

**AFTER RECORDING, PLEASE RETURN TO:**

**Judd A. Austin, Jr.  
Henry Oddo Austin & Fletcher, P.C.  
1700 Pacific Avenue  
Suite 2700  
Dallas, Texas 75201**

**EIGHTEENTH SUPPLEMENTAL CERTIFICATE AND  
MEMORANDUM OF RECORDING OF DEDICATORY  
INSTRUMENTS  
FOR  
HACKBERRY CREEK HOME OWNERS ASSOCIATION**

STATE OF TEXAS           §  
  §  
COUNTY OF DALLAS      §

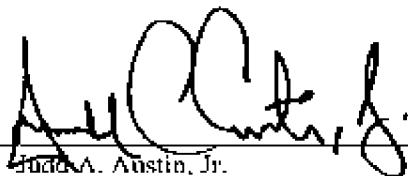
The undersigned, as attorney for Hackberry Creek Home Owners Association, for the purpose of complying with Section 202.006 of the Texas Property Code and to provide public notice of the following dedicatory instrument affecting the owners of property described on Exhibit B attached hereto, hereby states that the dedicatory instrument attached hereto is a true and correct copy of the following:

- ***Resolution of the Board of Directors of Hackberry Creek Home Owners Association Setting Forth the Authority of the President (Exhibit A).***

All persons or entities holding an interest in and to any portion of property described on Exhibit B attached hereto are subject to the foregoing dedicatory instrument. The attached dedicatory instrument replaces and supersedes all previously recorded dedicatory instruments addressing the same subject matter and shall remain in force and effect until revoked, modified or amended by the Board of Directors.

**IN WITNESS WHEREOF**, Hackberry Creek Home Owners Association has caused this Eighteenth Supplemental Certificate and Memorandum of Recording of Dedicatory Instruments to be filed with the office of the Dallas County Clerk, and except as herein provided, serves to supplement those certain dedicatory instruments recorded in the Official Public Records of Dallas County, Texas, to wit: (i) in Volume 99252, Page 06422; (ii) in Volume 2001041, Page 05547; (iii) in Volume 2003142, Page 4105; (iv) as Instrument No. 200600396768; (v) as Instrument No. 20070382552; (vi) as Instrument No. 20080228698; (vii) as Instrument No. 201100340418; (viii) as Instrument No. 201300365115; (ix) as Instrument No. 201500251699; (x) as Instrument No. 201600222036; (xi) as Instrument No. 201700209128; (xii) as Instrument No. 202000064717; (xiii) as Instrument No. 202000086872; (xiv) as Instrument No. 202000223431; (xv) as Instrument No. 202100349456; (xvi) as Instrument No 202100382072; and (xvii) as Instrument No. 202200218500.

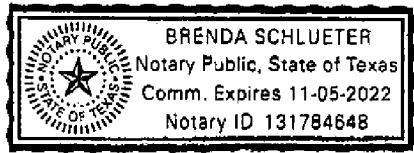
**HACKBERRY CREEK HOME  
OWNERS ASSOCIATION,  
a Texas Non-Profit Corporation**


By  \_\_\_\_\_  
Todd A. Austin, Jr.

STATE OF TEXAS           §  
  §  
COUNTY OF DALLAS       §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Judd A. Austin, Jr., attorney for Hackberry Creek Home Owners Association, known to me to be the person whose name is subscribed on the foregoing instrument and acknowledged to me that he executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND AFFIRMED SEAL OF OFFICE on this 25<sup>th</sup> day of August, 2022.



  
\_\_\_\_\_  
Notary Public, State of Texas

# EXHIBIT A

STATE OF TEXAS           §  
  §  
COUNTY OF DALLAS       §

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF HACKBERRY CREEK HOME OWNERS ASSOCIATION, INC.  
SETTING FORTH THE AUTHORITY OF THE PRESIDENT**

