Creek Landing. So long as they are not kept, bred or maintained for commercial purposes, and subject to the limitations and provisions set out herein, horses, chickens, dogs and cats are allowed. HOWEVER, only one horse, two dogs and two cats may be kept per contiguous acre of Mill Creek Landing property owned and maintained by the owner of the animals. EXCEPT, regardless the number of contiguous acres owned and maintained by the owner, no more than five of each such animals (horses, dogs and cats) shall be kept on any such property. ALSO, regarding dogs, the Leash Law enacted by Montgomery County ordinance is hereby made a part of these Restrictions. The ordinance requires that at all times dogs must be either securely confined within the boundaries of their owner's property or secured on a leash under the control of a responsible individual. REGARDING CHICKENS, one (1) rooster and ten (10) hens may be kept per contiguous acre of Mill Creek Landing property owned and maintained by the owner of the chickens. EXCEPT, regardless the number of contiguous acres owned and maintained by the owner, no more than fifty (50) chickens, including hens and roosters, shall be kept on any such property. Should an owner not adhere to this restriction, then the owner will be asked to remove all hens and roosters from his/her property until this criteria is met.

4. Article VI, Section 2, is amended by adding the following sentence:

In the event any restriction contained herein should conflict with State Law, then State Law shall prevail.

5. Except as specifically amended and modified by this Amendment, the Amended Restrictions, shall remain in full force and effect as originally written.

6. Attached to this instrument and specifically made a part hereof is a Certificate, signed by the President and Secretary of the Association, certifying that the Owners of a majority of the Lots in the Subdivision, with each Lot entitled to one vote, have voted in favor of and approved this amendment, and certifying that the Board of Directors has approved this amendment.

IN WITNESS WHEREOF, the undersigned President of MILL CREEK LANDING HOMEOWNER'S ASSOCIATION has hereunto set my hand this 19 day of November 2018.

MILL CREEK LANDING  
HOMEOWNER'S ASSOCIATION

[Signature]  
President

Attest:

Wicky Perry  
Secretary

STATE OF TEXAS

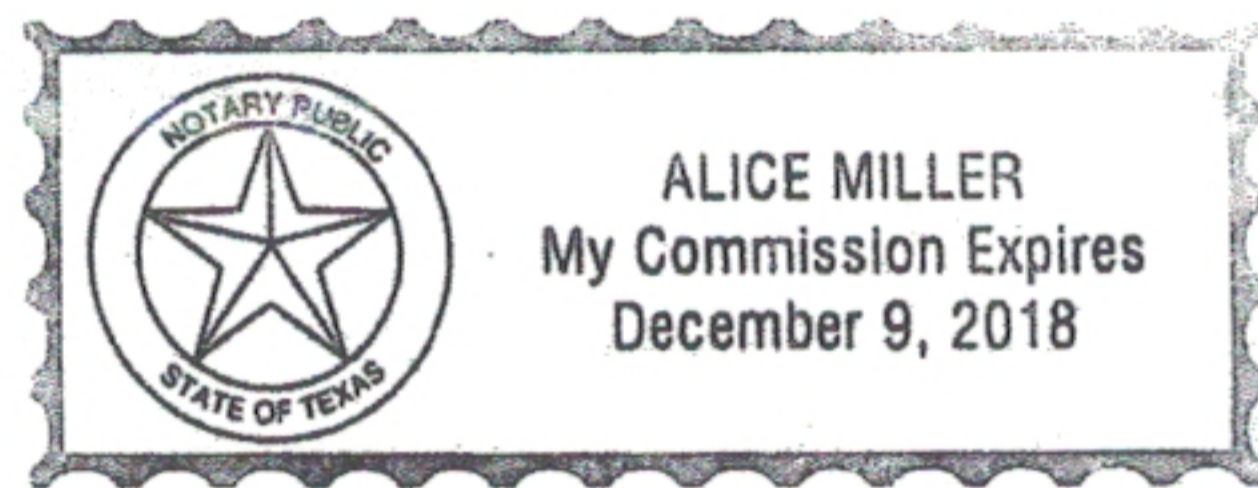
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COUNTY OF MONTGOMERY

This instrument was acknowledged before me on the 19 day of November, 2018, by BRUCE C. MILLER, President of MILL CREEK LANDING HOMEOWNER'S ASSOCIATION, a Texas nonprofit corporation, on behalf of said corporation.

