

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS



Ra

Rebecca Guerrero, County Clerk
Travis County, Texas

Nov 07, 2022 12:56 PM Fee: \$34.00

2022177133

Electronically Recorded

AFTER RECORDING RETURN TO:
ROBERT D. BURTON
WINSTEAD PC
401 CONGRESS AVE., SUITE 2100
AUSTIN, TEXAS 78701



SCENIC PASS
NOTICE OF DESIGNATION OF
COMMON AREA

[RETAINING WALLS]

TRAVIS COUNTY, TEXAS

Declarant: KB HOME LONE STAR INC., a Texas corporation



WINSTEAD
ATTORNEYS

Cross reference to Amended and Restated Declaration of Covenants, Conditions and Restrictions for Scenic Pass, recorded as Document No. 2022169081 in the Official Public Records of Travis County, Texas.

SCENIC PASS
NOTICE OF DESIGNATION OF COMMON AREA
[RETAINING WALLS]

This Notice of Designation of Common Area (this “**Notice**”) is made and executed by **KB HOME LONE STAR INC.**, a Texas corporation (the “**Declarant**”), in accordance with that certain Amended and Restated Declaration of Covenants, Conditions and Restrictions for Scenic Pass, recorded as Document No. 2022169081 in the Official Public Records of Travis County, Texas, as amended from time to time (the “**Declaration**”), and is as follows:

1. **Designation of Common Area.** Pursuant to *Section 4.6* of the Declaration, the Declarant reserved the right to designate, by written and Recorded instrument, property being held by the Declarant or a third party for the benefit of the Association as Common Area.

2. **Retaining Walls and Fences.** Declarant hereby designates as Common Area all geogrid retaining walls (collectively, the “**Retaining Walls**”) which are constructed or to be constructed by Declarant upon or adjacent to Lots 2 through 6, Block A; Lots 1 through 7, Block B; and Lots 3 through 7, Block C, Simon-Caskey Final Plat, according to the plat recorded in Document No. 202000222 of the Official Public Records of Travis County, Texas. All such Retaining Walls shall be maintained by the Association. In the event there is a dispute as to which Retaining Walls this Notice applies to, the determination of the Declarant during the Development Period, and the Board thereafter, shall be binding and conclusive.

3. **Costs of Maintenance of Common Area.** The costs incurred or anticipated to be incurred by the Association to maintain, repair and replace the Retaining Walls shall be a common expense, discharged through Regular Assessments levied in accordance with the Declaration. Declarant reserves for the Association and the Association’s agents and contractors an easement over and across any Lot to which this Notice applies as reasonably necessary or convenient to perform any maintenance, repair or replacement of the Retaining Walls, provided, however, the exercise of the easement reserved herein shall not permit entry into any residence.

4. **Miscellaneous.** This Notice constitutes a notice of designation of Common Area contemplated under *Section 4.6* of the Declaration. Any capitalized terms used and not otherwise defined in this Notice shall have the meanings set forth in the Declaration.

[SIGNATURE PAGE FOLLOWS]

EXECUTED to be effective on the date this instrument is Recorded.

DECLARANT:

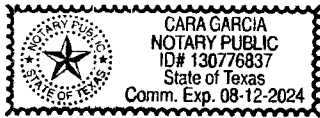
KB HOME LONE STAR INC.,
a Texas corporation

By: Shawn A. Kirkpatrick
Printed Name: Shawn A Kirkpatrick
Title: Sr. Director Public Affairs

THE STATE OF TEXAS §

COUNTY OF Williamson §

This instrument was acknowledged before me this 18th day of October, 2022 by Shawn A Kirkpatrick Sr. Director Public Affairs of KB HOME Lone Star Inc., a Texas corporation, on behalf of said corporation.



[Handwritten Signature]
Notary Public Signature