**WHEREAS**, the Board of Directors of the Hackberry Creek Home Owners Association, Inc. (the “*Board*”) is the entity responsible for the operation of the Hackberry Creek Home Owners Association, Inc. (the “*Association*”) in accordance with and pursuant to that certain Amended and Consolidated Declaration of Covenants, Conditions and Restrictions on and for the Hackberry Residential Community, filed of record with the office of the County Clerk of Dallas County, Texas on October 10, 1996 and recorded in Volume 96213 Page 03823, et seq. of the Deed Records of Dallas County, Texas and any and all supplements thereof and amendments thereto (the “*Declaration*”), and the Bylaws of the Association (the “*Bylaws*”); and

**WHEREAS**, under Article V, Section 5.05 of the Bylaws, the President of the Board is the principal executive officer of the Association and shall in general supervise and control all of the business and affairs of the Association; and

**WHEREAS**, the Board desires to provide greater specificity with regard to authority granted the President of the Board under the Bylaws and limitations thereto; and

**WHEREAS**, a meeting of the Board was held on the 17<sup>th</sup> day of August, 2022 (the “*Meeting*”); and

**WHEREAS**, a quorum of the Directors was present at the Meeting; and

**WHEREAS**, the Board determined that it was in the best interests of the Association to resolve to provide specificity with regard to authority granted the President of the Board under the Bylaws and to provide certain limitations; and

**WHEREAS**, no less than a majority of the Directors present at the Meeting voted to resolve to approve the following for the purpose of providing specificity as to certain authority granted to the President of the Board and to provide certain limitations on such authority.

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS** that the Board has resolved and does hereby resolve that the individual serving as President of the Board as of the date of this Resolution shall have the following specific authority and such authority will be limited as set forth below:

1. Direction of the Management Company regarding the day-to-day operation of the Village. Direction provided shall be in the form of written / email communication only for tracking and accountability purposes.

2. Decisions regarding specifics of the implementation of Capital and the Master Plan projects after the Board has approved the overall plan and appropriated funds. Any change orders or alterations of Capital or Master Plan projections greater than 5% of overall total shall require majority approval by the Board.

3. Authority to authorize without Board approval expenditures up to \$2,500 per instance (not to exceed 2 separate instances monthly unless so authorized by a majority of the Board) for each of the following:

(a) Emergency repairs to Association facilities (limit increased to \$10,000 in the case of loss of services such as water, electricity, gas, etc. or in case of a verifiable security threat).

(b) Purchases of non-capital goods and services (i.e. regular maintenance items or services) that support objectives contained in the Village Goals as adopted for the current year. Any contracts binding the Association, unbudgeted expense items, audits, studies, or proposals will require majority board approval before signature – and all versions /

drafts / working copies of the same shall be forwarded to the entire Board for review.

4. Authority to hire additional security personnel as needed for special security problems and special occasions for up to 15 days per year.

5. Authority to hire additional temporary personnel which are needed to deliver the level of service envisioned in the Village Vision statement for up to 15 days per year.

6. Authority to approve Payment Agreements with past due Homeowners 12 months or less in duration.

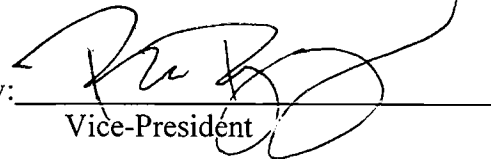
7. Authority to settle assessment accounts where the property is slated for foreclosure and the lender is willing to pay a partial settlement on past due assessments.

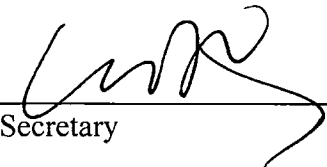
8. Authority to settle assessment accounts where the owner has declared bankruptcy.

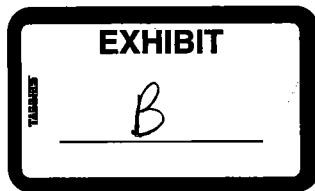
9. Authority to be the primary contact between the Association and the Association attorney of record only for general legal matters as specified and limited in the Association's Policy Regarding Contact with the Association Attorney.

**IT IS FURTHER RESOLVED** that this Resolution shall remain in effect until the individual who is President of the Board as of the date of the Meeting no longer serves in that capacity.