Alice Miller  
Notary Public - State of Texas

Return to:  
Lonie Mercer  
PO Box 330  
Magnolia TX 77353



**CERTIFICATE**

The undersigned President and Secretary, respectively, certify that, as required by Section 209.0041 of the TEXAS PROPERTY CODE, the foregoing Amendment to the Declaration of Covenants, Conditions and Restrictions for Mill Creek Landing has been approved by a vote of the property owners in MILL CREEK LANDING HOMEOWNER'S ASSOCIATION, at the Association's annual meeting held on November 16, 2017, and further approved by the Board of Directors of the Association, thereafter.

11/19/18  
Date

[Signature]  
President -

11-19-18  
Date

Wicky Perry  
Secretary -

STATE OF TEXAS

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COUNTY OF MONTGOMERY

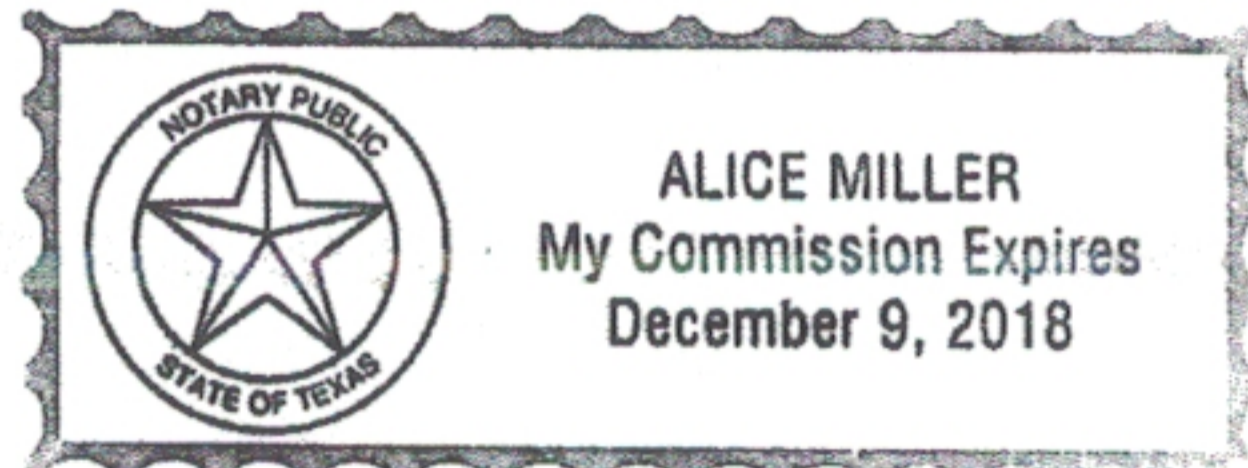
This instrument was acknowledged before me on the 19 day of November, 2018, by BRYCE C. MILLER, President of MILL CREEK LANDING HOMEOWNER'S ASSOCIATION, a Texas nonprofit corporation, on behalf of said corporation.

