

**SECOND AMENDMENT TO DECLARATION
OF COVENANTS, RESTRICTIONS, CONDITIONS
ASSESSMENTS, CHARGES, SERVITUDES, LIENS,
RESERVATIONS AND EASEMENTS
FOR**

HENSHAW CREEK
A MASTER PLANNED COMMUNITY

STATE OF TEXAS
COUNTY OF SMITH

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KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, WERNER-TAYLOR LAND & DEVELOPMENT, L.P., a Texas limited partnership (the "Developer"), by that certain instrument entitled "Declaration of Covenants, Restrictions, Conditions, Assessments, Charges, Servitudes, Liens, Reservations and Easements for Henshaw Creek, a Master Planned Community," filed of record in Clerk's File No. 202201027563, Official Public Records of Smith County, Texas, and by that certain instrument so entitled, imposed on the real property described therein all those certain covenants, conditions, restrictions, easements, charges and liens therein set forth ; and

WHEREAS, on June 28, 2023 Developer filed for record that certain instrument entitled "Correction Declaration of Covenants, Restrictions, Conditions, Assessments, Charges, Servitudes, Liens, Reservations and Easements," filed of record in Clerk's File No. 202301016374, Official Public Records of Smith County, Texas (Original Instrument Number 202201027563 and Correction Declaration of Covenants, Restrictions, Conditions, Assessments, Charges, Servitudes, Liens, Reservations, and Easements and First Amendment to Declaration of Covenants, Restrictions, Conditions, Assessments, Charges, Servitudes, Liens, Reservations, and Easements are collectively referred to herein as the "Declaration"); and

WHEREAS, Article XI of the Declaration reserves the right for the Developer to unilaterally change or amend the Declaration, and Developer does not waive such rights for future use; and

WHEREAS, Developer, without waiving its sole right to unilaterally change or amend the Declaration, desires to exercise its unilateral authority and right to amend the Declaration to amend and eliminate the requirement that The Cottages at Henshaw Creek tie the rain gutters and downspouts into an underground drainage system; and amends the Declaration as set forth below.

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

Article IV, Section 4.02 (z) A. of the Declaration is hereby amended to read as follows:

ARTICLE IV – GENERAL RESTRICTIONS

4.02. General Restrictions.

(z) Drainage.

- A. Each Permanent Improvement on a Lot shall have rain gutters and downspouts to catch and handle all water that shall run off of the roof of such Permanent Improvements. All rain gutters and downspouts shall be constructed such that they are directed into an underground drainage system that shall drain according to the drainage plan described in Paragraph (z) above; however, notwithstanding the requirements set forth regarding rain gutters and downspouts being tied into an underground drainage system, the development known as The Cottages at Henshaw Creek shall be exempt from this requirement and in lieu of connection to an underground drainage system, each Lot Owner shall install and maintain splash blocks at the base of all downspouts to effectively manage roof runoff, where such splash blocks must be positioned to direct water away from the foundation and in a manner that does not cause erosion or negatively impact adjacent properties. No gutter(s) may encroach over the boundary line of a Lot. All other provisions of the original clause shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned has executed this instrument to be effective upon filing of record in the Official Records of Smith County, Texas.

DEVELOPER:

WERNER-TAYLOR LAND & DEVELOPMENT,
L.P., a Texas limited partnership

By: WERNER-TAYLOR MANAGEMENT, LLC,
a Texas limited liability company,
Its General Partner

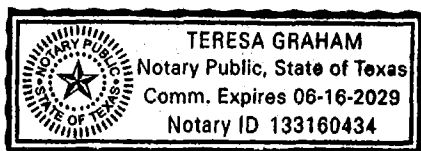
By: 
MICHAEL WERNER, President

STATE OF TEXAS

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COUNTY OF SMITH

This instrument was acknowledged before me on this 25th day of September, 2025 by MICHAEL WERNER, President of WERNER-TAYLOR MANAGEMENT, LLC, a Texas limited liability company, General Partner of WERNER-TAYLOR LAND & DEVELOPMENT, L.P., a Texas limited partnership, on behalf of said limited partnership.




NOTARY PUBLIC, STATE OF TEXAS

WHEN RECORDED RETURN TO:

Mr. Michael J. Werner
Werner-Taylor Land & Development, L.P.
7266 Crosswater
Tyler, Texas 75703

**Smith County
Karen Phillips
Smith County Clerk**

Document Number: 202501029007

eRecording - Real Property

AMENDMENTS

Recorded On: September 25, 2025 03:43 PM

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Billable Pages: 2

" Examined and Charged as Follows: "

Total Recording: \$29.00

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

File Information:

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User: Karen L



**STATE OF TEXAS
COUNTY OF SMITH**

**I hereby certify that this Instrument was FILED In the File Number sequence on the date/time
printed hereon, and was duly RECORDED in the Official Records of Smith County, Texas.**

Karen Phillips
Smith County Clerk
Smith County, TX