**HACKBERRY CREEK HOME OWNERS ASSOCIATION, INC.**

By:   
Vice-President

By:   
Secretary



***A description of the land parcels included within, and the village-related restrictive covenants covering, the Hackberry Creek single-family residential community.***

The Hackberry Creek single-family residential community generally consists of the six (6) separate land areas described as follows [and all references hereinbelow to recorded documents are to the Public Real Estate Records of Dallas County, Texas]:

1. **Area L (50):** Being a 51.511 acre tract of land situated in the B.B.B. and C.R.R. Survey, Abstract No. 196, in the City of Irving, Dallas County, Texas and more particularly described by metes and bounds within that certain "Declaration" filed and recorded in Volume 83121, Page 3049 et seq. (particularly within pages 3071-3074) of the Deed Records of Dallas County, Texas. Area L (50) has been platted as follows:

<u>Name of Plat</u>	<u>Plat Recording Data</u>
Final Plat Kinwest Sector 20 - Residential Phase I - First Installment	82132/2416

and Area L (50) (as well as all the other Areas within Hackberry Creek) has been subjected to previously recorded restrictive covenants as follows:

<u>Instrument</u>	<u>Volume</u>	<u>Page</u>
Supplementary Declaration No. 50	83120	4159
Declaration: Area L	83121	3049
Corrected Supplementary Declaration No. 50	83223	2864

2. **Area LXV (65):** Being a 32.938 acre tract of land situated in the B.B.B. and C.R.R. Survey, Abstract No. 196, in the City of Irving, Dallas County, Texas and being more particularly described by metes and bounds within that certain "Supplementary Declaration No. 65" filed and recorded in Volume 84170, Page 1891 et seq. (particularly within pages 1901-1902) of the Deed Records of Dallas County, Texas. Area LXV (65) has been platted as follows:

<u>Name of Plat</u>	<u>Plat Recording Data</u>
Preliminary Final Plat Hackberry Creek Village Phase IV 32.938 acres	85202/2561

and Area LXV (65) has been subjected to previously recorded restrictive covenants as follows:

<u>Instrument</u>	<u>Volume</u>	<u>Page</u>
Supplementary Declaration No. 65	84170	1891
Supplementary Declaration No. 1	84170	1904
Corrected Supplementary Declaration No. 1	85236	5809
Corrected Supplementary Declaration	85236	5820

3. **Area LXVI (66):** Being a 84.241 acre tract of land situated in the B.B.B. and C.R.R. Survey, Abstract No. 196, in the City of Irving, Dallas County, Texas and being more particularly described by metes and bounds within that certain "Supplementary Declaration No. 66" filed and recorded in Volume 84236, Page 427 et seq. (particularly within pages 437-440) of the Deed Records of Dallas County, Texas. Area LXVI (66) has been platted as follows:

<u>Name of Plat</u>	<u>Plat Recording Data</u>
Hackberry Creek Village Phase II 47.245 acres	86028/5072
Hackberry Creek Village Phase III 37.393 acres	89127/3693

and Area LXVI (66) has been subjected to previously recorded restrictive covenants as follows:

<u>Instrument</u>	<u>Volume</u>	<u>Page</u>
Supplementary Declaration No. 2	84236	414
Supplementary Declaration No. 66	84236	427

4. **Area LXVII (67):** Being a 104.371 acre tract of land situated in the B.B.B. and C.R.R. Co. Survey, Abstract No. 196, I&G.N.R.R. Co. Survey, Abstract No. 1624, and the B.B.B. and C.R.R. Co. Survey, Abstract No. 197, in the City of Irving, Dallas County, Texas and more particularly described by metes and bounds within that certain "Supplementary Declaration No. 67" filed and recorded in Volume 87203, Page 4947 et seq. (particularly within pages 4954-4956) of the Deed Records of Dallas County, Texas. Area LXVII (67) has been platted as follows:

<u>Name of Plat</u>	<u>Plat Recording Data</u>
Amended Final Plat Hackberry Creek Estates Phase I 30.6120 acres	88225/1607
Amended/Preliminary Final Plat Hackberry Creek Estates Phase II 20.6589 acres	88225/1623
Preliminary/Final Plat Hackberry Creek Estates Phase III 25.0633 acres	90016/4010 and 4011
Final Plat Hackberry Creek Estates Phases IV, V 22.6828 acres	91065/4537

and Area LXVII (67) has been subjected to previously recorded restrictive covenants as follows:

<u>Instrument</u>	<u>Volume</u>	<u>Page</u>
Supplementary Declaration No. 67	87203	4947
Supplementary Declaration No. 3	87203	4958



5. **Area LXXI (71):** Being: (i) a 71.27 acre tract of land situated in the B.B.B. and C.R.R. Survey, Abstract No. 196, in the City of Irving, Dallas County, Texas and more particularly described by metes and bounds within that certain "Supplementary Declaration No. 71" filed and recorded in Volume 84202, Page 914 et seq. (particularly within pages 924-925) of the Deed Records of Dallas County, Texas; and (ii) being a 1.2127 acre tract of land situated in the B.B.B. and C.R.R. Co. Survey, Abstract No. 197, in the City of Irving, Dallas County, Texas and more particularly described by metes and bounds within that certain "Supplementary Declaration No. 4" filed and recorded in Volume 89203, Page 2259 et seq. (particularly within page 2272) of the Deed Records of Dallas County, Texas; and (iii) being a 0.1707 acre tract of land situated in the B.B.B. and C.R.R. Co. Survey, Abstract No. 197, in the City of Irving, Dallas County, Texas and more particularly described by metes and bounds within that certain "Supplementary Declaration No. 4" filed and recorded in Volume 89203, Page 2259 et seq. (particularly within page 2273) of the Deed Records of Dallas County, Texas; and (iv) being a 0.4167 acre tract of land situated in the B.B.B. and C.R.R. Co. Survey, Abstract No. 197, in the City of Irving, Dallas County, Texas and more particularly described by metes and bounds within that certain "Supplementary Declaration No. 4" filed and recorded in Volume 89203, Page 2259 et seq. (particularly within page 2274) of the Deed Records of Dallas County, Texas. Some, but not all, of Area LXXI (71) has been platted as follows:

<u>Name of Plat</u>	<u>Plat Recording Data</u>
Final Plat of Hackberry Creek Village Phase VI 72 lots - 27.247 acres	91165/3842
Final Plat Hackberry Creek Village Phase VI, Section 1 7.252 acres 25 Lots	94057/1946

and Area LXXI (71) has been subjected to previously recorded restrictive covenants as follows:

<u>Instrument</u>	<u>Volume</u>	<u>Page</u>
Supplementary Declaration No. 71	84202	914
Supplementary Declaration No. 4	89203	2259

6. **Area LXXII (72):** Being a 51.250 acre tract of land situated in the B.B.B. and C.R.R. Survey, Abstract No. 197, in the City of Irving, Dallas County, Texas and more particularly described by metes and bounds within that certain "Supplementary Declaration No. 72" filed and recorded in Volume 84202, Page 901 et seq. (particularly within pages 911-912) of the Deed Records of Dallas County, Texas. Some, but not all, of Area LXXII (72) has been platted as follows:

<u>Name of Plat</u>	<u>Plat Recording Data</u>
Final Plat Hackberry Creek Estates, Tract III - Phase I 26.6575 acres	91196/4764

and Area LXXII (72) has been subjected to previously recorded restrictive covenants as follows:

<u>Instrument</u>	<u>Volume</u>	<u>Page</u>
Supplementary Declaration No. 72	84202	901
Supplementary Declaration No. 5	87203	4936

**Dallas County  
John F. Warren  
Dallas County Clerk**

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**Instrument Number:** 202200230611

eRecording - Real Property

Recorded On: August 25, 2022 02:07 PM

Number of Pages: 10

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**" Examined and Charged as Follows: "**

Total Recording: \$58.00

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**\*\*\*\*\* 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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Receipt Number: 20220825000581  
Recorded Date/Time: August 25, 2022 02:07 PM  
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Station: CC18

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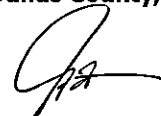
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**STATE OF TEXAS  
COUNTY OF DALLAS**

**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 Dallas County, Texas.**

John F. Warren  
Dallas County Clerk  
Dallas County, TX

A handwritten signature in black ink, appearing to be "JFW".