[Signature]  
Notary Public - State of Texas

STATE OF TEXAS

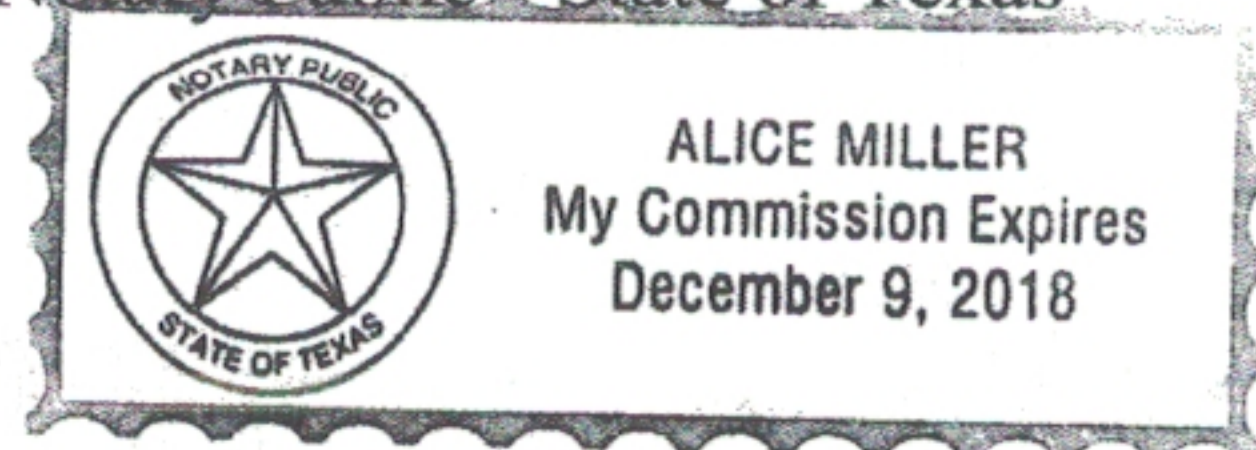
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COUNTY OF MONTGOMERY

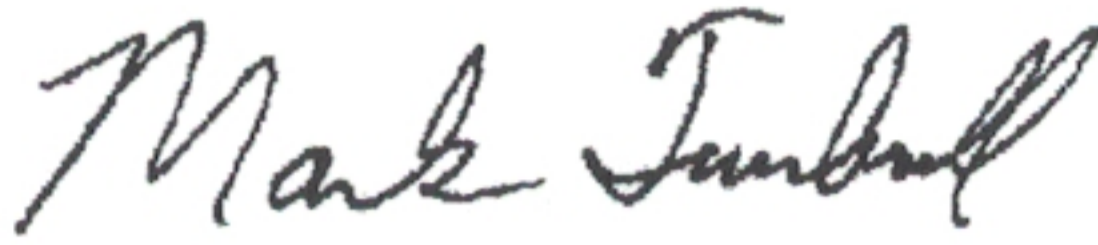


This instrument was acknowledged before me on the 19 day of November, 2018, by Wicky Perry, Secretary of MILL CREEK LANDING HOMEOWNER'S ASSOCIATION, a Texas nonprofit corporation, on behalf of said corporation.

[Signature]  
Notary Public - State of Texas



FILED FOR RECORD  
12/10/2018 01:38PM



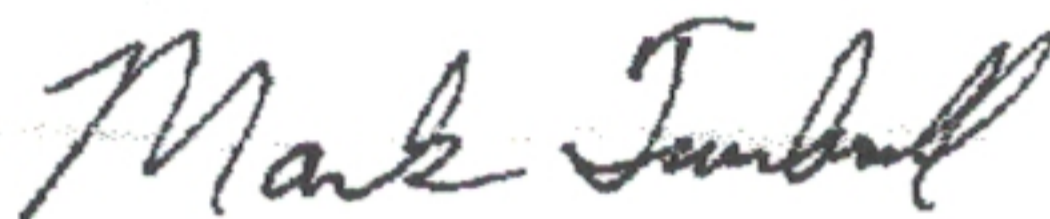
COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

**RECORDER'S MEMORANDUM:**  
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of the illegibility, carbon or photo copy, discolored paper, etc. All black-outs, additions and changes were present at the time the instrument was filed and recorded.

STATE OF TEXAS,  
COUNTY OF MONTGOMERY

I hereby certify that this instrument was filed in the file number sequence on the date and time stamped herein by me and was duly RECORDED in the Official Public Records of Montgomery County, Texas.

12/10/2018



County Clerk  
Montgomery County, Texas